

# PADNELL INFANT SCHOOL

## BOARD OF GOVERNORS



### DATA PROTECTION POLICY

<b>Name of Unit/Premises/Centre/School</b>	Padnell Infant School
<b>Date of Policy Review</b>	February 2017
<b>Date of Next Review</b>	February 2020
<b>Name of Headteacher</b>	Mrs Mandy Grayson

## Administration Record

Issue	Modification	Date
1	Resources Committee Approval	19 January 2017
1.1	Resources Committee Comments Incorporated	23 January 2017

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## 1 Introduction

- 1.1.1 The [Data Protection Act 1998](#) came into force on 1st March 2000 after receiving Royal Assent on 16th July 1998
- 1.1.2 The Act repeals the Data Protection Act 1984 and certain other legislation that gives us rights of access to information held by organisations, including the [Access to Personal Files Act 1987](#).
- 1.1.3 The Act extends the rights given to individuals in previous legislation and requires data controllers (people or organisations that hold and process details of living individuals) to comply with the Eight Principles (rules governing the use of personal data) and to bear in mind the rights and freedoms of those individuals when processing their details.
- 1.1.4 This document explains how Hampshire County Council will meet the legal requirements of the Data Protection Act 1998.

## 2 Statement of Intent

- 2.1.1 Hampshire County Council intends to fulfil all its obligations under the Data Protection Act 1998.
- 2.1.2 Hampshire County Council will ensure that the Information Commissioner is notified of all registrable processing and will conduct a periodic review and update of the register entries to ensure that they remain up to date.
- 2.1.3 It is the aim of Hampshire County Council that all appropriate staff are properly trained, fully informed of their obligations under the Data Protection Act 1998 and are aware of their personal liabilities.
- 2.1.4 Any employee deliberately acting outside their recognised authority will be subject to Hampshire County Council's disciplinary procedures, up to and including dismissal where appropriate, and, to possible legal action.
- 2.1.5 Individuals whose information is held and processed by Hampshire County Council can be assured that Hampshire County Council will treat their personal data with all due care.
- 2.1.6 It is possible that other legislation may (at times and under certain conditions) override Data Protection law - individuals should note that Hampshire County Council intends to fulfil all of its legal responsibilities.

- 2.1.7 This policy document applies only to information covered by the Data Protection Act 1998 and will be updated/amended as necessary according to the laws of England and Wales.
- 2.1.8 Separate codes of practice exist or are being developed within Hampshire County Council in respect of the following types of processing.
- 2.1.9 Personnel Data in Employer/Employee Relationships including: access and disclosure of personal data, data matching, sensitive data, ethnic monitoring, and collection of personal data.

#### Social Services

- 2.1.10 Records Management and Data Protection Policy Completed by Social Services Data Protection Coordinator.

#### Security

- 2.1.11 Including: CCTV, telephone, internet and e-mail usage, disposal of confidential waste, manual records and security of buildings.

#### Record Retention:

- 2.1.12 To be managed by Hampshire Record Office
- 2.1.13 Including: retention policies for all departments

### **3 Fair Obtaining/Processing**

- 3.1.1 Hampshire County Council will, as far as is practicable, ensure that all individuals whose details it holds are aware of the way in which that information will be held, used and disclosed.
- 3.1.2 Individuals will, where possible, be informed of the likely recipients of the information - whether the recipients are internal or external to Hampshire County Council.
- 3.1.3 Processing within Hampshire County Council will be fair and lawful, individuals will not be misled as to the uses to which Hampshire County Council will put the information given.
- 3.1.4 If a person feels they have been deceived or misled as to the reason for which their information was collected, they should use the complaint procedure as detailed at the end of this document.

- 3.1.5 Collection forms requiring personal information will contain a 'fair obtaining' statement giving details of the likely uses of the information and where information is collected in person or by telephone, the employee asking for the details will tell the individual how those details will be used.
- 3.1.6 People are free to ask the person collecting the information why they want the details and what they will be used for.
- 3.1.7 Example of 'fair obtaining' statement.

### **Data Protection Legislation**

*The information you have provided will only be held for the purposes of processing and administration and will not be passed to any other organisation.*

- 3.1.8 If a person's details are going to be used for 'auto-decision' processing (where a computer decides something based on a score or other information) the person will be told about how the system works and whether the decision can be challenged.
- 3.1.9 If a person's details are to be processed for a purpose that does not appear on Hampshire County Council's register entry (e.g. some manual and/or non-contentious core processing) the individual will be given the information that would be necessary to make the processing fair and lawful.
- 3.1.10 Any individual whose personal data (including photographs) are to be included in Hampshire County Council's web site will be asked to give explicit consent. (Guidance is currently being produced by staff from the Communications Team and the Data Protection Officer).
- 3.1.11 At the time of data collection, it will be made clear to individuals that details published on Hampshire County Council's web site are viewable by anyone, anywhere in the world, who has access to the Internet.

## **4 Data Uses and Processes**

- 4.1.1 Hampshire County Council will not use or process personal information in any way that contravenes its notified purposes or in any way that would constitute a breach of Data Protection law.
- 4.1.2 Any new purposes introduced will, where appropriate, be notified to the individual and - if required by the law - their consent (see the Information Commissioner's guidance on 'consent') will be sought.
- 4.1.3 A copy of the appropriate notification document is available from Hampshire County Council's Data Protection Officer.

- 4.1.4 The notification document can also be viewed on the Information Commissioner's web page [www.dataprotection.gov.uk](http://www.dataprotection.gov.uk)
- 4.1.5 All staff using personal data within Hampshire County Council will be told the limits of their authority to use and disclose such information through their managers, performance development and the induction process.
- 4.1.6 Hampshire County Council has a reporting structure headed by the Data Protection Officer with a liaison officer in each department to ensure the following:
- All purposes and disclosures are co-ordinated and consistent
  - All new purposes are documented and notified to the Data Protection Commissioner
  - All problems can be investigated thoroughly

## 5 Data Quality and Integrity

- 5.1.1 Hampshire County Council will not collect data from individuals where that information is excessive or irrelevant in relation to the notified purpose(s).
- 5.1.2 Details collected will be adequate for the purpose and no more. Information collected which becomes (over time or by virtue of changed purposes) irrelevant or excessive will be deleted.
- 5.1.3 All departments will have to create working procedures, with standards that can be monitored, for managing data collection and updating of records.
- 5.1.4 Information will only be held for as long as is necessary for the notified purposes(s) - after which the details will normally be deleted.
- 5.1.5 Where details of individuals are stored for long-term archive or historical reasons and where it is necessary to retain the personal detail within the records it will always be done within the requirements of the legislation.
- 5.1.6 Appropriate closure periods will also be set, to protect data subjects. In some cases personal details will be removed from the record so that individuals cannot be identified.
- 5.1.7 Hampshire County Council will ensure, as far as is practicable, that the information held is accurate and up to date.
- It is the intention of Hampshire County Council to check wherever possible the details given.

- Information received from third parties (i.e. neither the individual concerned nor Hampshire County Council) will carry a comment indicating the source, where practicable.

Where a person informs Hampshire County Council of a change of their own circumstances, such as home address or non-contentious data, their record(s) will be updated as soon as possible.

- Where the individual requests that information be changed and it is not possible to update it immediately, or where the new information needs to be checked for its accuracy or validity, a comment will be placed on the disputed record indicating the nature of the problem.
- If the system does not allow the individual record to be marked in this way, departments will ensure that a manual record is made of the request and that it is processed within a reasonable time-scale.

Every effort will be made to reach an amicable agreement on any disputed data.

Where this is not possible Hampshire County Council will implement its complaints procedure. Information can be found on Hantsweb in the following publications.

- Help us to get it right;
- How we deal with suggestions and complaints;
- Tell us what you think;
- Frequently asked questions;
- Your Records - The records we keep about you and how you can see them. Produced by the Social Services Department;
- Complaints Procedure;
- Details available from the Data Protection Officer, Local Information Centres and Hantsweb.

5.1.8 An internal investigation will be implemented if there is any alleged improper misuse of personal data by staff and appropriate action will be taken.

5.1.9 Complaints can be made to Department Managers, Heads of Departments, and The Chief Executive or if it is felt that maladministration has taken place, details can be sent in writing to the Ombudsman.

- 5.1.10 If individuals think we have not fully complied with their rights under the terms of the Data Protection Act 1998 they can write to the Data Protection Officer at Hampshire County Council or the Information Commissioner.

## 6 Technical and Organisational Security

6.1.1 Hampshire County Council has implemented appropriate security measures as required under the Data Protection Act 1998.

- In particular, unauthorised staff and other individuals are prevented from gaining access to personal information;
- Appropriate physical security is in place and all visitors have to report to reception areas to sign themselves in and out of the buildings;
- Staff are informed that a visitor has arrived to see them;
- Computer systems are installed with user-profile type password controls to ensure data is only accessed by authorised users, and where necessary, audit and access trails to establish that each user is fully authorised;
- In addition employees are fully informed about overall security procedures and the importance of their role within those procedures;
- Manual filing systems are held in secure locations and are accessed on a need-to-know basis only;
- Security arrangements are reviewed regularly;
- The Security Managers Group carries out this role and all reported breaches of security are investigated;
- Where necessary, further or alternative measures are introduced;
- All staff are informed and regularly reminded about the limits of their authority on disclosing information both inside and outside Hampshire County Council;
- Where details need to be passed outside Hampshire County Council it will in general be done with the person's consent except where this is not possible or where it is required by law (Data Protection Act Exemptions such as crime prevention/detection, prevention of injuries etc.) or where it is in the person's vital interests;
- Any unauthorised disclosure will be dealt with under Hampshire County Council's disciplinary procedures;
- Redundant personal data will be destroyed using Hampshire County Council's procedures for disposal of confidential waste;

- In general, paper waste is shredded by outside certified contractors under local agreements and magnetic media (disks, tapes, etc.) are either electronically wiped or physically destroyed beyond recovery.

## 7 Subject Access/Subject Information Requests

7.1.1 Any person whose details are held/processed by Hampshire County Council has a general right to receive a copy of their own information.

- There are a few exceptions to this rule, such as data held for child protection or crime detection/prevention purposes, but most individuals will be able to have a copy of the data held on them.

Where any information relates to an identifiable third party, other than the data subject, consent must be gained from that third party, before any information relating to them can be released.

Hampshire County Council has the right to make a charge of £10.00 for such requests.

- Any codes used in the record will be fully explained, any inaccurate, out of date, irrelevant or excessive data will be dealt with under the procedures outlined in the section of this document on Data Integrity.

Hampshire County Council will reply to subject access requests as quickly as possible and in all cases within the 40 days allowed by the Data Protection Act.

- Repeat requests will be fulfilled unless the period between is deemed unreasonable, such as a second request received so soon after the first that it would be unlikely for the details to have changed.
- A subject access/information request should be submitted on the appropriate forms wherever possible, this will ensure that Hampshire County Council has the required information to be able to conduct a data search and to fulfil the request.
- In some cases, especially with requests not submitted on the correct form, further information may be required from the requester which may delay the start of the 40 day maximum time limit.

## **8 Further Information, Enquiries and Complaints**

8.1.1 Hampshire County Council's Data Protection Officer is the first point of contact on any of the issues mentioned in this policy document.

- The Data Protection Officer will be responsible for dealing with all internal and external enquiries.
- Where possible, requests for detailed information should be in writing.
- All complaints should be written, dated and should include details of the complainant as well as a detailed account of the nature of the problem.
- Hampshire County Council will attempt to complete internal investigations within twenty one days and in every case the person will receive an acknowledgement as soon as possible after we receive the complaint.

Any complaints received relating to data protection issues will be investigated by the individual department concerned, through their own complaints procedures. Legal advice and support, from the corporate legal team, is available to departmental officers investigating data protection complaints.