

AL-ZAHRA SCHOOL

**Data Protection and Freedom of
Information Policy**

2022/23

School:	Al-Zahra School
Head Teacher:	Mrs Z Rizvi
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TABLE OF CONTENTS

<u>DATA PROTECTION AND FREEDOM OF INFORMATION POLICY</u>	1
1. INTRODUCTION	3
I. POLICY AIMS	3
II. POLICY APPROACH	4
III. PERSONAL DATA.....	4
2. DATA PROTECTION	5
I. PROCESSING, STORING, ARCHIVING AND DELETING PERSONAL DATA	5
II. ACCESSING PERSONAL DATA	6
III. REQUESTS FOR INFORMATION	8
IV. TRAINING AND AWARENESS.....	8
V. DISPOSAL OF DATA AND REPORTING	9
3. CCTV	9
I. STORAGE AND RETENTION OF CCTV IMAGES	9
II. ACCESS TO CCTV IMAGES.....	9
ANNEX A; PRIVACY NOTICE (DATA PROTECTION ACT 1998)	11

1. INTRODUCTION

Al-Zahra school collects and uses personal information about staff, pupils, parents and other individuals who come into contact with our school. This information is gathered in order to enable us to provide education and other associated functions. Additionally, we are subject to certain legal requirements to collect, use, and share information to ensure that we comply with our statutory obligations.

Schools have a duty to be registered, as Data Controllers, with the Information Commissioner's Office (ICO) detailing the information held and its use. These details are then available on the ICO's website. Schools also have a duty to issue a Privacy Notice to all pupils/parents which summarises the information held on pupils, why it is held and the other parties to whom it may be passed on.

We ensure that personal information is dealt with correctly and securely and in accordance with the Data Protection Act 1998, and updated in accordance to the General Data Protection Register, (GDPR) 2018. It will apply to information regardless of the way it is collected, used, recorded, stored and destroyed, and irrespective of whether it is held in paper files or electronically.

It is the responsibility of all members of the school to take care when handling, using or transferring personal data, and to review the data handling and related procedures in relations to the following rights in relation to the data the school holds:

- the right to see the data we keep on record;
- the right to request changes where errors exist;
- the right to request that something is removed from the record / data;
- the right to request that information is not used in any way other than originally intended;
- the right to have your data used by somebody else;
- the right to object to data being used for marketing or other commercial purposes;
- the right for your children's data to be used for their education only;
- the right to complain about how the data has been gathered and used in this school;
- the right to compensation if damages have occurred as a result of our data handling.

i. Policy Aims

The aim of this policy is to provide a set of guidelines to enable staff, parents/ carers and pupils to understand:

- The law regarding personal data,

- How personal data should be processed, stored, archived and deleted/ destroyed,
- How staff, parents and pupils can access personal data.

The objective of the policy is to ensure that the school acts within the requirements of the Data Protection Act 1998 when retaining and storing personal data, and when making it available to individuals, and that the process of responding to enquiries for other information is also legal under the Freedom of Information Act 2000 (in force from 1st January 2005).

ii. **Policy Approach**

Al-Zahra school will:

- Inform individuals why the information is being collected when it is collected;
- Inform individuals when their information is shared, and why and with whom it was shared;
- Check the quality and the accuracy of the information it holds;
- Ensure that information is not retained for longer than is necessary;
- Ensure that when obsolete information is destroyed that it is done so appropriately and securely;
- Ensure that clear and robust safeguards are in place to protect personal information from loss, theft and unauthorised disclosure, irrespective of the format in which it is recorded;
- Share information with others only when it is legally appropriate to do so;
- Set out procedures to ensure compliance with the duty to respond to requests for access to personal information, known as Subject Access Requests;
- Ensure our staff are aware of and understand our policies and procedures.

iii. **Personal Data**

Personal data is defined as any combination of data items that identifies an individual and provides specific information about them, their families or circumstances. Such information is not only legally required by the school, but also ensures that children and their families are well served by the school for routine matters. This include:

- Personal information about members of Al-Zahra school community – including pupils, members of staff and parents/

- carers eg names, addresses, contact details, legal guardianship contact details, health records, disciplinary records,
- Curricular/ academic data eg class lists, pupil progress records or reports,
 - Professional records eg employment history, taxation and national insurance records, appraisal records and references,
 - Any other information that might be disclosed by parents/ carers or by other agencies working with families or staff members.

2. Data Protection

i. Processing, storing, archiving and deleting personal data: Guidance

- Personal data and Al-Zahra school records about pupils are confidential to the child. The law allows the information to be shared appropriately within the professional working of the school to enable Al-Zahra school to make the best educational provision for the child. Moreover, the law permits such information to be shared with other educational establishments when pupils change schools;
- Al-Zahra school will ensure that ICT systems are set up so that the existence of protected files is hidden from unauthorised users and that users will be assigned a clearance that will determine which files are accessible to them. Access to protected data will be controlled according to the role of the user. Members of staff will not, as a matter of course, be granted access to the whole management information system;
- All users with high level access will use strong passwords which is changed regularly. User passwords are never shared;
- Personal data are accessed on machines that are securely password protected. Any device that can be used to access data is locked and set to auto lock if not used for five minutes;
- All storage media is stored in an appropriately secure and safe environment that avoids physical risk, loss or electronic degradation;
- Personal data is stored on school equipment (this includes computers and portable storage media). Private equipment (owned by the users) will not be used for the storage of personal data;
- Personal cloud storage (owned by the users) will not be used for the storage of personal data;
- Al-Zahra school has clear procedures for the backing up, accessing and restoring all data held on school systems, all paper based

Protected and Restricted (or higher) material are held in lockable storage;

- Data saved on Al-Zahra school on-line portal is hosted externally with a third party; the company complies with the Data Protection Act 1998;
- Al-Zahra school records for a child are kept until the child reaches 25 years of age, this applies to examination records as well;
- Data on staff is sensitive information and confidential to the individual, and is shared, where appropriate, at the discretion of the Head Teacher and with the knowledge, and if possible the agreement of the staff member concerned;
- Employment records form part of a staff member's permanent record. Because there are specific legislative issues connected with these, such records are retained by Al-Zahra school;
- Interview records, CV's and application forms for unsuccessful applicants are retained by Al-Zahra school;
- All formal complaints made to the Proprietors of Al-Zahra school, the Head Teacher will be kept for at least seven years in confidential files, with any documents on the outcome of such complaints. Individuals concerned in such complaints may have access to such files subject to data protection and to legal professional privilege in the event of a court case.

ii. **Accessing personal data: Guidance**

- Any child can request access to her own data. The request is not charged and does not have to be in writing. The Head Teacher will judge whether the request is in the child's best interests, and that the child will understand the information provided. They may also wish to consider whether the request has been made under coercion;
- A parent/ Carer can request access to or a copy of their child's school records and other information held about their child. The request must be made in writing. There is no charge for such requests on behalf of the child, but there may be a charge for photocopying records. This is at the discretion of the Head Teacher and is detailed in guidance available from the Information Commissioner. The Head Teacher will check, if a request for information is made by a parent, that no other legal obstruction (for example, a court order limiting an individual's exercise of parental responsibility) is in force;
- Parents/ cares should note that all rights under the Data Protection Act to do with information about their child rest with the child as soon as they are old enough to understand these rights. This will vary from one child to another, but, as a broad guide, most children will have a sufficient understanding by the age of 12. Parents/ Carers are

encouraged to discuss and explain any request for information with their child if they are aged 12 or over;

- Al-Zahra school has introduced an on-line portal to enhance communication between the school and parents/ carers, the limited access is username and password protected ensuring secure remote access to the learning platform;
- Separately from the Data Protection Act, The Education (Pupil Information) (England) Regulations 2005 provide a pupil's parent (regardless of the age of the pupil) with the right to view, or to have a copy of, their child's educational record at the school. Parents/ Carers who wish to exercise this right must apply to the school in writing, for educational records (unlike other personal data) access is provided within 15 school days;
- Staff can request access to their own records at no charge, but the request must be made in writing. The member of staff has the right to see their own records, and to ask for copies of the records. There is no charge for copies of records;
- Al-Zahra school abides by the law which requires that all requests for personal information are dealt with within 40 days of receipt except requests for educational records. All requests will be acknowledged in writing on receipt, and access to records will be arranged as soon as possible. If awaiting third party consents, the school will arrange access to those documents already available, and notify the individual that other documents may be made available later;
- In all cases, should third party information (information about another individual) be included in the information the Head Teacher will aim to obtain permission to show this information to the applicant, with the exception of information provided by another member of school staff which is exempt from a requirement for third party consents. If third party permission is not obtained, the Proprietors of Al-Zahra school will consider whether the information can still be released;
- Personal data should always be of direct relevance to the person requesting the information. A document discussing more general concerns may not be defined as personal data;
- From 1st January 2005, when the Freedom of Information Act came into force, a request for personal information can include unstructured as well as structured records – for example, letters, emails etc. not kept within an individual's personal files, or filed by their name, but still directly relevant to them. If these would form part of a wider record, these will be filed within structured records as a matter of course to avoid excessive administrative work. These can be requested from Al-Zahra school if sufficient information is provided to identify them;

- Anyone who requests to see their personal data has the right to question the accuracy of matters of fact within the data, and to ask to have inaccurate information deleted or changed. They may also question opinions, and their comments will be recorded, but opinions need not be deleted or changed as a part of this process;
- Al-Zahra school will document all requests for personal information with details of who dealt with the request, what information was provided and when, and any outcomes (letter requesting changes etc.) This will enable staff to deal with a complaint if one is made in relation to the request.

iii. Requests for information

- The response Al-Zahra school to the request of information differs for educational records to that of personal information as explained above;
- Al-Zahra school will provide information on where to access the information required e.g. the website link, portal link or details of a charge if the publication/ information is charged, or send any free information;
- In case of a refusal of any information requested, the Head Teacher will state the relevant exemption which has been applied or if the school does not hold the information; and explain what public interest test has made if this applies;
- If the information is published by another organisation, Al-Zahra school will direct the enquirer to the organisation which supplied the information or publication unless it is legal and possible to provide the information directly;
- It will not be legal to photocopy a publication in its entirety and supply this to an enquirer because of copyright issues;
- Al-Zahra school will keep the original request and note against this who dealt with the request and when the information was provided;
- Any complaint about the provision of information will be handled by the Head Teacher or a delegated member of the Senior Leadership Team. All complaints should be in writing and documented and addressed to the Head Teacher;
- All enquirers are advised that they may complain to the information Commissioner if they are unhappy with the way their request has been handled.

iv. Training and Awareness

All staff will receive data handling awareness/data protection training and will be made aware of their responsibilities, as described in this policy through:

- Induction training for new staff,
- Staff meetings, briefings and Inset.

v. Disposal of Data and Reporting

Al-Zahra school will comply with the requirements for the safe destruction of personal data when it is no longer required. The disposal of personal data, in either paper or electronic form, will be conducted in a way that makes reconstruction highly unlikely. Electronic files will be securely overwritten, in accordance with government guidance and other media will be shredded, incinerated or otherwise disintegrated for data.

All significant data protection incidents will be reported through to the Information Commissioner's Office based upon the local incident handling policy and communication plan.

3. CCTV

i. Storage and Retention of CCTV Images

- Recorded data at Al-Zahra school will not be retained for longer than a week.
- While retained, the integrity of the recordings will be maintained to ensure their evidential value and to protect the rights of the people whose images have been recorded.
- All retained data will be stored securely.

ii. Access to CCTV Images

- Access to recorded images will be restricted to those staff authorised by the Head Teacher to view them, and will not be made more widely available.
- Individuals have the right to request access to CCTV footage relating to themselves under the Data Protection Act; nevertheless, all requests should be made in writing to the Head Teacher within the specified period. Individuals submitting requests for access will be asked to provide sufficient information to enable the footage relating to them to be identified. For example, date, time and location.
- There will be no disclosure of recorded data to third parties. Authorised personnel such as the Police requesting reasonable access should make their request in writing to the Head Teacher within the specified period.
- The school reserves the right to refuse access to CCTV footage where this would prejudice the legal rights of other individuals with the footage or jeopardise an on-going investigation.

- The data recorded on CCTV may be used within the school's behaviour management procedures, and will be subject to the usual confidentiality requirements.

Annex A; Privacy Notice (Data Protection Act 1998)

Under data protection law, individuals have a right to be informed about how we use any personal data that we hold about them. We comply with this right by providing 'privacy notices' (sometimes called 'fair processing notices') to individuals where we are processing their personal data. This privacy notice explains how we collect, store and use personal data about our pupils.

We, Al-Zahra school, are the 'data controller' for the purposes of data protection law. Our data protection officer is Mr S.A. Khoei (Head Teacher).

Why do we collect and use pupil information?

By law, we collect and use pupil information under the General Data Protection Regulations (GDPR), including:

- Article 6 and Article 9 of the GDPR - processing is necessary for the performance of a task carried out in the public interest;
- Education Act 1996;
- Regulation 5 of the Education (Information About Individual Pupils) (England) Regulations 2013.

We use pupil data:

- to support pupil learning and progression;
- to monitor and report on pupil progress;
- to provide appropriate pastoral care and safeguard pupils;
- to assess the quality of our services;
- to comply with the law regarding data sharing.

Which data is collected?

The categories of pupil information that we collect include:

- Personal information (such as name, unique pupil number and address);
- Contact information (names and contact details for parents/ carers);
- Characteristics (such as ethnicity, languages spoken at home);
- Attendance information (such as sessions attended, number of absences and reasons for absence);
- Assessment and achievement information (such as termly subject marks, exam results);
- Medical information and details of any support to be received;
- Behaviour information (such as detentions, exclusions);
- Information about safeguarding concerns;
- Special educational needs;
- Photographs and moving images;
- CCTV images captured in school;

- Financial information;
- Data about pupils that we have received from other organisations, including other schools, local authorities and the Department for Education.

How long is your data stored for?

Personal data relating to pupils is stored in line with Al-Zahra school GDPR Data Protection Policy. In accordance with the GDPR, the school does retain records for pupils until the child reaches 25 years of age, this applies to examination records as well. Where there have been safeguarding concerns or special educational needs, the retention of pupil data will be reviewed, and decisions about ongoing retention will be made on an individual basis.

Why do we share pupil information?

We share pupil data with the Department for Education (DfE) and the Local Authority on a statutory basis through data collections such as the school census under the following statutes:

- Section 573A of the Education Act 1996
- Education Act 1996 s29(3)
- Education (School Performance Information) (England) Regulations 2007
- Regulations 5 & 8 School Information (England) Regulations 2008
- Education (Pupil Registration) (England) (Amendment) Regulations 2013

Who do we share pupil information with?

We routinely share pupil information with:

- educational institutions that pupils attend after leaving us;
- the local authority (for concerns about your child's welfare etc.);
- the Department for Education (DfE), OFSTED;
- Brent Local Authority Designated Officer (LADO);
- the NHS, healthcare agencies, The Department of Health (DH), and Primary Care Trusts (PCT);
- the Police, Social Services (where there are safeguarding concerns);
- and examination boards.
- to provide school functional activities e.g. school proprietors
- to run core IT systems, e.g. school portal, or school emails
- to support learning through curriculum products, e.g. Kerboodle, (a full current list of third party organisations is available on request).

National Pupil Database

We are required to provide information about pupils to the Department for Education as part of statutory data collections such as the school census. Some of this information is then stored in the National Pupil Database (NPD), which is owned and managed by the Department and provides evidence on school performance to inform research. The database is held electronically so it can easily be turned into statistics. The information is securely collected from a range of sources including schools, local authorities and examination boards.

The Department for Education may share information from the NPD with other organisations which promote children's education or wellbeing in England. Such organisations must agree to strict terms and conditions about how they will use the data. For more information, see the Department's webpage on how it collects and shares research data. You can also contact the Department for Education with any further questions about the NPD.

Your rights over your data

Whilst the majority of pupil information you provide to us is mandatory, some of it is provided to us on a voluntary basis. In order to comply with the General Data Protection Regulations, we will inform you whether you are required to provide certain pupil information to us or if you have a choice in this. Where we have obtained consent to use pupils' personal data, this consent can be withdrawn at any time. We will make this clear when we ask for consent, and explain how consent can be withdrawn.

You have other rights over how your personal data is used and kept safe, including the right to: say that you don't want it to be used if this would cause, or is causing, harm or distress; have it corrected, deleted or destroyed if it is wrong, or restrict our use of it.

Complaints

If you have any questions, concerns or would like more information about anything mentioned in this privacy notice please contact the Data Protection Officer by contacting Al-Zahra school office or email alZahra@asazs.co.uk.

If the parents/ carers feel a complaint to the Data Protection Officer has not been answered satisfactorily, they can appeal using our complaint policy and procedures.