



Policies

Data Protection & Freedom of Information Policy

Signed by
Chair of Governors

Agreed by the Governing Body on 3rd July 2017



1. INTRODUCTION TO DATA PROTECTION POLICY

HCCS collects and uses relevant personal data regarding staff, students, parents and carers, and other individuals who come into contact with the Academy. This information is gathered in order to enable it to provide education and its other associated functions, including complying with its statutory obligations. We shall take all reasonable steps hold and process this data only in accordance with this policy.

2. DEFINITIONS

“Processing” may include obtaining, recording, holding, disclosing, destroying or otherwise using data.

“Students” may include current, past or prospective students.

“Data subject” means an individual who is the subject of personal data or the person to whom the information relates.

“Personal data or personal information” means data which relates to a living individual who can be identified. Addresses and telephone numbers are particularly vulnerable to abuse, but so can names and photographs be, if published in the press, Internet or media.

“Parent” has the meaning given in the Education act 1996, and includes any person having parental responsibility or care of a child.

3. PRINCIPLES, AIMS AND OBJECTIVES

This policy is intended to ensure that personal information is dealt with correctly and securely and in accordance with the Data Protection Act 1988, and other related legislation.

The Policy applies to any personal information or data regardless of the way that it is held, i.e. in paper files or held electronically.

4. DATA PROTECTION POLICY

a) The Principles

Under the Data Protection Act 1998, all schools processing personal data must comply with the eight enforceable principles of good practice. Data must be:

1. Fairly and lawfully processed
2. Processed for limited purposes
3. Adequate, relevant and not excessive
4. Accurate
5. Not kept longer than necessary
6. Processed in accordance with the data subject's rights
7. Secure
8. Not transferred to other countries without adequate protection

Academies have a duty to be registered Data Protection Controllers, which ensures that all personal data is processed fairly, securely and in compliance with the principles of the Data Protection Act.

b) Personal Data

Definitions of personal data are highly complex, and it is difficult to define categorically. However, broadly speaking and in day-to-day use, ‘personal data’ is information which relates to a living, identifiable individual. Personal data may include but is not limited to:

- School admission and attendance registers;
- Student’s curricular records;
- Biometric data (a numerical value of a student’s thumb or fingerprint);
- Records in connection with students entered for prescribed public examinations;

- Reports to parents on the achievements of their children
- Staff records, including payroll records;
- Directors, Members and Governors records;
- Student disciplinary records;
- Personal information for teaching purposes;
- Records of contractors and suppliers.

c) Processing Personal Data

If it is necessary for the Academy to process certain personal data to fulfil its obligations to students and their parents or guardians then consent is not required. However, any information which falls under the definition of personal data, and is not otherwise exempt, will remain confidential. Data will only be disclosed to third parties with the consent of the appropriate individual or under the terms of this Policy.

d) Sensitive Personal Data

Sensitive data may include but is not limited to:

- Ethnic or racial origin;
- Political opinions;
- Religious beliefs;
- Other beliefs of a similar nature;
- Membership of a trade union;
- Physical or mental health or condition;
- Sexual orientation;
- Offence or alleged offence;
- Proceedings or court sentence.

Where sensitive personal data is processed by the Academy the explicit consent of the appropriate individual will be required in writing.

e) Biometric Data

The Academy has implemented the use of biometric data for purchase of catering and will ensure that the duties as set out in the Department for Education advice document 'Protection of Biometric Information of Children in Schools', December 2012 will be followed if biometric data is collected and held by the Academy. In particular we will notify each parent of pupils under the age of 18 of any wish to take and use their child's biometric data. We will gain the written consent of one parent and will not take or use biometric data where either the child or either parents objects.

f) Rights of Access

Individuals have a right of access to information held by the Academy. Any individual wishing to access their personal data should put their written request to the Executive Headteacher. The academy will try to respond to any such written requests as soon as is reasonably practicable and in any event, within 40 days for access to records and 21 days to reply to an access to information request.

It is important to note that certain data is exempt from the right of access under the Data Protection Act. This can include:

- Information which identifies other individuals;
- Information which the School reasonably believes is likely to cause damage or distress;
- Information which is subject to legal professional privilege;
- Student examination scripts.

g) Data Rights

Under the Data Protection Act, the rights to the data belong to the individual to whom the data relates. However, in most cases, the Academy will rely on parental consent to process data relating to students unless, given the circumstances and the student's age and understanding; it is unreasonable to rely on the parent's consent. Parents should be aware that in such situations they may not be consulted. These

situations are very rare, and it is a general policy in the Academy to always seek parental or guardian consent before processing a child's personal data.

h) Disclosure of Information

The Academy and its schools confirm that it will not generally disclose information about individuals, unless the individual has given their consent or one of the specific exemptions under the Data Protection Act applies. However, for the following purposes, the Academy and its schools do intend to disclose data as is necessary to third parties:

- To give confidential references for any educational institution which the student may wish to attend.
- To give information relating to outstanding fees or payment history to any educational institution which it is proposed that the student may attend.
- To publish the results of public examinations or other achievements of students
- To disclose medical details of a student's medical condition where it is in the student's interests to do so (e.g. to organisers of a School trip).
- To share information required for the management and operation of any shared provision, including shared Sixth Form classes.

When the Academy receives a disclosure request from a third party it will always take action to establish the identity of that third party before making any disclosure.

i) Use of Personal Information by the Schools

As part of the entry procedure into a school at any age, all students are asked to sign an agreement giving the school their consent to use their personal data for:

- Use of photographic images in school publications (e.g. the newsletter) or on the school website.
- Fundraising, marketing or promotional purposes and to maintain relationships with students of the school.

j) Accuracy

In accordance with the Data Protection Act 1998, the Academy is required to ensure that any personal data held about an individual is accurate. Conversely, schools will seek to encourage all students and staff to notify them of any changes to information held about them (change of address, change of marital status etc).

k) Security

Where it is reasonably practicable, the Academy will take steps to ensure that members of staff will only have access to personal data relating to students, their parents or guardians where it is necessary for them to do so. All staff will be made aware of this policy and their duties under the Data Protection Act. Schools will ensure that all personal information is held in a secure central location and is not accessible to unauthorised persons.

l) Retention

Personal data processed for any purpose shall not be kept for longer than is necessary. Current advice states:

- Finance Data – 6 years or as laid down by Academies Financial Handbook
- Pupil and Staff Data – 7 years seems to be the acceptable period, after which schools might not be required to provide exam results or references.
- Data relating to Looked After Children (LAC), High needs SEN and non-minor accidents or incidents – 25 years from the date of closure.

NB. Based on guidance from the Records Management Society of Great Britain

m) Enforcement

If an individual believes that the Academy have not complied with this Policy or acted otherwise than in accordance with the Data Protection Act, they should make a complaint using the school's Complaints Procedure. Complaints relating to information handling may be referred to the Information Commissioner (the Statutory Regulator).

5. THE FREEDOM OF INFORMATION PUBLICATION SCHEME

HCCS understands and is committed to fulfilling the principles of accountability and the general right of access to information, subject to legal exemptions, as set out in the Freedom of Information Act 2000. The Freedom of Information Act 2000 (FOI) came fully into force on January 1 2005. Under the Act, any person has a legal right of access to information produced in the course of the Academy's work. They are entitled to be told whether the Academy holds information and to receive a copy. There are exceptions to this right to information; in particular data, about living, identifiable people (personal data) continues to be covered by the Data Protection Act and is not generally publicly available except to the "subject" of the data – that is, the person whom the data is about.

The Governors are responsible for ensuring that the Academy complies with FOI.

The Academy will be clear and proactive about the information they will make public and the Academy's Publication Scheme is shown in Appendix 1. The Publication Scheme shows the following

- The classes of information which we publish or intend to publish;
- The manner in which the information published will be made available; and
- Whether the information is available free of charge or the charges applicable for providing it.

Information held by the Academy which is not published under the Publication Scheme can be requested in writing, when its provision will be considered in accordance with the provisions of the FOI Act.

6. POLICY REVIEW PROCEDURE

The Academy will review this policy in a 3-year cycle and assess its implementation and effectiveness. A log of requests for information under this policy will be kept and the academy's compliance will be monitored by the Standards Committee.

7. ROLES AND RESPONSIBILITIES

- The Director of Business Services will oversee the academy's compliance with the requirements of the FOI and Data Protection Act; including any changes required to this document as a result of changes to statutory obligations.
- The Executive Headteacher will report any serious concerns in regard to data security or compliance risks to the Governing Board.
- All staff have a personal responsibility to take all reasonable steps to ensure the accuracy, security and confidentiality during collection, handling, processing and

disposing of any personal data;

APPENDIX 1

Holmes Chapel Comprehensive School & Sixth Form College - Freedom Of Information Act - Publication Scheme

1. Introduction

- 1.1 This Publication Scheme ("Scheme") is based on the model prepared and approved by the Information Commissioner.
- 1.2 This Scheme commits the Academy to make information available to the public as part of its normal business activities. The information covered is included in the classes of information mentioned below, where this information is held by the Academy. Additional information on these classes of information can be obtained from the guidance issued by the Information Commissioner (contact details in section 5.2).
- 1.3 The Scheme commits the Academy:
 - To proactively publish or otherwise make available as a matter of routine, information, including environmental information which is held by the Academy and falls within the classifications below.
 - To specify the information, which is held by the Academy and falls within the classifications below.
 - To proactively publish or otherwise make available as a matter of routine, information in line with the statements contained in this Scheme.
 - To produce and publish the methods by which the specific information is made routinely available so that it can be easily identified and accessed by members of the public.
 - To review and update on a regular basis the information the Academy makes available under this Scheme.
 - To produce a schedule of any fees charged for access to information which is made proactively available.
 - To make this Scheme available to the public.

2. Classes of Information

- a. Who are we and what do we do
 - Organisational Information, locations and contacts, constitutional and

legal governance.

- b. What we spend and how we spend it
 - Financial information relating to projected and actual income and expenditure, tendering, procurement and contracts.
- c. What our priorities are and how we are doing
 - Strategy and performance information, plans, assessments, inspections and reviews.
- d. How we make decisions
 - Policy proposals and decisions. Decision making processes, internal criteria and procedures.
- e. Our policies and procedures
 - Current written protocols for delivering our functions and responsibilities.
- f. Lists and registers
 - Information held in registers required by law and other lists and registers relating to the functions of the Academy.
- g. The Services we offer
 - Advice and guidance, booklets and leaflets, transactions and media releases. A description of the services offered.

The classes of information will not generally include:

- Information the disclosure of which is prevented by law, or exempt under the Freedom of Information Act, or is otherwise properly considered to be protected from disclosure;
- Information in draft form;
- Information that is no longer readily available as it is contained in files that have been placed in archive storage, or is difficult to access for similar reasons.

If the information you're looking for isn't available via the Scheme and isn't on our website, you can still contact the Academy to ask if we have it. Contact details are in section 3 below. The provision of any additional information will be considered in accordance with the provisions of the Freedom of Information Act.

3. The method by which information published under this Scheme will be made available

- 3.1 The Academy will indicate clearly to the public what information is covered by the Scheme and how it can be obtained.
- 3.2 In most cases, the main method of providing public information by the Academy will be by publishing it on its website.
- 3.3 Where it is impractical to make certain information available on the website or when an individual does not wish to access the information by the website or does not have access to a computer, the Academy will provide paper copies or provide a facility for the individual

to view the website.

- 3.4 The contact details are shown below, if you require a paper version of any of the documents within the Scheme or to arrange access to documents within the Scheme. Access in person will be arranged within a suitable timescale agreed with you.

Email: tony.halsall@hccs.info
Telephone: 01477689500
Address: HCCS
Selkirk Drive
Holmes Chapel
CW4 7DX

To help the Academy process your request quickly, please clearly mark any email or written correspondence "PUBLICATION SCHEME REQUEST" (in CAPITALS please).

- 3.5 Information will be provided in the language in which it is held.
- 3.6 Obligations under disability and discrimination legislation and any other legislation to provide information in other forms and formats will be adhered to when providing information in accordance with this Scheme.

4. Charges which may be made for information published under this Scheme

- 4.1 The purpose of the Scheme is to make the maximum amount of information readily available at minimum convenience and cost to the public. Charges made by the Academy for routinely published material will be justified, transparent and kept to a minimum.
- 4.2 Material which is published and accessed via the website will be provided free of charge.
- 4.3 Charges may be made for actual expenditure incurred on items such as:
- Photocopying costs
 - Postage and packaging
 - Any cost incurred in arranging a viewing in person of information
- 4.4 If a charge is to be made, confirmation of the payment due will be given before the information is provided. Payment may be requested prior to provision of the information.

5. Feedback and Complaints

- 5.1 We welcome any comments or suggestions you may have about the Scheme. If you want to make any comments about this publication scheme or if you require further assistance or wish to make a complaint then initially this should be addressed to the Clerk to the Board using the contact details shown in Section 3.4 above.
- 5.2 If you are not satisfied with the assistance that you get or if we have not been able to resolve your complaint and you feel that a formal complaint needs to be made then this should be addressed to the Information Commissioner's Office. This is the organisation that ensures compliance with the Freedom of Information Act 2000 and that deals with formal complaints. They can be contacted at:

Address: Information Commissioner, Wycliffe House,
Water Lane, Wilmslow,
Cheshire, SK9 5AF
Telephone: 01625 545 700
Email: publications@ic-foi.demon.co.uk.
Website: www.informationcommissioner.gov.uk

**GUIDE TO INFORMATION AVAILABLE FROM HCCS UNDER THE FREEDOM OF
INFORMATION PUBLICATION SCHEME**

INFORMATION TO BE PUBLISHED	HOW THE INFORMATION CAN BE OBTAINED	COST
CLASS 1: WHO WE ARE AND WHAT WE DO		
Who's who in the Academy	Website	Free
Members and Directors of the Academy, basis of their appointment, method of contact	Website	Free
Articles of Association	Website	Free
Funding Agreements	Website	Free
Contact Details for Academy key staff	Website	Free
Annual Report (as part of Financial Statements)	Website	Free
Register of Interests of Directors	Website	Free
CLASS 2: WHAT WE SPEND AND HOW WE SPEND IT		
Audited Financial Statements	Website	Free
Annual Revenue Budget Plans	Hard Copy	please request quote
Annual Capital Plans and Funding	Hard Copy	please request quote
Details of expenditure items over £5000	Hard Copy	please request quote
Contracts Register	Hard Copy	please request a quote
Pay policy	Hard Copy	Free
Staffing structure	Hard Copy	please request quote
Trustees' allowances policy, and a record of total payments made to individual Directors	Website	Free
CLASS 3: WHAT OUR PRIORITIES ARE AND HOW WE ARE DOING		
Performance Management Policy	Hard Copy	Free

INFORMATION TO BE PUBLISHED	HOW THE INFORMATION CAN BE OBTAINED	COST
Business Plan	Hard Copy	Free
School Improvement Plan	Hard Copy	Free
Data Dashboard	Hard Copy	please request quote
Safeguarding and child protection Policies	Website	Free

CLASS 4: HOW WE MAKE DECISIONS

Schemes of Delegation, Committees	Website	Free
Agendas and minutes of meetings (except for confidential agenda items)	Hard Copy	Free

CLASS 5: OUR POLICIES AND DECISIONS

Risk Management Policy	Annual Report	Free
Data Protection Policy	Website	Free
Equality and Diversity Objectives	Website	Free
Whistleblowing Policy	Website	Free
HR Policies	Hard Copy	Free
Health and Safety Policy	Website	Free

Prepared by: Mr T Halsall, Director of Business Services

Approved by the Governing Body:



Signature:

Name: Mr J Carr, Chair of Governors

Date: 3rd July 2017

To be reviewed in 3 years

Date for review: July 2020