

c. Freedom of Information Act

Hellesdon High School is a public body covered by the Freedom of Information Act. The Act gives a general right for the public to have access to information held by the School.

d. Environmental Information Regulations

The Environmental Information Regulations provide members of the public with the right to access environmental information held by the School.

4. General Policy Relating to All Acts

a. Processing Requests for Data

Requests for data/information may be made verbally (via the School's main telephone number or in person) or in writing. In all cases, the member of staff receiving the request shall ensure that it is promptly passed to the Data Manager for recording and monitoring (see item 4d below).

The School will contact the requester to seek clarification of a request.

Decisions about what information can(not) be disclosed will be made in accordance with the Acts. Where a decision has been made not to disclose information the requester will be contacted, promptly, to explain the decision and the reasoning behind it.

Disclosures will be made in either electronic or paper form according to the preference of the requester, except for Subject Access Requests that have to be provided as a hard copy.

b. Timescales for Requests

The School aims to deal with requests as promptly as possible. If there is likely to be a delay in processing the request, the School will write to the requester explaining the reasons for the delay and date on which it will be fulfilled. If necessary the School may ask the requester to confirm their identity or clarify/provide more details of the information required, no data will be provided until this is resolved.

Currently the limits are:

Data Protection Act – 40 Calendar days

Education Act – 15 Working Days

Freedom of Information Act – 20 Working Days

Environmental Information Regulations – 20 Working Days

(A working day is one of the 195 days that Teachers are required to be in School)

c. Fees

If the School chooses to charge a fee it will be within the limits set by the various Acts. Once the request for a Fee has been sent no data will be provided until the fee has been paid in full and the funds cleared.

The School does not charge for access to a student's educational record under the Education Act.

d. Recording and Monitoring

Formal requests for information under the Acts will be recorded in the Disclosure Log. The log will record under which act the request was made, who made the request and contact details, the information requested and the School's response.

All formal requests must be passed to the Data Manager for recording in the Log. The Data Manager is responsible for monitoring the progress and outcome of requests.

e. Publication Schedule

A publication schedule details the information the School routinely publishes under the Freedom of Information Act and Environmental Information Regulations. A copy of the publication schedule and the information published from it is available on the School's Website (www.hellesdon.net) or from the School Office.

f. Complaints about Decisions

Anybody not happy with decisions made by the School on disclosure of information under this policy should, in the first instance, write to the Governing Body outlining their complaint. The Governing Body will review, and try and resolve the complaint. Anybody who feels a complaint has not been resolved satisfactorily can contact the Information Commissioner (<http://www.ico.gov.uk/complaints.aspx>).

g. Data Protection Policy

Individual members of staff can be personally liable in law under the terms of the Data Protection Act. They may also be subject to claims for damages from persons who believe that they have been harmed as a result of inaccuracy, unauthorized use or disclosure of their data. A deliberate breach of this Data Protection Policy will be treated as a disciplinary matter, and serious breaches could lead to dismissal.

h. Fair Obtaining and Processing

Hellesdon High School undertakes to obtain and process data fairly and lawfully by informing all data subjects of the reasons for data collection, the purposes for which the data are held, the likely recipients of the data and the data subjects' right of access.

Every year Hellesdon High School issues a Fair Processing or Privacy Notice to students and staff detailing how data will be used and subjects' rights under the act. The notice issued to students also includes details on the use of information held on their Parents/Carers and other contacts.

Other data subjects will be informed of the uses when the data is obtained.

i. Registered Purposes

The purposes for which the School uses data is registered with the Information Commissioner's Office (registration number: Z5137665). A copy of the Data Protection Register for the School is available for inspection, by appointment, at the School Office or from the Information Commissioner's Office (www.ico.gov.uk/ESDWebPages/search.asp). Information will not be used for any other purpose without the data subject's consent.

j. Data Accuracy

Data held will be as accurate and up to date as is reasonably possible. If a data subject informs the School of a change of circumstances their computer record will be updated as soon as is practicable. Students and staff will be provided with a printout of their data record every twelve months so they can check its accuracy and make any amendments.

Where a data subject challenges the accuracy of their data, the School will immediately mark the record as potentially inaccurate, or 'challenged'. In the case of any dispute, the School shall try to resolve the issue informally, but if this proves impossible, disputes will be referred to the Governing Body for their judgement. If the problem cannot be resolved at this stage, either side may seek independent arbitration. Until resolved the 'challenged' marker will remain and all disclosures of the affected information will contain both versions of the information.

k. Data Adequacy and Relevance

Data held about individuals will be adequate, relevant and not excessive in relation to the purpose for which the data is being held. In order to ensure compliance with this principle, the School will check records regularly for missing, irrelevant or seemingly excessive information and may contact data subjects to verify items of data.

l. Length of Time

Data held about individuals will not be kept for longer than necessary for the purposes registered. It is the duty of the Data Manager to ensure that obsolete data are properly erased.

m. Authorised Disclosures

The School will, in general, only disclose data about individuals with their consent. However there are circumstances under which the School's authorised officer may need to disclose data without explicit consent for that occasion. These circumstances are strictly limited to:

- Student/Parent/Carer data disclosed to authorised recipients related to education and administration necessary for the School to perform its statutory duties and obligations.
- Student data disclosed to authorised recipients in respect of a student's health, safety and welfare.
- Student data disclosed to Parents/Carers in respect of their child's progress, achievements, attendance, attitude or general demeanour within or in the vicinity of the school.
- Selected commercial partners e.g. School Photographer.
- Staff data disclosed to relevant authorities (e.g. in respect of payroll and administrative matters) and to allow the School to perform its statutory duties.
- Unavoidable disclosures, for example to an engineer during maintenance of the computer system. In such circumstances the engineer would be required to sign a form promising not to disclose the data outside the School. Officers and ICT personnel writing on behalf of the Local Authority are ICT liaison/data processing officers and are contractually bound not to disclose personal data.
- Only authorised and trained staff are allowed to make external disclosures of personal data. Data used within the School by administrative staff, teachers and welfare officers will only be made available where the person requesting the information is a

professional, legitimately working within the School, who needs to know the information in order to do their work.

n. Data Transfer to Third Parties

It may be necessary to transfer data to third party organisations and businesses that support the operation of the School e.g. the automated first day calling company. Prior to the transfer taking place, the third party will provide written, signed assurances on the use of the data and security measures in place. Transfer of data will then be approved by the Head Teacher.

o. Data and Computer Security

The School's Safeguarding Policy and procedures, in part, cover the security of personal data. The Policy in general covers the following areas: physical, logistical and procedural security of data. The Governing Body is responsible for the Safeguarding Policy and it is monitored and reviewed regularly, particularly if a loophole or breach is identified.

p. Data Security Breaches

As soon as a breach in the School's Data Security is identified, immediate steps will be taken to limit the breach and prevent further breaches. The Head Teacher will be informed as soon as possible. The decision on the need to issue a Breach Notification to Children's Services rests with the Head Teacher.

q. Subject Access Requests under the Data Protection Act

All data subjects have a right of access to their own personal data.

Where a request for subject access is received from a student, the School's policy is that:

- The School will act in the best interest of the student.
- Requests from students will be processed as any subject access request as outlined below and the copy will be given directly to the student. If it is clear that the student does not understand the nature of the request it will be referred to their Parent/Carer.
- Parents/Carers are able to make requests on behalf of students who are not able to understand the nature of the request. The results of the request will be returned to the requesting Parent/Carer. The ability to understand the request will be assessed on an individual basis but Hellesdon High School assumes most students will have some understanding.
- Any data subject can appoint an agent to act on their behalf e.g. a student can appoint their Parent/Carer as an agent. Requests by agents are processed as requests made by the data subject but the results are returned to the agent.

r. Processing Subject Access Requests

Students, Parents/Carers, staff or their agents should make a Data Subject Access Request in writing using the form available from the School Office.

The School will not disclose anything on students' records which would be likely to cause serious harm to their physical or mental health or that of anyone else - including anything which suggests that they are, or have been, either the subject of or at risk of child abuse.

s. E-Mail Security

All staff will receive guidance on the use of e-mail and related data security based on the current Norfolk County Council guidelines.