

# Folly Hill Infant School



## DATA PROTECTION POLICY

Safeguarding suite

Signed ..... Chair of Governors

Signed ..... Headteacher

Date: Summer 2019

Review Date: Summer 2021

Folly Hill Infant School collects and uses personal information about staff, pupils, parents and other individuals who come into contact with the school. This information is gathered in order to enable it to provide education and other associated functions. In addition, there may be a legal requirement to collect and use information to ensure that the school complies with its 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; this summarises the information held on pupils, why it is held and the other parties to whom it may be passed on.

### Purpose

This policy is intended to ensure that personal information is dealt with correctly and securely and in accordance with the Data Protection Act 201, GDPR 2018 and the Freedom of Information Act 2000, and other related legislation. 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.

All staff involved with the collection, processing and disclosure of personal data will be aware of their duties and responsibilities by adhering to these guidelines.

The School has a responsibility to maintain its records and record keeping systems.

When doing this, the School will take account of the following factors: -

- The most efficient and effective way of storing records and information;
- The confidential nature of the records and information stored;
- The security of the record systems used;
- Privacy and disclosure; and
- Their accessibility.

This policy does not form part of any employee's contract of employment and is not intended to have contractual effect. It does, however, reflect the School's current practice, the requirements of current legislation and best practice and guidance. It may be amended by the School from time to time and any changes will be notified to employees within one month of the date on which the change is intended to take effect. The School may also vary any parts of this procedure, including anytime limits, as appropriate in any case.

### Data Protection

This policy sets out how long employment-related and pupil data will normally be held by us and when that information will be confidentially destroyed in compliance with the terms of the General Data Protection Regulation (GDPR) and the Freedom of Information Act 2000.

Data will be stored and processed to allow for the efficient operation of the School. The School's Data Protection Policy outlines its duties and obligations under the GDPR.

### Records Management (See separate policy for further information and guidance)

Folly Hill Infant School recognises that by efficiently managing its records, it will be able to comply with its legal and regulatory obligations and to contribute to the effective overall management of the institution. Records provide evidence for protecting the legal rights and interests of the school and provide evidence for demonstrating performance and accountability. Records are defined as all those documents which facilitate the business carried out by the school and which are thereafter retained (for a set period) to provide evidence of its transactions or activities. These records may be created or received, and then stored, in hard copy or electronically.

### Retention Schedule

Information (hard copy and electronic) will be retained for at least the period specified in the attached retention schedule Appendix 1. When managing records, the School will adhere to the standard retention times listed within that schedule.

Paper records will be regularly monitored by the **GDPR lead, head teacher, Admin officer**.  
Electronic records will be regularly monitored by the **GDPR lead, head teacher, Admin officer**  
The schedule is a relatively lengthy document listing the many types of records used by the school and the applicable retention periods for each record type. The retention periods are based on business needs and legal requirements.

A small percentage of the school's records may be selected for permanent preservation as part of the institution's archives and for historical research. This should be done in liaison with the local county archives centre.

### Destruction of Records

Where records have been identified for destruction they should be disposed of in an appropriate way. All information must be reviewed before destruction to determine whether there are special factors that mean destruction should be delayed, such as potential litigation, complaints or grievances.

All paper records containing personal information, or sensitive policy information should be shredded before disposal where possible. All other paper records should be disposed of by an appropriate waste paper merchant. All electronic information will be deleted.

The School maintains a database of records which have been destroyed and who authorised their destruction. When destroying documents, the appropriate staff member should record in this list at least: -

- File reference (or other unique identifier);
- File title/description;
- Number of files; and
- Name of the authorising officer.

### Archiving

Where records have been identified as being worthy of preservation over the longer term, arrangements should be made to transfer the records to the archives. A database of the records sent to the archives is maintained by the county archivist. The appropriate staff member, when archiving documents should record in this list the following information: -

- File reference (or other unique identifier);
- File title/description;
- Number of files; and
- Name of the authorising officer.

### Transferring Information to Other Media

Where lengthy retention periods have been allocated to records, members of staff may wish to consider converting paper records to other media such as digital media or virtual storage centres (such as cloud storage). The lifespan of the media and the ability to migrate data where necessary should always be considered.

### Responsibilities

The Headteacher has primary and day-to-day responsibility for implementing this Policy. The Data Protection Officer, in conjunction with the School is responsible for monitoring its use and effectiveness and dealing with any queries on its interpretation. The data protection officer will consider the suitability and adequacy of this policy and report improvements directly to management. Internal control systems and procedures will be subject to regular audits to provide assurance that they are effective in creating, maintaining and removing records.

Individual staff and employees must ensure that records for which they are responsible are accurate and are maintained and disposed of in accordance with the school's records management guidelines. All Staff made aware of and understand this Policy and are given adequate and regular training on it.

### Complaints

Complaints will be dealt with in accordance with the school's complaints policy. Complaints relating to information handling may be referred to the Information Commissioner (the statutory regulator).

### Reporting a breach

GDPR or DPA 2018 personal data breach

From 25 May 2018, if you experience a personal data breach you need to consider whether this poses a risk to people. You need to consider the likelihood and severity of any risk to people's rights

and freedoms, following the breach. When you've made this assessment, if it's likely there will be a risk then you must notify the ICO; if it's unlikely then you don't have to report it. You do not need to report every breach to the ICO.

A personal data breach means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data. This includes breaches that are the result of both accidental and deliberate causes. It also means that a breach is more than just about losing personal data.

For more information about what a personal data breach is and when you need to report it to us, please see the personal data breach pages of our Guide to the GDPR or if you are processing personal data for law enforcement purposes please see our Guide to Law Enforcement Processing.

You can also voluntarily report data security breaches that occurred before 25 May 2018, following the same process for reporting breaches of the DPA 2018.

### Contacts

If you have any enquires in relation to this policy, please contact the head teacher who will also act as the contact point for any subject access requests.

Further advice and information is available from the Information Commissioner's Office, [www.ico.gov.uk](http://www.ico.gov.uk) or telephone 01625 545745 3

### Review

This policy will be reviewed as it is deemed appropriate, but no less frequently than every 2 years. The policy review will be undertaken by the Head teacher and the Governing Body.

Appendix 1

FILE DESCRIPTION	RETENTION PERIOD
Employment Records	
Job applications and interview records of unsuccessful candidates	One year after notifying unsuccessful candidates, unless the school has applicants' consent to keep their CVs for future reference. In this case, application forms will give applicants the opportunity to object to their details being retained
Job applications and interview records of successful candidates	Six years after employment ceases + current
Written particulars of employment, contracts of employment and changes to terms and conditions	Six years after employment ceases + current
Right to work documentation including identification documents	Six months after employment ceases
Immigration checks	Six months after the termination of employment
DBS checks and disclosures of criminal records forms	As soon as practicable after the check has been completed and the outcome recorded (i.e. whether it is satisfactory or not) unless in exceptional circumstances (for example to allow for consideration and resolution of any disputes or complaints) in which case, for no longer than six months.
Change of personal details notifications	No longer than six months after receiving this notification
Emergency contact details	Destroyed within three months of termination unless used for supply.
Personnel and training records	While employment continues and up to six years + current after employment ceases
Consents for the processing of personal and sensitive data (complaints/ grievances/tupe)	For as long as the data is being processed and up to six years afterwards
Working Time Regulations: <ul style="list-style-type: none"> <li>• Opt out forms</li> <li>• Records of compliance with WTR</li> </ul>	Two years from the date on which they were entered into Two years after the relevant period
Disciplinary and training records	Six years + current after employment ceases

Allegations of a child protection nature against a member of staff including where the allegation is founded	Ten years from the date of the allegation or the person's normal retirement age (whichever is longer). This should be kept under review. Malicious allegations removed
Financial and Payroll Records	
Pension records	N/A Refer to SCC.
Retirement benefits schemes – notifiable events (for example, relating to incapacity)	N/A Refer to SCC.
Payroll and wage records	Six years after end of tax year they relate to
Maternity/Adoption/Paternity Leave records	Three years after end of tax year they relate to
Statutory Sick Pay	N/A Refer to SCC.
Current bank details	No longer than necessary
Agreements and Administration Paperwork	
Collective workforce agreements and past agreements that could affect present employees	Permanently
Trade union agreements	Ten years after ceasing to be effective
School Development Plans	Three years from the life of the plan
Professional Development Plans	Six years from the life of the plan
Visitors Book and Signing In Sheets	Six years
Newsletters and circulars to staff, parents and pupils	One Year. Excludes historical books.
Health and Safety Records	
Health and Safety consultations	Permanently
Health and Safety Risk Assessments	Three years from the life of the risk assessment
Any reportable accident, death or injury in connection with work	For at least twelve years from the date the report was made. Serious injury recorded on OSHEN – SCC.
Accident reporting Adults –	Six years from the date of the incident
	Children – when the child attains 25 years of age
Fire precaution log books	Six years
Medical records and details of: - • control of lead at work • employees exposed to asbestos dust • records specified by the Control of Substances Hazardous to Health Regulations (COSHH)	Forty years from the date of the last entry made in the record
Records of tests and examinations of control systems and protection equipment under COSHH	Five years from the date on which the record was made

Temporary and Casual Workers	
Records relating to hours worked and payments made to workers	Three years
Pupil Records	
Admissions records	Six months after leaving the school.
Admissions register	N/A SIMS data only.
School Meals Registers	Three years
Free School Meals Registers	Six years + current
Pupil Record	Records transferred to new school when pupil leaves. If the child does not move to another educational setting (e.g. Home Schooled) then the records will be retained until the child turns 25.
Attendance Registers	Within six months of the child leaving the school.
Special Educational Needs files, reviews and individual education plans (this includes any statement and all advice and information shared regarding educational needs)	SEN records will be passed to the new school (separately from the main pupil record) when the child leaves the school. The school will ensure safe transit and obtain confirmation of receipt. The school will retain a copy of the Child Protection records until such a time that the new school acknowledges receipt of the original file. The copy will then be shredded.
Child Protection Records	The Child Protection records will be passed to the new school (separately from the main pupil record) when the child leaves the school. The school will ensure safe transit and obtain confirmation of receipt. The school will retain a copy of the Child

	Protection records until such a time that the new school acknowledges receipt of the original file. The copy will then be shredded.
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Other Records  
CPOMS