



Data Protection Policy

Purpose and lawful basis for processing

The Academy is lawfully required to process relevant personal data regarding employees, pupils, governors, parents, contacts and others as a public task in the official function as an education provider. The Academy shall take all reasonable steps to do so in accordance with this policy. Processing may include obtaining, recording, holding, disposing, destroying or otherwise using data. The Academy as a Data Controller and registered with the ICO (Information Commissioner's Office) will endeavour to ensure that all personal data is processed in compliance with this policy and the principles of the Data Protection Act 1998 and is based on guidance published by the Information Commissioner's Office and model privacy notices published by the Department for Education. It also takes into account the expected provisions of the General Data Protection Regulation, which is new legislation due to come into force in 2018.

In addition, this policy complies with regulation 5 of the Education (Pupil Information) (England) Regulations 2005, which gives parents the right of access to their child's educational record. This policy complies with our funding agreement and articles of association.

Term	Definition
Personal data	Data from which a person can be identified, including data that, when combined with other readily available information, leads to a person being identified
Sensitive personal data	Data such as: <ul style="list-style-type: none"> • Contact details • Racial or ethnic origin • Political opinions • Religious beliefs, or beliefs of a similar

	<p>nature</p> <ul style="list-style-type: none"> • Where a person is a member of a trade union • Physical and mental health • Sexual orientation • Whether a person has committed, or is alleged to have committed, an offence • Criminal convictions
Processing	Obtaining, recording or holding data
Data subject	The person whose personal data is held or processed
Data controller	A person or organisation that determines the purposes for which, and the manner in which, personal data is processed
Data processor	A person, other than an employee of the data controller, who processes the data on behalf of the data controller

Roles and Responsibilities

The governing board has overall responsibility for ensuring that the school complies with its obligations under the Data Protection Act 1998. Day-to-day responsibilities rest with the Principal, or the Vice Principal in the Principal's absence. The Principal will ensure that all staff are aware of their data protection obligations, and oversee any queries related to the storing or processing of personal data. Staff are responsible for ensuring that they collect and store any personal data in accordance with this policy. Staff must also inform the school of any changes to their personal data, such as a change of address.

The Principles

The Academy complies with the Data Protection principles ("the principles") contained in the Data Protection Act to ensure all data is:-

- Fairly and lawfully processed
- Processed for limited purposes
- Adequate, relevant and not excessive
- Accurate and up to date

- Not kept for longer than necessary
- Processed in accordance with the data subject rights
- Protected and Secure
- Not transferred to other countries without adequate protection

Privacy Notice

The Academy processes data on the lawful basis of public task. Privacy notices are in place for the subjects for which we process data (pupils, staff, parents, carers, governors)

Fair Processing – Personal Data held about Pupils, Staff, Governors and Others

Personal Data covers both facts and opinions about an individual. The types of information held include, but is not limited to names and addresses, phone numbers, photographs, finger images, CCTV videos, details of special educational needs, bank details, academic, external examination results, disciplinary, attendance records and references.

All information held about pupils, staff, governors and others is solely for the purposes of providing education as set out in the Academy's Articles of Association and Funding Agreement. The Department for Education has legal powers to collect pupil, child and workforce data that the Academy holds. The Department will use this data to inform education policy, for performance tables and to assess funding. Pupil level information will be shared with other schools for example when transferring school to transferring to a further education establishment. Sharing of all data will be in accordance with the law.

Storage and Disposal of Information

Confidential information is kept secure while being stored with the school. All paper records are retained in locked files with limited relevant access rights. Electronic information is retained on a secure network. When information is shared with others (Department for Education or other schools) it is done so through secure data transfer mechanisms e.g. approved government document exchange servers.

Information will be retained within recommended legal timeframes. The disposal of confidential waste is carried out by a professional confidential waste service.

Sensitive Personal Data

The Academy may processes sensitive data regarding pupils and employees including but not limited to: race, religion, trade union membership, criminal offences, physical and mental health and sexuality.

The processing of sensitive personal data is subject to the above mentioned eight data protection principles.

Subject Access Request (SAR)

Individuals have a right of access to personal data held by the Academy relating to themselves. Any individual wishing to access their personal data should put their request in writing to the Principal. The Academy will respond to any such written request in most circumstances within 40 calendar days. Some types of personal information are exempt from the right of subject access:

- This may include information which identifies other individuals, information which the Academy reasonably believes is likely to cause damage, distress or information which is subject to legal professional privilege.
- The Academy will also treat as confidential any reference given to the Academy for the purpose of training or employment or prospective training or employment of any employee. However such a reference will only be disclosed if such disclosure will not identify the source of the reference or where, notwithstanding this, the referee has given their consent or if disclosure is reasonable in all the circumstances.

Exemptions

Certain data is exempted from the provisions of the Data Protection Act which includes data relating to the following:

- The prevention or detection of crime.
- The assessment of any tax or duty.

Whether processing is necessary to exercise a right or obligation conferred or imposed by law upon the Academy. The above are examples of only some of the exemptions under the Act.

Disclosure of Information

The Academy discloses to third parties personal data it holds about subjects. Some of which are for legal requirements as an education provider such as sharing information with the Department for Education. Subject data is used within software systems for communication and information sharing by text, e-mail or application.

Third Parties

The Academy will regularly carry out internal audits relating to third party associations ensuring compliance with the General Data Protection Regulations and seek reassurances on the use, storage and security of data shared with them.

Accuracy

The Academy will endeavour to ensure that all personal data held in relation to an employee is accurate. Employees must notify their Line Manager of any changes to information held about them. An employee has the right to request that inaccurate information about them is erased or corrected.

Security

All employees will be made aware of this Policy and their duties under the Data Protection Act. The Academy will ensure that all personal information is held securely and is not accessible to unauthorised persons.

Enforcement

If an individual believes the Academy has not complied with this policy or acted otherwise than in accordance with the Data Protection Act, they should utilise the Grievance Procedure and should also notify the Principal.

Data Protection Officer (DPO)

Wellacre, as a public authority must appoint a data protection officer. The DPO's minimum tasks are:

- To inform and advise the organisation and its employees about their obligations to comply with the GDPR and other data protection laws.
- To monitor compliance with the GDPR and other data protection laws, including managing internal data protection activities, advise on data protection impact assessments; train staff and conduct internal audits.
- To be the first point of contact for supervisory authorities and for individuals whose data is processed (employees, customers etc).

Wellacre will ensure that:

- The DPO reports to the highest management level– ie governing board level.
- The DPO operates independently and is not dismissed or penalised for performing their task.
- Adequate resources are provided to enable DPOs to meet their GDPR obligations.

DPO contact details:

Mrs Christine Ellis, c/o Wellacre Academy, Irlam Road, Flixton, Urmston M41 6AP. Tel: 0161 748 5011 x 207