

# SWALE ACADEMIES TRUST

## DATA PROTECTION POLICY

### 1. INTRODUCTION

Schools / Colleges within the Swale Academies Trust (Trust) need to collect and use certain types of information about individuals within the Trust. This includes basic information about pupils / students and their families. Personal information is collected and dealt with appropriately and there are safeguards to ensure this under the Data Protection Act 1998.

### 2. DATA CONTROLLER

The Trust is the Data Controller under the Act, which means that it determines what the purpose of personal information held will be. It is also responsible for notifying the Information Commissioner of the data it holds or is likely to hold and the general purposes that this data will be used for.

### 3. DISCLOSURE

The Trust may share data with other agencies, such as the Local authority, OFSTED, funding bodies and other agencies.

The data subject's consent is not required when:

- School/Trust is carrying out a legal duty or as authorised by Secretary of State
- The school/Trust is protecting the vital interests of any person
- The individual(s) has already made the information public
- The school/Trust is conducting any legal proceedings, obtaining legal advice or defending any legal rights
- Monitoring for equal opportunities purposes
- Providing a confidential service where consent cannot be reasonably obtained
- There is no compromise to the school/ Trust's safeguarding policy

The Trust regards the lawful and correct treatment of personal information as very important to successful working and to maintaining the confidence of those with whom we deal with.

The Trust intends to ensure that personal information is treated lawfully and correctly. To this end the Trust will adhere to the principles of data protection as detailed in the Data Protection act 1998.

Specifically, the principles that require personal information:

- a) Shall be processed fairly and lawfully and shall not be processed unless specific conditions are met
- b) Shall be obtained only for one or more purposes specified in the Act and shall not be processed in any manner incompatible with that purpose or those purposes
- c) Shall be adequate, relevant and not excessive in relation to those purposes
- d) Shall be accurate and where necessary kept up to date

- e) Shall not be kept for longer than necessary
- f) Shall be processed in accordance with the rights of data subjects under the Act
- g) Shall be kept secure by the Trust who will take appropriate technical and other measures to prevent unauthorised or unlawful processing or accidental loss or destruction of, or damage to, personal information
- h) Shall not be transferred to a country outside EU unless that country ensures an adequate level of protection for the rights and freedoms of individuals in relation to the processing of personal information.

The Trust will, through appropriate management and strict application of criteria and control:

- Observe fully conditions regarding the fair collection and use of information
- Meet its legal obligations to specify the purposes for which information is used
- Collect and process appropriate information and only to the extent that it is needed to fulfil its operational needs or to comply with any legal requirements
- Ensure the quality of information used
- Ensure that the rights of people about whom information is held can be fully exercised under the act. These include:
  - The right to be informed that processing is being undertaken
  - The right of access to one's personal information
  - The right to prevent processing in certain circumstances
  - The right to correct, block, rectify or erase information which is regarded as wrong information
- Take appropriate technical and organisational security measures to safeguard personal information
- Ensure that personal information is not transferred abroad without suitable safeguards
- Treat people justly and fairly whatever their age, religion, disability, gender, sexual orientation or ethnicity when dealing with requests for information
- Set out clear procedures for responding to requests for information

#### **4. DATA COLLECTION**

The Trust will ensure that data is collected within the boundaries defined in this policy. This applies to data that is collected in person or by completing a form.

When collecting data, the Trust will ensure that the individual:

- a) Clearly understands why the information is needed
- b) Understands what it will be used for and what the consequences are should the individual decide not to give consent to processing
- c) As far as reasonably possible, grants explicit consent, either written or verbal for data to be processed
- d) Is as far as reasonably practicable competent enough to give consent and has given so freely without any duress

- e) Has received sufficient information on why their data is needed and how it will be used

## **5. DATA STORAGE**

Information and records relating to individuals will be stored securely and will only be accessible to authorised staff.

Information will be stored for only as long as it is needed or required statute and will be disposed of appropriately

It is the Trust's responsibility to ensure all personal and school data is non-recoverable from any computer system previously used within the organisation, which has been disposed of or passed on/sold to a third party

## **6. DATA ACCESS AND ACCURACY**

All individuals have the right to access the information that the Trust holds about them. The Trust will take reasonable steps to ensure that this information is kept up to date by asking data subjects whether there have been any changes.

In addition the Trust will ensure that:

- It has a data protection officer with specific responsibility for ensuring compliance with data protection
- Everyone processing personal information understands that they are contractually responsible for following good data protection practice
- Everyone processing personal information is appropriately trained to do so
- Everyone processing personal information is appropriately supervised
- Anybody wanting to make enquiries about handling personal information knows what to do
- It deals promptly and courteously with any enquiries about handling personal information
- It describes clearly how it handles personal information
- It will regularly review and audit the ways it holds, manages and uses personal information
- It regularly assesses and evaluates its methods and performance in relation to handling personal information
- All staff are aware that a breach of the rules and procedures identified in this policy may lead to disciplinary action being taken against them.

This policy will be updated as necessary to reflect best practice in data management, security and control and to ensure compliance with any changes or amendments made to the Data Protection Act 1998.

In case of any queries in relation to this policy, please contact.....(name/ position)

Adopted by Directors July 2013/V01