



*Where the children come first*

# **Beech Hall School**

## **Data Protection Policy**

### **Introduction**

Beech Hall School is required to process relevant personal data of pupils and their parents and/or guardians as part of its operation and shall take all reasonable steps to do so in accordance with this policy.

Processing may include obtaining, recording, holding, disclosing, destroying or otherwise using data. In this policy any reference to pupils includes current, past or prospective pupils.

The Headmistress and the Business Manager are the Data Protection Controllers (DPC) who will try to ensure that all personal data is processed in compliance with this policy and the principles of the Data Protection Act 1998.

### **Principles**

These are that all data is

- Fairly and lawfully processed
- Processed for a lawful purpose
- Adequate, relevant and not excessive
- Accurate and up to date
- Not kept for longer than is necessary
- Processed in accordance with the data subject's rights
- Secure
- Not transferred to other countries without adequate protection

### **Personal Data**

Personal data covers both facts and opinions about an individual. The school may process a wide range of personal data about pupils, their parents/guardians as part of its operation. This personal data may include (but is not limited to) names and addresses, bank details, academic, disciplinary, admissions and attendance records, references, examination scripts and marks.

## **Processing of Personal Data**

Consent may be required for the processing of personal data unless the processing is necessary for the school to undertake its obligations to pupils and their parents/guardians. Any information which falls under the definition of personal data and is not otherwise exempt will remain confidential and will only be disclosed to third parties with the consent of the appropriate individual or under the terms of the policy.

## **Sensitive Personal Data**

The school may from time to time be required to process sensitive personal data regarding a pupil, their parents/guardians. Sensitive personal data includes medical information and data relating to religion, race or criminal records and proceedings.

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

## **Rights of Access**

Individuals have a right of access to information held by the school. Any individual wishing to access their personal data should put their request in writing to the DPC. The school will try to respond as soon as is reasonably practicable and in any event within 40 days for access to records and 21 days to provide an access to information request.

The school may charge an administration fee of up to £15 for providing this information.

Certain data is exempt from the right of access under the Data Protection Act. This may include information which

- identifies other individuals
- the school reasonably believes is likely to cause damage or distress
- subject to legal privilege

The school is not required to disclose any pupil examination scripts.

Any reference given by the school for purpose of the education training or employment, or prospective education training or employment of any pupil will be treated as confidential. The school acknowledges that an individual may have the right to access a reference relating to them received by the school; however, such a reference will only be disclosed if such disclosure will not identify the source of the reference or where the referee has given consent or if disclosure is reasonable in all circumstances.

## **Whose Rights?**

The rights under the Data Protection Act are the individuals to whom the data relates. In most cases, however, the school will rely on parental consent to process data relating to pupils unless, given the nature of the processing in question and the pupil'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.

The school will only grant the pupil direct access to their personal data if, in the school's reasonable belief, the pupil understands the nature of the request.

The school may disclose a pupil's personal data to their parents/guardians. Where a pupil seeks to raise concerns confidentially with a member of staff, the teacher will not usually promise confidentially, but will listen sensitively before making a judgment about whether disclosure will be in the best interest of the pupil or other pupils.

## **Exemptions**

Certain data is exempted from the provisions of the Data Protection Act which include the following:

- the prevention or detection of crime
- the assessment of any tax or duty
- where the processing is necessary to exercise a right or obligation conferred or imposed by law upon the school. This is especially the case if allegations have been made which may cause concern about a pupil's suitability to work with children.

The above are examples only of some of the exemptions under the Act. Any further information on exemptions should be sought from the DPC.

## **Disclosure of Information**

The school may receive requests from third parties to disclose personal data it holds about pupils, their parents or guardians. The school will not generally disclose information unless the individual has given their consent or one of the specific exemptions under the Data Protection Act applies. The school does intend to disclose such data as is necessary to third parties for the following purposes:

- To give a confidential reference relating to a pupil to any educational institution which it is proposed that the pupil may attend.
- To give information relating to outstanding fees or payment history to any educational institution which it is proposed that the pupil may attend.
- To publish the results of public examinations or other achievements of pupils of the school
- To disclose details of a pupil's medical condition where it is the pupil's interests to do so, for example to organisers of school trips.

## **Photography**

Photographs of staff and pupils is classified as data.

The school will therefore ask the permission of individuals, parents or guardians for photographs and associated information to be used for publicity purposes. Where possible the school would not directly attach names and photographs.

Parents will be asked at the beginning of each school year whether they have objections to their children's names and/or photographs appearing in the local press.

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