



**The John Fisher School**

**Data Protection and Freedom of Information Policy**  
**(including Protection of Biometric Information)**

**Responsible:** Governors' Resources Committee

**Next Review Date:** June 2022

## **DATA PROTECTION**

### **1. INTRODUCTION**

- 1.1. The John Fisher School collects and uses certain types of personal information about staff, pupils, parents/carers and other individuals who come into contact with the school in order to provide education and associated functions. The school may be required by law to collect and use certain types of information to comply with statutory obligations related to employment, education and safeguarding, and this policy is intended to ensure that personal information is dealt with properly and securely and in accordance with the General Data Protection Regulation (GDPR) 2018 and other related legislation.
- 1.2. The GDPR applies to all computerised data and manual files if they come within the definition of a filing system. Broadly speaking, a filing system is one where the data is structured in some way that it is searchable on the basis of specific criteria (so you would be able to use something like the individual's name to find their information), and if this is the case, it does not matter whether the information is located in a different physical location.
- 1.3. This policy will be updated as necessary to reflect best practice, or amendments made to data protection legislation, and shall be reviewed every year.

### **2. PERSONAL DATA**

- 2.1. 'Personal data' is information that identifies an individual, and includes information that would identify an individual to the person to whom it is disclosed because of any special knowledge that they have or can obtain<sup>1</sup>. A sub-set of personal data is known as 'special category personal data'. This special category data is information that relates to:
    - 2.1.1.race or ethnic origin;
    - 2.1.2.political opinions;
    - 2.1.3.religious or philosophical beliefs;
    - 2.1.4.trade union membership;
    - 2.1.5.physical or mental health;
    - 2.1.6.an individual's sex life or sexual orientation;
    - 2.1.7.genetic or biometric data for the purpose of uniquely identifying a natural person.
  - 2.2. Special Category information is given special protection, and additional safeguards apply if this information is to be collected and used.
  - 2.3. Information relating to criminal convictions shall only be held and processed where there is legal authority to do so.
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2.4. The school does not intend to seek or hold sensitive personal data about staff or students except where the school has been notified of the information, or it comes to the school's attention via legitimate means (e.g. a grievance) or needs to be sought and held in compliance with a legal obligation or as a matter of good practice. Staff or students are under no obligation to disclose to the school their race or ethnic origin, political or religious beliefs, whether or not they are a trade union member or details of their sexual life (save to the extent that details of marital status and / or parenthood are needed for other purposes, e.g. pension entitlements).

### **3. THE DATA PROTECTION PRINCIPLES**

3.1. The six data protection principles as laid down in the GDPR are followed at all times:

3.1.1. personal data shall be processed fairly, lawfully and in a transparent manner, and processing shall not be lawful unless one of the processing conditions can be met;

3.1.2. personal data shall be collected for specific, explicit, and legitimate purposes, and shall not be further processed in a manner incompatible with those purposes;

3.1.3. personal data shall be adequate, relevant, and limited to what is necessary for the purpose(s) for which it is being processed;

3.1.4. personal data shall be accurate and, where necessary, kept up to date;

3.1.5. personal data processed for any purpose(s) shall not be kept for longer than is necessary for that purpose / those purposes;

3.1.6. personal data shall be processed in such a way that ensures appropriate security of the data, including protection against unauthorised or unlawful processing and against accidental loss, destruction, or damage, using appropriate technical or organisational measures.

3.2. In addition to this, the school is committed to ensuring that at all times, anyone dealing with personal data shall be mindful of the individual's rights under the law (as explained in more detail in paragraphs 7 and 8 below).

3.3. The school is committed to complying with the principles in 3.1 at all times. This means that the school will:

3.3.1. inform individuals as to the purpose of collecting any information from them, as and when we ask for it;

3.3.2. be responsible for checking the quality and accuracy of the information;

3.3.3. regularly review the records held to ensure that information is not held longer than is necessary, and that it has been held in accordance with the Records Retention Policy <http://fluencycontent2-schoolwebsite.netdna-ssl.com/FileCluster/TheJohnFisherSchool/MainFolder/GDPR/Records-Retention-Policy.pdf>

3.3.4. ensure that when information is authorised for disposal it is done appropriately;

3.3.5.ensure there are appropriate security measures to safeguard personal information whether it is held in paper files or on our computer system, and follow the relevant procedures in The ICT Policy for Staff at all times;

<http://fluencycontent2-schoolwebsite.netdna-ssl.com/FileCluster/TheJohnFisherSchool/MainFolder/GDPR/ICT-Policy-for-Staff.pdf>

3.3.6.share personal information with others only when it is necessary and legally appropriate to do so;

3.3.7.set out clear procedures for responding to requests for access to personal information known as subject access requests;

3.3.8.report any breaches of the GDPR in accordance with The Data Breach Policy.

<http://fluencycontent2-schoolwebsite.netdna-ssl.com/FileCluster/TheJohnFisherSchool/MainFolder/GDPR/Data-Breach-Policy.pdf>

#### **4. CONDITIONS FOR PROCESSING IN THE FIRST DATA PROTECTION PRINCIPLE**

4.1. The individual has given consent that is specific to the particular type of processing activity, and that consent is informed, unambiguous and freely given.

4.2. The processing is necessary for the performance of a contract, to which the individual is a party, or is necessary for the purpose of taking steps with regards to entering into a contract with the individual, at their request.

4.3. The processing is necessary for the performance of a legal obligation to which we are subject.

4.4. The processing is necessary to protect the vital interests of the individual or another.

4.5. The processing is necessary for the performance of a task carried out in the public interest, or in the exercise of official authority vested in us.

4.6. The processing is necessary for a legitimate interest of the school or that of a third party, except where this interest is overridden by the rights and freedoms of the individual concerned

#### **5. USE OF PERSONAL DATA BY THE SCHOOL**

5.1. The school holds personal data on students, staff and other individuals such as visitors. In each case, the personal data must be treated in accordance with the data protection principles as outlined in paragraph 3.1 above.

##### **Students**

5.2. The personal data held regarding students includes contact details, assessment / examination results, attendance information, characteristics such as ethnic group, special educational needs, any relevant medical information, and photographs.

5.3. The data is used in order to support the education of the students, to monitor and report on their progress, to provide appropriate pastoral care, and to assess how well the school as a

whole is doing, together with any other uses normally associated with this provision in a school environment.

5.4. The school may make use of limited personal data relating to students, and their parents/carers for fundraising, marketing or promotional purposes and to maintain relationships with pupils of the school, but only where consent has been provided to this.

5.5. In particular, the school may:

5.5.1. transfer information to any association society or club set up for the purpose of maintaining contact with students or for fundraising, marketing or promotional purposes relating to the school but only where consent has been obtained first;

5.5.2. make personal data, including sensitive personal data, available to staff for planning curricular or extra-curricular activities;

5.5.3. keep the student's previous school informed of his academic progress and achievements e.g. sending a copy of the school reports for the student's first year at the school to their previous school;

5.5.4. Use photographs of students in accordance with the photograph policy.

5.6. Any wish to limit or object to any use of personal data should be notified to the Office Manager in writing, which notice will be acknowledged by the school in writing. If, in the view of the Office Manager the objection cannot be maintained, the individual will be given written reasons why the school cannot comply with their request.

### **Staff**

5.7. The personal data held about staff will include contact details, education and qualifications, gender, religion, employment history, national insurance number, teacher number (if applicable), information relating to career progression, salary information relating to DBS checks, photographs, passport copies, bank details, health information, absence record, disciplinary/capability information.

5.8. The data is used to comply with legal obligations placed on the school in relation to employment, and the education of children in a school environment. The school may pass information to other regulatory authorities where appropriate, and may use names and photographs of staff in publicity and promotional material. Personal data will also be used when giving references.

5.9. Staff should note that information about disciplinary action may be kept for longer than the duration of the sanction. Although treated as "spent" once the period of the sanction has expired, the details of the incident may need to be kept for a longer period.

5.10 The school may use staff names for marketing and publicity purposes.

5.11 Any wish to limit or object to the uses to which personal data is to be put should be notified to the Office Manager who will ensure that this is recorded, and adhered to if appropriate. If the Office Manager is of the view that it is not appropriate to limit the use of personal data in

the way specified, the individual will be given written reasons why the school cannot comply with their request.

### **Other Individuals**

5.12 The school may hold personal information in relation to other individuals who have contact with the school, such as volunteers and guests. Such information shall be held only in accordance with the data protection principles, and shall not be kept longer than necessary.

## **6 SECURITY OF PERSONAL DATA**

6.10 The school will take reasonable steps to ensure that members of staff will only have access to personal data where it is necessary for them to carry out their duties. All staff will be made aware of this Policy and their duties under the GDPR. The school will take all reasonable steps to ensure that all personal information is held securely and is not accessible to unauthorised persons.

6.11 For further details as regards security of IT systems, please refer to The ICT Policy for Staff <http://fluencycontent2-schoolwebsite.netdna-ssl.com/FileCluster/TheJohnFisherSchool/MainFolder/GDPR/ICT-Policy-for-Staff.pdf>

## **7 DISCLOSURE OF PERSONAL DATA TO THIRD PARTIES**

7.10 The following list includes the most usual reasons that the school will authorise disclosure of personal data to a third party:

- 7.10.1 To give a confidential reference relating to a current or former employee, volunteer or student;
- 7.10.2 for the prevention or detection of crime;
- 7.10.3 for the assessment of any tax or duty;
- 7.10.4 where it is necessary to exercise a right or obligation conferred or imposed by law upon the school (other than an obligation imposed by contract);
- 7.10.5 for the purpose of, or in connection with, legal proceedings (including prospective legal proceedings);
- 7.10.6 for the purpose of obtaining legal advice;
- 7.10.7 for research, historical and statistical purposes (so long as this neither supports decisions in relation to individuals, nor causes substantial damage or distress);
  
- 7.10.8 to publish the results of public examinations or other achievements of students of the school;
  
- 7.10.9 to disclose details of a student's medical condition where it is in the student's interests to do so, for example for medical advice, medical emergency, for support and intervention, insurance purposes or to organisers of school trips;
  
- 7.10.10 to provide information to another educational establishment to which a student is transferring;

7.10.11 to provide information to the Examination Authority as part of the examination process; and

7.10.12 to provide information to the relevant Government Department concerned with national education. At the time of the writing of this Policy, the Government Department concerned with national education is the Department for Education (DfE). The Examination Authority may also pass information to the DfE.

7.10.13 for the purpose of school admissions;

7.10.14 for the purposes of tracking and monitoring student performance information to support with intervention strategies;

7.10.15 to provide information to a work experience provider;

7.10.16 for processing student payments.

7.11 The DfE uses information about students for statistical purposes, to evaluate and develop education policy and to monitor the performance of the nation's education service as a whole. The statistics are used in such a way that individual students cannot be identified from them. On occasion the DfE may share the personal data with other Government Departments or agencies strictly for statistical or research purposes.

7.12 The school may receive requests from third parties (i.e. those other than the data subject, the school, and employees of the school) to disclose personal data it holds about pupils, their parents or guardians, staff or other individuals. This information will not generally be disclosed unless one of the specific exemptions under data protection legislation which allow disclosure applies; or where necessary for the legitimate interests of the individual concerned or the school.

7.13 All requests for the disclosure of personal data must be sent to the Office Manager, who will review and decide whether to make the disclosure, ensuring that reasonable steps are taken to verify the identity of that third party before making any disclosure.

## **8 CONFIDENTIALITY OF STUDENT CONCERNS**

8.10 Where a student seeks to raise concerns confidentially with a member of staff and expressly withholds their agreement to their personal data being disclosed to their parents /carers, the school will maintain confidentiality unless it has reasonable grounds to believe that the student does not fully understand the consequences of withholding their consent, or where the school believes disclosure will be in the best interests of the student or other students. Please refer to the school's Safeguarding and Child Protection Policy.

## **9 SUBJECT ACCESS REQUESTS (and see APPENDIX 1)**

9.10 Anybody who makes a request to see any personal information held about them by the school is making a subject access request. All information relating to the individual, including that held in electronic or manual files should be considered for disclosure, provided that they constitute a "filing system" (see clause 1.5).

9.11 All requests should be sent to the Office Manager within 3 working days of receipt, and must be dealt with in full without delay and at the latest within one calendar month of receipt.

9.12 Where a child or young person does not have sufficient understanding to make his own request (usually those under the age of 12, or over 12 but with a special educational need which makes understanding their information rights more difficult), a person with parental responsibility can make a request on their behalf. The Office Manager must, however, be satisfied that:

9.12.1 the child or young person lacks sufficient understanding; and

9.12.2 the request made on behalf of the child or young person is in their interests.

9.13 Any individual, including a child or young person with ownership of their own information rights, may appoint another person to request access to their records. In such circumstances the school must have written evidence that the individual has authorised the person to make the application and the Office Manager must be confident of the identity of the individual making the request and of the authorisation of the individual to whom the request relates.

9.14 Access to records will be refused in instances where an exemption applies, for example, information sharing may place the individual at risk of significant harm or jeopardise police investigations into any alleged offence(s).

9.15 A subject access request must be made in writing. The school may ask for any further information reasonably required to locate the information.

9.16 An individual only has the automatic right to access information about themselves, and care needs to be taken not to disclose the personal data of third parties where consent has not been given, or where seeking consent would not be reasonable, and it would not be appropriate to release the information. Particular care must be taken in the case of any complaint or dispute to ensure confidentiality is protected.

9.17 All files must be reviewed by the Office Manager before any disclosure takes place. Access will not be granted before this review has taken place.

9.18 Where all the data in a document cannot be disclosed a permanent copy should be made and the data obscured or retyped if this is more sensible. A copy of the full document and the altered document should be retained, with the reason why the document was altered.

## **10 EXEMPTIONS TO ACCESS BY DATA SUBJECTS**

10.10 Where a claim to legal professional privilege could be maintained in legal proceedings, the information is likely to be exempt from disclosure unless the privilege is waived.

10.11 There are other exemptions from the right of subject access. If we intend to apply any of them to a request then we will usually explain which exemption is being applied and why.

## **11 OTHER RIGHTS OF INDIVIDUALS**

11.10 The school has an obligation to comply with the rights of individuals under the law, and takes these rights seriously. The following section sets out how the school will comply with the rights to:

11.10.1 object to processing;

11.10.2 rectification;

11.10.3 erasure; and

11.10.4 data portability.

### **Right to object to processing**

11.11 An individual has the right to object to the processing of their personal data on the grounds of pursuit of a public interest or legitimate interest (grounds 4.5 and 4.6 above) where they do not believe that those grounds are made out.

11.12 Where such an objection is made, it must be sent to the Office Manager within 2 working days of receipt, and the Headteacher will assess whether there are compelling legitimate grounds to continue processing which override the interests, rights and freedoms of the individuals, or whether the information is required for the establishment, exercise or defence of legal proceedings.

11.13 The Office Manager shall be responsible for notifying the individual of the outcome of their assessment within 10 working days of receipt of the objection.

### **Right to rectification**

11.14 An individual has the right to request the rectification of inaccurate data without undue delay. Where any request for rectification is received, it should be sent to the Office Manager within 2 working days of receipt, and where adequate proof of inaccuracy is given, the data shall be amended as soon as reasonably practicable, and the individual notified.

11.15 Where there is a dispute as to the accuracy of the data, the request and reasons for refusal shall be noted alongside the data, and communicated to the individual. The individual shall be given the option of a review under the data protection complaints procedure, or an appeal direct to the Information Commissioner.

11.16 An individual also has a right to have incomplete information completed by providing the missing data, and any information submitted in this way shall be updated without undue delay.

### **Right to erasure**

11.17 Individuals have a right, in certain circumstances, to have data permanently erased without undue delay. This right arises in the following circumstances:

11.17.1 where the personal data is no longer necessary for the purpose or purposes for which it was collected and processed;

11.17.2 where consent is withdrawn and there is no other legal basis for the processing;

11.17.3 where an objection has been raised under the right to object, and found to be legitimate;

11.17.4 where personal data is being unlawfully processed (usually where one of the conditions for processing cannot be met);

11.17.5 where there is a legal obligation on the school to delete.

11.18 The Headteacher will make a decision regarding any application for erasure of personal data, and will balance the request against the exemptions provided for in the law. Where a decision is made to erase the data, and this data has been passed to other data controllers, and / or has been made public, reasonable attempts to inform those controllers of the request shall be made.

#### **Right to restrict processing**

11.19 In the following circumstances, processing of an individual's personal data may be restricted:

11.19.1 where the accuracy of data has been contested, during the period when the School is attempting to verify the accuracy of the data;

11.19.2 where processing has been found to be unlawful, and the individual has asked that there be a restriction on processing rather than erasure;

11.19.3 where data would normally be deleted, but the individual has requested that their information be kept for the purpose of the establishment, exercise or defence of a legal claim;

11.19.4 where there has been an objection made under para 8.2 above, pending the outcome of any decision.

#### **Right to portability**

11.20 If an individual wants to send their personal data to another organisation they have a right to request that the school provides their information in a structured, commonly used, and machine readable format. As this right is limited to situations where the school is processing the information on the basis of consent or performance of a contract, the situations in which this right can be exercised will be quite limited. If a request for this is made, it should be forwarded to the Office Manager within 2 working days of receipt, and the Headteacher will review and revert as necessary.

## **12 BREACH OF ANY REQUIREMENT OF THE GDPR**

Please refer to The John Fisher School Data Breach Policy <http://fluencycontent2-schoolwebsite.netdna-ssl.com/FileCluster/TheJohnFisherSchool/MainFolder/GDPR/Data-Breach-Policy.pdf>

## **13 CONTACT**

- 13.1 If anyone has any concerns or questions in relation to this policy, they should contact the Office Manager.
- 13.2 Auditory information can be made available on request to the Office Manager.

## **FREEDOM OF INFORMATION**

### **1 INTRODUCTION**

1.1 The school is subject to the Freedom of Information Act 2000 (FOI) as a public authority, and as such, must comply with any requests for information in accordance with the principles laid out in the Act.

### **2 WHAT IS A REQUEST UNDER FOI**

2.1 Any request for any information from the school is technically a request under the FOI, whether or not the individual making the request mentions the FOI. However, the ICO has stated that routine requests for information (such as a parent/carer requesting a copy of a policy) can be dealt with outside of the provisions of the Act.

2.2 In all non-routine cases, if the request is simple and the information is to be released, then the individual who received the request can release the information, but must ensure that this is done within the timescale set out below. A copy of the request and response should then be sent to the Office Manager.

2.3 All other requests should be referred in the first instance to the Office Manager, who may allocate another individual to deal with the request. This must be done promptly, and in any event within 3 working days of receiving the request.

2.4 When considering a request under FOI, you must bear in mind that release under FOI is treated as release to the general public, and so once it has been released to an individual, anyone can then access it, and you cannot restrict access when releasing by marking the information "confidential" or "restricted".

### **3 TIME LIMIT FOR COMPLIANCE**

3.1 The school must respond as soon as possible, and in any event, within 20 working days of the date of receipt of the request. For a school, a "working day" is one in which students are in attendance, subject to an absolute maximum of 60 calendar days to respond.

### **4 PROCEDURE FOR DEALING WITH A REQUEST**

4.1 When a request is received that cannot be dealt with by simply providing the information, it should be referred in the first instance to the Office Manager, who may re-allocate to an individual with responsibility for the type of information requested.

4.2 The first stage in responding is to determine whether or not the school "holds" the information requested. The school will hold the information if it exists in computer or paper format. Some requests will require the school to take information from different sources and manipulate it in some way. Where this would take minimal effort, the school is considered to "hold" that information, but if the required manipulation would take a significant amount of time, the requestor should be contacted to explain that the information is not held in the manner requested, and offered the opportunity to refine their request. For example, if a

request required the school to add up totals in a spread sheet and release the total figures, this would be information “held” by the school. If the school would have to go through a number of spread sheets and identify individual figures and provide a total, this is likely not to be information “held” by the school, depending on the time involved in extracting the information.

4.3 The second stage is to decide whether the information can be released, or whether one of the exemptions set out in the Act applies to the information. Common exemptions that might apply include:

4.3.1 Section 40 (1) – the request is for the applicant’s personal data. This must be dealt with under the subject access regime in the DPA, detailed in paragraph 9 of the DPA policy above;

4.3.2 Section 40 (2) – compliance with the request would involve releasing third party personal data, and this would be in breach of the DPA principles as set out in paragraph 3.1 of the DPA policy above;

4.3.3 Section 41 – information that has been sent to the school (but not the school’s own information) which is confidential;

4.3.4 Section 21 – information that is already publicly available, even if payment of a fee is required to access that information;

4.3.5 *Section 22 – information that the school intends to publish at a future date;*

4.3.6 *Section 43 – information that would prejudice the commercial interests of the school and / or a third party;*

4.3.7 *Section 38 – information that could prejudice the physical health, mental health or safety of an individual (this may apply particularly to safeguarding information);*

4.3.8 *Section 31 – information which may prejudice the effective detection and prevention of crime – such as the location of CCTV cameras;*

4.3.9 *Section 36 – information which, in the opinion of the Chair of Governors of the School, would prejudice the effective conduct of the School. There is a special form for this on the ICO’s website to assist with the obtaining of the Chair’s opinion.*

4.4 The sections mentioned in *italics* are qualified exemptions. This means that even if the exemption applies to the information, you also have to carry out a public interest weighting exercise, balancing the public interest in the information being released, as against the public interest in withholding the information.

## **5 RESPONDING TO A REQUEST**

5.1 When responding to a request where the school has withheld some or all of the information, the school must explain why the information has been withheld, quoting the appropriate

section number and explaining how the information requested fits within that exemption. If the public interest test has been applied, this also needs to be explained.

5.2 The letter should end by explaining to the requestor how they can complain – either by reference to an internal review by [a Governor], or by writing to the ICO.

## **6 CONTACT**

6.1 Any questions about this policy should be directed in the first instance to the Office Manager.

## **7 FREEDOM OF INFORMATION PUBLICATION SCHEME**

### **7.1 Introduction**

This publication scheme follows a model approved by the Information Commissioners Office.

This scheme is not a list of individual publications but rather a description of the classes of types of information that we are committed to publishing. This list is not an exhaustive list of all of the types of information that we publish. We try to proactively publish as much information as we can where the information would have a wider public interest.

This scheme does not include information that we consider to be sensitive, such as personal information, information prevented from disclosure by law or information about security matters.

### **7.2 Classes of Information**

There are six classes of information that we hold: -

- Who we are and what we do
- What we spend and how we spend it
- What our priorities are and how we are doing
- How we make decisions
- Our policies and procedures
- The services we offer

### **7.3 Making Information Available**

Information will generally be made available on the school website. Where it is not possible to include this information on the school website, or when an individual does not wish to access the information by the website the school will indicate how information can be obtained by other means and provide it by those means. This may be detailed in response to a request or within the scheme itself. This will usually be by way of a paper copy.

In some exceptional circumstances, some information may be available only by viewing in person. Where this manner is specified, contact details will be provided. An appointment to view the information will be arranged within a reasonable timescale.

Information will be provided in the language in which it is held or in such other language that is legally required. Where we are legally required to translate any information, we shall do so.

### **7.4 Charges for Information Published Under this Scheme**

The school may charge individuals for information published under this scheme. The purpose of this scheme is to make the maximum amount of information readily available at the minimum inconvenience and cost to the public. Charges made by the school for routinely published material will be justified and transparent and kept to a minimum.

Material which is published and accessed on the website will be provided free of charge.

Charges may be made for information subject to a charging regime specified by law.

Charges will be made to cover:

- Photocopying
- Postage and Packaging, &
- The costs directly incurred as a result of viewing information.

Single copies of information requested which are covered by the publication scheme will be provided free unless otherwise stated within the scheme. If the request involved a large amount of photocopying, printing or postage, then this may be at a cost. If this is the case, we will let you know as well as let you know the cost before fulfilling your request.

## 7.5 How to request information

If you require a paper version of any of the documents within the scheme, please contact the school using the contact details below.

Telephone: 020 8660 4555

Email: [johnfisherschool@johnfisherschool.org](mailto:johnfisherschool@johnfisherschool.org)

Address: Peaks Hill, Purley, Surrey CR8 3YP

Please mark all correspondence *Publication Scheme Request* in order to help us process your request quickly. If the information you are looking for isn't available via the scheme, you can still contact the school to ask if we have this information.

## 7.6 The Publication Schedule

Who we are and what we do	Description
Information relating to the Governing Board	<p>Information contained in official Governing Board documents including the Governors' annual report:-</p> <ul style="list-style-type: none"><li>• Who is who</li><li>• Basis of Governors appointment</li><li>• The manner in which the Governing Board is constituted</li><li>• Category of the school</li><li>• A statement on progress in implementing the action plan drawn up following an inspection</li><li>• Agreed minutes from Governors Board and committee meetings</li><li>• A financial statement – including gifts made to the school and amounts paid to the Governors for expenses</li><li>• Information about the implementation of the Governing Board's policy on students with special educational needs and any changes to the policy during the last year</li><li>• A description of arrangements for the admission of students with disabilities, including details of the steps to prevent disabled students being treated less favourably than other students, details of existing facilities to assist access to the school by students with disabilities, the accessibility plan covering future policies for increasing access by those with disabilities to the school</li><li>• A statement of policy on whole staff development identifying how teachers' professional development impacts on teaching and learning.</li><li>• Number of students on roll and rates of students' authorised and unauthorised absence</li><li>• National curriculum assessment results for appropriate key</li></ul>

	<p>stages with national summary figures</p> <ul style="list-style-type: none"> <li>• Instruments of government, including the date it takes effect</li> <li>• The term of office of each category of Governor if it lasts less than 4 years and the name of anybody entitled to appoint any category of Governor.</li> </ul>
School prospectus	<ul style="list-style-type: none"> <li>• The name, address, website and telephone number of the school and the type of school</li> <li>• The name of the school Headteacher</li> <li>• The school's staffing structure</li> <li>• Information about the school's policy on providing for students with special educational needs</li> <li>• Statement on the school's aims and values</li> <li>• Information on the school policy on admissions</li> <li>• School term dates, times and attendance</li> <li>• Uniform</li> <li>• Number of students on roll and rates of student absence</li> <li>• Details of any affiliations with a particular religion or religious denomination, the religious education and collective worship and the alternative provision for these students.</li> </ul>

<b>What we spend and how we spend it</b>	<b>Description</b>
Financial statement for the current and previous financial year	Relating to projected and actual income and expenditure, procurement, contracts and financial audit. Includes budget plans, financial statements and financial audit reports
Details of expenditure	Sets out details of items of expenditure over £5,000 including the cost, name of supplier and information about the transaction
Procurement and contracts	Details of the procurement and contracts the school has entered into or details relating to the organisation who has carried out this process on the schools behalf (for example the local authority).
Pay policy	A copy of the pay policy that the school uses to govern staff pay.
Allowances	Details of allowances and expenses that can be incurred by staff and Governors.
Pupil Premium	How the school uses pupil premium.
Utilities and school running expenditure	Details of the school's overheads and running costs.

<b>What our priorities are and how we are doing</b>	<b>Description</b>
Ofsted report	A published report of the outcome of our latest Ofsted inspection.
Performance management Policy	Statement of procedures adopted by the Governing Board relating to the performance management of staff and the annual report of the Headteacher on the effectiveness of appraisal procedures.
Charging and remissions policies	A statement of the school's policy with respect to charges and remissions for any optional extra or board and lodging for which charges are permitted, for example school publication, music tuition, trips.
Health and Safety Policy and Risk Assessment	Statement of general policy with respect to health and safety at work of employees (and others) and the organisation and arrangements for carrying out the policy.
Staff Conduct, Discipline and Grievance	Statement of procedure for regulating conduct and discipline of school staff and procedures by which staff may seek redress for grievance.
Curriculum circulars and Statutory Instruments	Any statutory instruments, departmental circulars and administrative memoranda sent by the Department of Education to the Headteacher or Governing Board relating to the curriculum.

<b>How we make decisions</b>	<b>Description</b>
Admissions Policy/ Decisions (not individual)	This does not include individual decisions. This is a statement of our policy with regards to admissions and how we make decisions regarding admissions.

<b>Our policies and procedures</b>	<b>Description</b>
Home-School Agreement	Written statements of the school's aims and values, the school's responsibilities, the parental responsibilities, the school's expectations of its students, for example homework arrangements.
Curriculum Policy	Statement on following the national curriculum subjects, including any syllabus used by the school.

Complaints Policy	Statement of procedures for dealing with complaints
Equality and Diversity Policy	Statement on ensuring that the school follows and promotes equality and diversity.
Child Protection and Safeguarding Policy	Statement of policy for safeguarding and promoting welfare of students at the school.
Relationships and Sex Education Policy	Statement of policy with regard to sex and relationship education
Inclusion Policy	Information about the school's policy on providing for students with special educational needs.
Behaviour Policy	Statement of general principles on behaviour and discipline and of measures taken by the Headteacher to prevent bullying.
Collective Worship	Statement of arrangements for the required daily act of collective worship.

<b>The services we offer</b>	<b>Description</b>
Extra-curricular Activities and out of school clubs	Details of these are contained in our newsletters, Information Evenings and website.

### **7.7 Internal Review**

The requester has the right to ask for an internal review if they are dissatisfied with the handling of a request.

Internal review requests should be made within 40 working days of the initial response. This deadline should be communicated to the requester in that response. We are not obliged to provide a review if it is requested after more than 40 working days.

Requests for internal review must make clear why they are dissatisfied with the original decision, detailing why they feel that the school has not complied with Freedom of Information Law.

### **7.8 Complaints and/or Appeals**

Any written (including email) expression of dissatisfaction should be handled through the school's existing complaints procedure. Wherever practicable the review should be handled by someone not involved in the original decision.

The Governing Board should set and publish a target time for determining complaints and information on the success rate in meeting the target. The school should maintain records of all complaints and their outcome.

If the outcome is that the school's original decision or action is upheld, then the applicant can appeal to the Information Commissioner. The appeal can be made via their website or in writing to:

Customer Contact

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

SK9 5AF

## **APPENDIX 1 SUBJECT ACCESS REQUESTS**

Under Data Protection Law, Data Subjects have a general right to find out whether the school hold or process personal data about them, to access that data, and to be given supplementary information. This is known as the right of access, or the right to make a data subject access request (SAR). The purpose of the right is to enable the individual to be aware of, and verify, the lawfulness of the processing of personal data that the school are undertaking.

A Data Subject has the right to be informed by the school of the following: -

- (a) Confirmation that their data is being processed;
- (b) Access to their personal data;
- (c) A description of the information that is being processed;
- (d) The purpose for which the information is being processed;
- (e) The recipients/class of recipients to whom that information is or may be disclosed;
- (f) Details of the School's sources of information obtained;
- (g) In relation to any Personal Data processed for the purposes of evaluating matters in relation to the Data Subject that has constituted or is likely to constitute the sole basis for any decision significantly affecting him or her, to be informed of the logic of the Data Controller's decision making. Such data may include, but is not limited to, performance at work, creditworthiness, reliability and conduct; and
- (h) Other supplementary information.

### **How to recognise a subject access request**

A data subject access request is a request from an individual (or from someone acting with the authority of an individual, e.g. a solicitor or a parent making a request in relation to information relating to their child):

- for confirmation as to whether the school process personal data about him or her and, if so
- for access to that personal data
- and/or certain other supplementary information

A valid SAR can be both in writing (by letter, email, WhatsApp, text) or verbally (e.g. during a telephone conversation). The request may refer to the UK GDPR and/or to 'data protection' and/or to 'personal data' but does not need to do so in order to be a valid request. For example, a letter which states 'please provide me with a copy of information that the school hold about me' will be a data subject access request and should be treated as such.

A data subject is generally only entitled to access their own personal data, and not information relating to other people.

### **How to make a data subject access request**

Whilst there is no requirement to do so, we encourage any individuals who wish to make such a request to make the request in writing, detailing exactly the personal data being requested. This allows the school to easily recognise that you wish to make a data subject access request and the nature of your request. If the request is unclear/ vague we may be required to clarify the scope of the request which may in turn delay the start of the time period for dealing with the request.

### **What to do when you receive a data subject access request**

All data subject access requests should be immediately directed to the Office Manager who should contact Judicium as DPO in order to assist with the request and what is required.

### **Acknowledging the request**

When receiving a SAR the school shall acknowledge the request as soon as possible and inform the requester about the statutory deadline (of one calendar month) to respond to the request.

In addition to acknowledging the request, the school may ask for:

- proof of ID (if needed);
- further clarification about the requested information;
- if it is not clear where the information shall be sent, the school must clarify what address/email address to use when sending the requested information; and/or
- consent (if requesting third party data).

The school should work with their DPO in order to create the acknowledgment.

### **Verifying the identity of a requester or requesting clarification of the request**

Before responding to a SAR, the school will take reasonable steps to verify the identity of the person making the request. In the case of current employees, this will usually be straightforward. The school is entitled to request additional information from a requester in order to verify whether the requester is in fact who they say they are. Where the school has reasonable doubts as to the identity of the individual making the request, evidence of identity may be established by production of a passport, driving license, a recent utility bill with current address, birth/marriage certificate, credit card or a mortgage statement.

If an individual is requesting a large amount of data the school may ask the requester for more information for the purpose of clarifying the request, but the requester shall never be asked why the request has been made. The school shall let the requestor know as soon as possible where more information is needed before responding to the request.

In both cases, the period of responding begins when the additional information has been received. If the school do not receive this information, they will be unable to comply with the request.

### **Requests made by third parties or on behalf of children**

The school need to be satisfied that the third party making the request is entitled to act on behalf of the individual, but it is the third party's responsibility to provide evidence of this entitlement. This might be a written authority to make the request or it might be a more general power of attorney. The school may also require proof of identity in certain circumstances.

When requests are made on behalf of children, it is important to note that even if a child is too young to understand the implications of subject access rights, it is still the right of the child, rather than of anyone else such as a parent or guardian, to have access to the child's personal data. Before responding to a SAR for information held about a child, the school should consider whether the child is mature enough to understand their rights. If the school is confident that the child can understand their rights, then the school should usually respond directly to the child or seek their consent before releasing their information.

It shall be assessed if the child is able to understand (in broad terms) what it means to make a subject access request and how to interpret the information they receive as a result of doing so. When considering borderline cases, it should be taken into account, among other things:

- the child's level of maturity and their ability to make decisions like this;
- the nature of the personal data;
- any court orders relating to parental access or responsibility that may apply;
- any duty of confidence owed to the child or young person;
- any consequences of allowing those with parental responsibility access to the child's or young person's information. This is particularly important if there have been allegations of abuse or ill treatment;
- any detriment to the child or young person if individuals with parental responsibility cannot access this information; and
- any views the child or young person has on whether their parents should have access to information about them.

Generally, a person aged 12 years or over is presumed to be of sufficient age and maturity to be able to exercise their right of access, unless the contrary is shown. In relation to a child 12 years of age or older, then provided that the school is confident that they understand their rights, and there is no reason to believe that the child does not have the capacity to make a request on their own behalf, the School will require the written authorisation of the child before responding to the requester, or provide the personal data directly to the child.

The school may also refuse to provide information to parents if there are consequences of allowing access to the child's information – for example if it is likely to cause detriment to the child.

#### **Fee for responding to a SAR**

The school will usually deal with a SAR free of charge. Where a request is considered to be manifestly unfounded or excessive a fee to cover administrative costs may be requested.

#### **Time Period for Responding to a SAR**

The school has one calendar month to respond to a SAR. This will run from the day that the request was received or from the day when any additional identification or other information requested is received, or payment of any required fee has been received.

The period for response may be extended by a further two calendar months in relation to complex requests. What constitutes a complex request will depend on the particular nature of the request. The DPO must always be consulted in determining whether a request is sufficiently complex as to extend the response period.

Where a request is considered to be sufficiently complex as to require an extension of the period for response, the school will need to notify the requester within one calendar month of receiving the request, together with reasons as to why this extension is considered necessary.

#### **School closure periods**

Requests received during or just before school closure periods may not be able to be responded to within the one calendar month response period. This is because the school will be closed and no one will be on site to comply with the request. As a result, it is unlikely that your request will be able to be dealt with during this time. We may not be able to acknowledge your request during this time (i.e. until a time when we receive the request), however, if we can acknowledge the request, we may still not be able to deal with it until the school re-opens. The school will endeavour to comply with requests as soon as possible and will keep in communication with you as far as possible. If your request is urgent, please provide your request during term times and not during/close to closure periods.

### **Information to be provided in response to a request**

The individual is entitled to receive access to the personal data we process about him or her.

The information should be provided in a way that is concise, transparent, easy to understand and easy to access using clear and plain language, with any technical terms, abbreviations or codes explained. The response shall be given in writing if the SAR was made in writing in a commonly-used electronic format.

The information that the school are required to supply in response to a SAR must be supplied by reference to the data in question at the time the request was received. However, as the school have one month in which to respond the school is allowed to take into account any amendment or deletion made to the personal data between the time the request is received and the time the personal data is supplied if such amendment or deletion would have been made regardless of the receipt of the SAR.

The school is therefore, allowed to carry out regular housekeeping activities even if this means deleting or amending personal data after the receipt of a SAR. The school is not allowed to amend or delete data to avoid supplying the data.

### **How to locate information**

The personal data the school need to provide in response to a data subject access request may be located in several of the electronic and manual filing systems. This is why it is important to identify at the outset the type of information requested so that the search can be focused.

### **Protection of third parties -exemptions to the right of subject access**

There are circumstances where information can be withheld pursuant to a SAR. These specific exemptions and requests should be considered on a case by case basis.

The school will consider whether it is possible to redact information so that this does not identify those third parties. If their data cannot be redacted (for example, after redaction it is still obvious who the data relates to) then the school do not have to disclose personal data to the extent that doing so would involve disclosing information relating to another individual (including information identifying the other individual as the source of information) who can be identified from the information unless:

- the other individual has consented to the disclosure; or
- it is reasonable to comply with the request without that individual's consent.

In determining whether it is reasonable to disclose the information without the individuals consent, all of the relevant circumstances will be taken into account, including:

- the type of information that they would disclose;
- any duty of confidentiality they owe to the other individual;
- any steps taken to seek consent from the other individual;
- whether the other individual is capable of giving consent; and
- any express refusal of consent by the other individual.

It needs to be decided whether it is appropriate to disclose the information in each case. This decision will involve balancing the data subject's right of access against the other individual's rights. If the other person consents to the school disclosing the information about them, then it would be unreasonable not to do so. However, if there is no such consent, the school must decide whether to disclose the information anyway. If there are any concerns in this regard then the DPO should be consulted.

### **Other exemptions to the right of subject access**

In certain circumstances the school may be exempt from providing some or all of the personal data requested. These exemptions are described below and should only be applied on a case-by-case basis after a careful consideration of all the facts.

**Crime detection and prevention:** The school do not have to disclose any personal data being processed for the purposes of preventing or detecting crime; apprehending or prosecuting offenders; or assessing or collecting any tax or duty.

**Confidential references:** The school do not have to disclose any confidential references given to third parties for the purpose of actual or prospective:

- education, training or employment of the individual;
- appointment of the individual to any office; or
- provision by the individual of any service

This exemption does not apply to confidential references that the school receive from third parties. However, in this situation, granting access to the reference may disclose the personal data of another individual (i.e. the person giving the reference), which means that the school must consider the rules regarding disclosure of third-party data set out above before disclosing the reference.

**Legal professional privilege:** The school do not have to disclose any personal data which are subject to legal professional privilege.

**Management forecasting:** The school do not have to disclose any personal data processed for the purposes of management forecasting or management planning to assist us in the conduct of any business or any other activity.

**Negotiations:** The school do not have to disclose any personal data consisting of records of intentions in relation to any negotiations with the individual where doing so would be likely to prejudice those negotiations.