

THE ALTERNATIVE SCHOOL GROUP LTD

Data Protection Act 2018 (inc School General Data Protection Regulation (GDPR))



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School Data Protection Policy

The Alternative School Group Limited 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. Schools also have a duty to issue a fair processing 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 onto.

Legislation and guidance

This policy meets the requirements of the:

UK General Data Protection Regulation (UK GDPR) – the EU GDPR was incorporated into UK legislation, with some amendments, by [The Data Protection, Privacy and Electronic Communications \(Amendments etc\) \(EU Exit\) Regulations 2020](#)

Data Protection Act 2018 (DPA 2018)

It is based on guidance published by the Information Commissioner's Office (ICO) on the [UK GDPR](#) and guidance from the Department for Education (DfE) on [Generative artificial intelligence in education](#).

We use CCTV in various locations around the school site to ensure it remains safe. We will follow the [ICO's guidance](#) for the use of CCTV, and comply with data protection principles.

We do not need to ask individuals' permission to use CCTV, but we make it clear where individuals are being recorded. Security cameras are clearly visible and accompanied by prominent signs explaining that CCTV is in use.

Purpose

This policy is intended to ensure that personal information is dealt with correctly and securely and in accordance with the General Data Protection Regulation, 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.

What is Personal Information?

Personal information or data is defined as data which relates to a living individual who can be identified from that data, or other information held. We collect information from pupils and their parents/carers and may receive information about pupils from his/her previous school and the Learning Records Service. We hold this personal data and use it to:

- Support pupil teaching and learning;
- Monitor and report on pupil progress;
- Provide appropriate pastoral care;
- Help and improve your health and wellbeing, and
- Assess how well the school is doing.

This information includes pupil contact details, national curriculum assessment results, attendance information, and personal characteristics such as ethnic group, any special educational needs and relevant medical information.

Once pupils are aged 13 or over, we are required by law to pass on certain information to the provider of youth support services in our area. This is the local authority support service for young people aged 13 to 19 in England. We must provide the address of pupils and their parents/carers (and the pupil's date of birth) and any further information relevant to the support services' role.

Until pupils are aged 16 or older, parent/carers can ask that no information beyond their child's name, address and date of birth (and the parent/carers' name and address) be passed on to the youth services provider. This right transfers to pupils on their 16th birthday. For more information about young peoples' services, please go to the Direct.gov Young People page at www.direct.gov.uk/en/YoungPeople/index.htm

In addition, we are required by law to pass some information about pupils to the Local Authority (LA), the Department for Education (DfE), Ofsted and ISA/ISI however, The Alternative School will not share information with anyone outside the school without consent unless the law and our rules allow us to do so.

General Data Protection Regulation Principles

The General Data Protection Regulation establishes six enforceable principles that must be adhered to at all times:

1. Personal data shall be processed fairly, lawfully and in a transparent manner.
2. Personal data shall be collected for specified, explicit and legitimate purposes. It cannot be used for anything other than these stated purposes.
3. Ensure that the personal information processed is adequate, relevant and limited to the purposes for which it is collected.
4. Personal data shall be accurate and kept up to date; any inaccuracies must be fixed or removed without undue delay.
5. Personal data shall be stored as long as is required.
6. Personal data shall be secured with an appropriate security solution, which should protect against unauthorised or unlawful processing and against accidental loss, destruction or damage.

General Statement

The Alternative School Group Limited is committed to maintaining the above principles at all times. Therefore, the school will:

- Inform individuals why the information is being collected when it is collected
- Inform individuals when their information is shared, and why and with whom it was shared
- Check the quality and the accuracy of the information it holds
- Ensure that information is not retained for longer than is necessary
- Ensure that when obsolete information is destroyed, that it is done so appropriately and securely
- Ensure that clear and robust safeguards are in place to protect personal information from loss, theft and unauthorised disclosure, irrespective of the format in which it is recorded
- Share information with others only when it is legally appropriate to do so
- Set out procedures to ensure compliance with the duty to respond to requests for access to personal information, known as Subject Access Requests
- Ensure our staff are aware of and understand our policies and procedures

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).

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 Headteacher, or nominated representative.

Contacts

If you have any enquires in relation to this policy or procedures, please contact Heather Blake who will also act as the contact point for any subject access requests on heather@thealternativeschool.co.uk

Further advice and information is available from the Information Commissioner's Office, www.ico.gov.uk or telephone 01625 545745

Appendix 1

The Alternative School

Procedures for responding to subject access requests made under the General Data Protection Regulation.

Rights of access to information

There are two distinct rights of access to information held by schools:

1. Under the General Data Protection Regulation any individual has the right to make a request to access the personal information held about them.
2. The right of those entitled to have access to curricular and educational records as defined within the Education Pupil Information (England) Regulations 2005.

These procedures relate to subject access requests made under the General Data Protection Regulation.

Actioning a subject access request

1. Requests for information must be made in writing, which includes email and be addressed to Heather Blake. If the initial request does not clearly identify the information required, then further enquiries will be made.
2. The identity of the requestor must be established before the disclosure of any information, and checks should also be carried out regarding proof of relationship to the child. Evidence of identity can be established by requesting production of:
 - passport
 - driving licence
 - utility bills with the current address
 - Birth / Marriage certificate
 - P45/P60
 - Credit Card or Mortgage statement

This list is not exhaustive.

3. Any individual has the right of access to information held about them. However, with children, this is dependent upon their capacity to understand (normally age 12 or above) and the nature of the request. The Headteacher should discuss the request with the child and take their views into account when making a decision. A child with competency to understand can refuse to consent to the request for their records. Where the child is not deemed to be competent an individual with parental responsibility or guardian shall make the decision on behalf of the child.

Children and subject access requests

Personal data about a child belongs to that child, and not the child's parents or carers. For a parent or carer to make a subject access request with respect to their child, the child must either be unable to understand their rights and the implications of a subject access request or have given their consent.

Children below the age of 12 are generally not regarded to be mature enough to understand their rights and the implications of a subject access request. Therefore, most subject access requests from parents or carers of pupils at our school may be granted without the express permission of the pupil. This is not a rule and a pupil's ability to understand their rights will always be judged on a case-by-case basis

Children aged 12 and above are generally regarded to be mature enough to understand their rights and the implications of a subject access request. Therefore, most subject access requests from parents or carers of pupils at our school may not be granted without the express permission of the pupil. This is not a rule and a pupil's ability to understand their rights will always be judged on a case-by-case basis.

4. The school may make a charge for the provision of information, dependent upon the following:
 - If the information requested is only the educational record, viewing will be free, however a small charge can be made if the request becomes frequent and excessive.
5. The response time for subject access requests, once officially received, is 30 days (1 month) **(not working or school days but calendar days, irrespective of school holiday periods)**. However, the 30 days will not commence until after receipt of fees or clarification of information sought.
6. The General Data Protection Regulation allows exemptions as to the provision of some information; **therefore, all information will be reviewed prior to disclosure.**
7. Third party information is that which has been provided by another, such as the Police, Local Authority, Health Care professional or another school. Before disclosing third party information consent should normally be obtained. There is still a need to adhere to the 30 day statutory timescale.
8. Any information which may cause serious harm to the physical or mental health or emotional condition of the pupil or another should not be disclosed, nor should information that would reveal that the child is at risk of abuse, or information relating to court proceedings.
9. If there are concerns over the disclosure of information then additional advice should be sought.
10. Where redaction (information blacked out/removed) has taken place then a full copy of the information provided should be retained in order to establish, if a complaint is made, what was redacted and why.
11. Information disclosed should be clear, thus any codes or technical terms will need to be clarified and explained. If information contained within the disclosure is difficult to read or illegible, then it should be retyped.
12. Information can be provided at the school with a member of staff on hand to help and explain matters if requested, or provided at face to face handover. The views of the applicant should be taken into account when considering the method of delivery. If postal systems have to be used then registered/recorded mail must be used.

Complaints

Complaints about the above procedures should be made to the Chairperson of the TAS Advisory Board who will decide whether it is appropriate for the complaint to be dealt with in accordance with the school's complaint procedure.

Complaints which are not appropriate to be dealt with through the school's complaint procedure can be dealt with by the Information Commissioner. Contact details of both will be provided with the disclosure information.