

**DATA PROTECTION POLICY**

**VISION**

Our central belief is that everyone is a learner and everyone is a teacher.

# PURPOSE

At The Bourne Academy we develop literate, numerate global citizens who ASPIRE:

**A**mbitious, **S**elf-confident, **P**hysically Literate, **I**ndependent Learners, **R**esilient, **E**motionally Literate

# RATIONALE

## General Statement of the Academy’s Duties

The Academy is required to process relevant personal data regarding staff, students and their parents and carers 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 staff, students, parents or carers includes current, past or prospective staff, students, parents or carers.

# PROCEDURES

## Data Protection Controller

The Academy has appointed the Business Director (responsible for communications) as Data Protection Controller (DPC) and he / she will endeavour to ensure that all personal data is processed in accordance with this policy and the eight principles of the Data Protection Act 1998.

## The Principles

The Academy shall, so far as is reasonably practicable, comply with the Data Protection Principles (‘the Principles’) contained in the Data Protection Act to ensure 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 necessary
* Processed in accordance with the data subject’s rights
* Kept securely
* Not transferred to other countries without adequate protection
* Processed in accordance with rights of data subjects

## Personal Data

Personal data covers both facts and opinions about an individual. The Academy may process a wide range of personal data of staff, students and their parents or carers 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 Academy to undertake its obligations to students and their parents or carers or in respect of staff for the performance of the contract of employment. 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 this Policy.

## Purposes for which Data may be Processed

Personal data (including sensitive personal data, where appropriate) is processed by the Academy strictly in accordance with the Data Protection Act in order to:

* Support its students’ teaching and learning
* Monitor and report on their progress
* Publish examination results
* Provide appropriate pastoral care
* Assess how well the Academy as a whole is doing
* Communicate with staff, students, parents and carers
* Monitor students' email communications and internet use for the purpose of ensuring compliance with the Academy Rules and policies
* Where appropriate, promote the Academy to prospective students, parents and carers

(including through the Academy's prospectus, marketing materials and website)

* Undertake other reasonable purposes relating to the operation of the Academy, such as fundraising or maintaining relationships with parents and staff.

## Sensitive Personal Data

The Academy may, from time to time, be required to process sensitive personal data regarding a member of staff, a student or their parents or carers. 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 Academy, 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 Academy. Any individual wishing to access their personal data should put their request in writing to the DPC. The Academy will endeavor to respond to any request as soon as is reasonably practicable and in any event within 40 days for access to records and 21 days to provide a reply to an access to information request. (Please note that the Academy would charge an administration fee of £10 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, information which the Academy reasonably believes is likely to cause damage or distress, or any information which is subject to legal professional privilege.

The Academy will also treat as confidential any reference given by the Academy for the purpose of the education, training or employment, or prospective education, training or employment of any member of staff or student. The Academy acknowledges that an individual may have the right to access a reference relating to them received by the Academy. 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.

## Individuals’ Rights

The rights under the Data Protection Act are the individual’s to whom the data relates. In respect of students, the Academy will, in most cases, rely on parental consent to process data unless, given the nature of the processing in question and the students age and understanding, it is unreasonable in all the circumstances to rely on the parent’s consent. Parents should be aware that in such situations they may not be consulted.

The Academy will only grant the student direct access to their personal data, if in the Academy’s reasonable belief, the student understands the nature of the request.

Students agree that the Academy may disclose their personal data to their parents or carer.

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 or carer, the Academy 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 Academy believes disclosures will be in the best interests of the student or other students, or where there may be an implication of a criminal act.

## Exemptions

Certain data is exempted from the provisions of the Data Protection Act which includes 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 Academy

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

1. Give a confidential reference relating to a student to any educational institution which it is proposed that the student may attend
2. Publish the results of public examinations or other achievements of students of the Academy
3. Disclose details of a member of staff or a student’s medical condition where it is in the individual’s interests to do so, for example for medical advice, insurance purposes or to organisers of Academy trips.

Where the Academy receives a disclosure request from a third party it will take reasonable steps to verify the identity of that party before making any disclosure.

## Use of Personal Information by the Academy

The Academy will, from time to time, make use of personal data relating to staff, students or their parents or carers in the following ways. Any person wishing to limit or object to any such use should notify the DPC in writing.

* To make use of photographic images in Academy publications and on the Academy website.

However, the Academy will not include the names with any published photographs of individual members of staff or students on the Academy website without the express agreement of the appropriate individual.

* For fundraising, marketing or promotional purposes and to maintain relationships with staff and students of the Academy, including transferring information to any association, society or club set up for the purpose of establishing or maintaining contact with staff and students for fundraising, marketing or promotional purposes.

## Accuracy

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

## Security

The Academy will take reasonable steps to ensure that, in respect of students, members of staff will only have access to personal data relating to students, their parents or carers where it is necessary for them to do so. In respect of members of staff, only those who require access to personal data for the purpose of carrying out their job, such as the payroll and HR departments, will have necessary access.

All staff 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 that the Academy has not complied with this Policy or acted otherwise than in accordance with the Data Protection Act, they are asked first to contact the DPC. If they wish to take it further, they should ask for sight of the Academy’s Complaints Procedure.

***Data Protection Policy created by Business Director - 18.12.13***

***Agreed and signed by Principal and Board of Governors on March 2014***

### Next Review Date: March 2018