

ROSE HILL SCHOOL

ROYAL TUNBRIDGE WELLS

DATA PROTECTION POLICY (including Data Retention Policy) *Spring 2006*

AIMS

The School is required to process relevant personal data regarding pupils and their parents and 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.

IMPLEMENTATION

The School 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
- 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 of pupils, their parents or guardians, teachers and other staff and governors 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 or 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 this policy.

SENSITIVE PERSONAL DATA

The School may, from time to time, be required to process sensitive personal data regarding a pupil or their parents or 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. Individuals wishing to access their personal data should put their requests in writing to the DPC. The School will endeavour to respond to any such written request as soon as is reasonably practicable and in any event will respond, within 40 days for access to records and 21 days to provide a reply to an access to information request. Where the request is deemed to be sensitive or contentious, it may be referred to the governing body.

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 School reasonably believes is likely to cause damage or distress, or information which is subject to legal professional privilege. The School is also not required to disclose any pupil examination scripts.

The School will also treat as confidential any reference given by the School for the purpose of the education, training or employment, or prospective education, training or employment of any pupil. 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 notwithstanding this, the referee has given consent; or if disclosure is reasonable in all the circumstances.

WHOSE RIGHTS?

The rights under the Data Protection Act are the individual's to whom the data relates. The School will, however, in most cases 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 in all the circumstances to rely on the parents' consent. Parents should be aware that they may not be consulted in such situations.

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.

Pupils agree that the School may disclose their personal data to their parents or guardians.

Where a pupil seeks to raise concerns confidentially with a member of staff and expressly withholds agreement to personal data being disclosed to parents or guardians, the School will maintain confidentiality unless it has reasonable grounds to believe that the pupil does not fully understand the consequences of withholding their consent, or where the School believes disclosure will be in the best interests of the pupil or other pupils.

EXEMPTIONS

Certain data relating to the following are exempted from the provisions of the Data Protection Act:

- 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

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 confirms that it will not generally disclose information unless the individual has given consent or one of the specific exemptions under the Data Protection Act applies. However, 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 in the pupil's interests to do so, for example for medical advice, insurance purposes or to organisers of school trips.

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

USE OF PERSONAL INFORMATION BY THE SCHOOL

The School will, from time to time, make use of personal data relating to pupils, or their parents or guardians in the following ways. Should you wish to limit or object to any such use, please notify the DPC in writing.

- a) To make use of photographic images of pupils in School publications and on the School website. However, the School will not publish photographs of individual pupils with their names on the School website without the express agreement of the appropriate individual.
- b) For fundraising, marketing or promotional purposes and to maintain relationships with pupils of the School, including transferring information to any association society or club set up for the purpose of establishing or maintaining contact with pupils or for fundraising, marketing or promotional purposes.

ACCURACY

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

SECURITY

The School will take reasonable steps to ensure that members of staff will only have access to personal data relating to pupils, their parents or guardians where it is necessary for them to do so. All staff will be made aware of this policy and their duties under the Data Protection Act. The School will ensure that all personal information is held securely and is not accessible to unauthorised persons.

ENFORCEMENT

Individuals who believe that the School has not complied with this policy or acted otherwise than in accordance with the Data Protection Act, should utilise the School complaints procedure and should also notify the DPC.

DATA PROTECTION CONTROLLER

The School has appointed the Bursar as Data Protection Controller (DPC), who will endeavour to ensure that all personal data is processed in compliance with this policy and the principles of the Data Protection Act 1998.

MONITORING AND EVALUATION

This is the responsibility of the Data Protection Controller in liaison with the Management Team.

DATA RETENTION POLICY

Rose Hill School holds a great deal of information, much of which is confidential. This may be information about:

- ❑ our pupils
- ❑ our pupils' parents, or guardians
- ❑ our teachers and other staff
- ❑ our governors

The following retention schedule is in operation. This lays down the length of time a record needs to be retained, after which it will be destroyed. Time scales are based on local Government guidelines.

PUPILS	Pupils' academic records, reports and IEPs	DOB of pupil + 25 years
	Pupils attendance registers	Date of register + 3 years
	Pupils admissions registers	Date of last entry + 6 years
	Pupil files	Transfer to secondary school
	Statements of Special Needs	DOB + 30 years
	Pupils work	Current year + 1 year
PERSONNEL	Staff Personal Files	Termination of employment + 7 years
	Interview notes	Date of interview + 6 months
	Pre-employment vetting	Date of check + 6 months
	Disciplinary proceedings	As specified in Staff Handbook (contract)
	Appraisal	Current year + 5 years
HEALTH & SAFETY	Accident reporting: Adults Children	Current year + 3 years DOB + 25 years
	Incident reports	Current year + 20 years
	Policy	Date of expiry + 1 year
	Fire Log Books	Current year + 6 years
	Risk Assessments	Current year + 3 years
MANAGEMENT	MT Minutes	Date of meeting + 5 years
	School Development Plan	Closure + 6 years
GOVERNORS	Minutes of meetings (principal set)	Permanent
	Agendas	Date of meeting
CURRICULUM	Timetable Syllabus Mark books Pupils work* *It may be appropriate to allocate a new retention period in certain cases	Current year + 1 year
GENERAL	School Prospectus	Current year + 3 years
	Newsletters	Current year + 1 year
	Visitors Book	Current year + 2 years

FINANCE	<u>Payroll</u> PAYE & NI Returns P14/P60's Monthly Payroll records Updates to payroll date Pension Returns Annual NI ^ PAYE Returns. P35, P11D's	CURRENT YEAR + 6 YEARS
	Invoices	Current year + 6 years
	Bank Statements	Current year + 6 years
	Cheque Books	Current year + 6 years
	Bank Reconciliations	Current year + 6 years
	Fee Invoices	Current year + 6 years
	Returnable deposits	Current year and until child leaves school
	Direct debits	Current year + 1 year
	Contracts	Until expiry + 6 years
	Budgets	Current year + 2 years
	Budget preparation	Current year + 2 years
	Petty Cash records	Permanent
	<u>Property</u> Title Deeds Plans Leases	Permanent Permanent End of lease + 3 years
	OFSTED Reports	25 years
	DfES Returns	Current + 6 years