

POLICY ON PERSONAL INFORMATION

Non-Statutory Policy - Annual Review

GOVERNORS' FINANCE, RESOURCES & PERSONNEL COMMITTEE

Date next due for review by committee	Reviewed by committee	Any Changes YES/NO	Approved by Full Governors/Committee
			2 March 2010
	20 March 13	No	N/A
March 2015	3 March 15	No	N/A
March 2019	13 March 18	Yes – in line with GDPR	13 March 2018 (committee approved)
March 2019			

POLICY ON PERSONAL INFORMATION

1. Introduction

- 1.1. Magdalen College School will process personal data (which may be held on paper, electronically, or otherwise) about our staff, pupils, parents, volunteers and contractors and we recognise the need to treat it in an appropriate and lawful manner, in accordance with the Data Protection Act 1998 (DPA) and the General Data Protection Regulations (GDPR) 2018. The purpose of this policy is to make you aware of how we will handle your personal data.
- 1.2. Data users are obliged to comply with this policy when processing personal data on our behalf. Any breach of this policy may result in disciplinary action.
- 1.3. The Academy Trust as Data Controller is responsible for ensuring compliance with the DPA / GDPR and this policy. Any questions about the operation of this policy or any concerns that the policy has not been followed should be referred in the first instance to the Data Protection Officer: dpo@magdalen.northants.sch.uk

2. Definitions

- 2.1. Data is information which is stored electronically, on a computer, on storage devices or in certain paper-based filing systems (e.g personnel / student files).
- 2.2. Data subjects for the purpose of this policy include all living individuals about whom we hold personal data. All data subjects have legal rights in relation to their personal information.
- 2.3. Personal data means data relating to a living individual who can be identified from that data (or from that data and other information in our possession). Personal data can be factual (for example, a name and address or date of birth) or it can be an opinion about that person, their actions and behaviour.
- 2.4. Data controllers are the people who or organisations which determine the purposes for which, and the manner in which, any personal data is processed. They are responsible for establishing practices and policies in line with the DPA / GDPR.
- 2.5. Data users are those of our employees whose work involves processing personal data. Data users must protect the data they handle in accordance with this data protection policy and any applicable data security procedures at all times.
- 2.6. Data processors include any person or organisation that is not a data user that processes personal data on our behalf and on our instructions.
- 2.7. Processing is any activity that involves the use of the data. It includes obtaining, recording or holding the data, or carrying out any operation or set of operations on the data including organising, amending, retrieving, using, disclosing, erasing or destroying it. Processing also includes transferring data to third parties.

- 2.8. Special category data can be sensitive personal information including information about a person's racial or ethnic origin, political opinions, religious or similar beliefs, trade union membership, physical or mental health, sexual life, sexual orientation or biometric data. Special category data can only be processed under strict conditions.

3. Data Protection Principles

- 3.1. Anyone processing personal data must comply with the enforceable principles of good practice. These provide that personal data must be:
 - a) Processed fairly and lawfully.
 - b) Collected for specified, explicit and legitimate purposes
 - c) Adequate, relevant and not excessive for the purpose.
 - d) Accurate.
 - e) Not kept longer than necessary for the purpose.
 - f) Secure.

4. Obtaining Information

- 4.1. We will process data for legal, personnel, administrative and management purposes and to enable us to meet our legal obligations as a provider of education and an employer, for example to provide an appropriate education, assess pupil progress and performance, pay staff, monitor staff performance and to confer benefits in connection with employment.
- 4.2. We may process special category data relating including, as appropriate:
 - a) information about physical or mental health or condition in order to support pupil progress and achievement or monitor staff sick leave and take decisions as to the employee's fitness for work;
 - b) Racial or ethnic origin or religious or similar information in order to monitor compliance with equal opportunities legislation;
 - c) in order to comply with legal requirements and obligations to third parties.

5. Purposes of Information and Length of Time Retained

- 5.1. Personal data will be held as indicated in Appendix 1. We will not keep personal data longer than necessary for the purpose or purposes for which they were collected. We will take all reasonable steps to destroy or erase from our systems, all data which is no longer required. Only minimal data is kept for confirmation of attendance / employment requirements.
- 5.2. The Academy Trust will state the purposes for which it holds personal information, and will register with the Data Protection Commissioner all the purposes for which it processes personal data.

6. Nature of Information

- 6.1. We will only collect personal data to the extent that it is required for the specific purpose notified to the data subject.
- 6.2. We will ensure that personal data we hold is accurate and kept up to date. We will check the accuracy of any personal data at the point of collection and at regular intervals afterwards. We will take all reasonable steps to destroy or amend inaccurate or out-of-date data.

7. Disclosure of Information

- 7.1. Personal data will be used only for the purpose for which it was gathered, unless the consent of the people concerned has been obtained to a new or varied use.
- 7.2. Routine disclosures will be specified on the school's own Data Protection publication scheme (Privacy Notice).
- 7.3. In other cases the explicit consent of the data subject will be obtained in writing. Confirmation of consent by telephone is acceptable if a written request has been received which implies the consent of the data subject.
- 7.4. Access to personal data will be refused if the data user is uncertain whether the person requesting access, including another member of staff, is entitled to it.

8. Access to Personal Files

- 8.1. Pupils, parents, staff, visitors and contractors are entitled to know if the Trust holds information about them and may make a formal written request for information we hold about them addressed to Data Protection Officer.
- 8.2. Requests for access to personal data will be dealt with within 30 days of receipt of sufficient information to process the request.

9. Standards of Security

- 9.1. The School will determine and maintain an appropriate level of security (and back – up) for its premises, equipment, network, programs, data and documentation, and will ensure that access to them is restricted to appropriate staff. Personal data will only be transferred to a data processor if they agree to comply with those procedures and policies, or if they put in place adequate measures.

10. Training

- 10.1. All new and existing employees who handle personal data will receive training on data protection procedures, which includes information about the standards the School expects its employees to observe in the use of personal data.

11. References

11.1. The Trust will comply with DfE guidance on references as amended from time to time in particular in relation to safeguarding children and safer recruitment in education.

12. Review of Policy

12.1. This policy shall be reviewed as necessary. We reserve the right to change this policy at any time. Where appropriate, we will notify data subjects of those changes by mail, email, social media or website.

Appendix 1 A– Retention of Documents on Pupil Records

This schedule lists the principal documents held on a pupils file record. The list is not, however, exhaustive and other documents relating to their education whilst with us may be held. Files will be held for the length of time of date of birth + 25 years at which time they will be securely disposed of. Documents relating to child protection or accidents may be held indefinitely and the parents / carers will be advised of this.

Document	Period of retention
Admissions – unsuccessful application	Application date + 1 year
Admissions – successful application	Transfers to pupil file
Pupil Records - Paper	Date of Birth + 25 years
Pupil Records – Paper – Pupils that leave before the end of year 11	Transferred to new education provider
Pupil Records - Electronic	Date of Birth + 25 years
Pupil Record – Electronic – minimal data to confirm attendance	Indefinitely
Examination / assessment data	Added to pupil record
Special Education Needs Data	Added to pupil record
Child Protection Information	25 years from date of incident
Attendance Data	Added to pupil record
Correspondence relating to absence	Added to pupil record
Health Related Data	Added to pupil record
Free School Meal Register	Current year + 6 years
Parental consent forms for school trips – No incidents	Conclusion of trip
Parental consent forms for school trips – Serious incident	Date of birth + 25 years

Appendix 1 B– Retention of Documents on Personnel Files

This schedule lists the principal documents held on an employee's file. The list is not, however, exhaustive and other documents relating to employment may be held. Personnel files will be held for the length of employment + 6 years at which time they will be shredded. Documents relating to child protection or accidents at work may be held indefinitely and the employee will be advised of this.

Document	Period of retention
Original job application form – Unsuccessful applicant	6 months from date of application
Original job application form – successful applicant	Transfer to staff file
Anonymous Equality and Diversity Monitoring – all applicants	6 months from date of application
Two original references – unsuccessful applicant	6 months from date of application
Two original references – successful applicant	Transfer to staff file
Staff File – paper	Termination + 6 years
Staff File – Electronic	Termination + 6 years
Staff Details – Electronic - minimal data to confirm employment	Indefinitely
Copy of Contract of employment and any variation letters or side letters (e.g tenancy/licence document)	Transfer to staff file
Original contract acceptance	Transfer to staff file
Confirmation of pre-employment medical check clearance	Transfer to staff file
Confirmation of DBS outcome and any associated docs (e.g risk assessment)	Transfer to staff file
Barred list clearance	Transfer to staff file
Prohibition check	Transfer to staff file
Copies of documents used for identity authentication for DBS and Asylum and Immigration Act purposes	Transfer to staff file
Copies of qualifications certificates relevant to employment	Transfer to staff file
Formal disciplinary warnings – child protection related	Indefinitely
Formal disciplinary warnings – not child protection related	In accordance with the school's policy
Staff induction including NQTs Induction	Transfer to staff file
UK Border Agency Documentation (Work permit)	Transfer to staff file
Letter of resignation and acceptance of resignation or other documentation relating to the termination of employment.	Transfer to staff file
Exit interview notes	Transfer to staff file
Salary assessment forms - teachers	Transfer to staff file
Time sheets	Transfer to staff file
Appraisal information	Transfer to staff file
NQT – Satisfactory completion of skills tests.	Transfer to staff file
Medical certificates/ Occupational Health reports and sickness absence record	Transfer to staff file
Other special leave of absence including parental leave, maternity leave	Transfer to staff file
Staff Record – minimal data to confirm employment	Indefinitely
Records relating to accident/injury at work	Transfer to staff File. In the case of serious accidents a further retention period will need to be applied
Contact Details and DBS clearance numbers – volunteers / contractors	Project termination + 3 months