



FREEDOM OF INFORMATION & DATA PROTECTION POLICY

Approved and signed by the Board of Trustees 18/5/17

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1. PURPOSE

The purpose of this policy and procedure is to ensure compliance of Discovery Multi Academy Trust (“the MAT”) with all its obligations as set out in the Data Protection and Freedom of Information legislation.

2. DATA CONTROLLER

The MAT is the Data Controller as defined in the Data Protection Act 1998

3. NOTIFICATION WITH THE INFORMATION COMMISSIONER’S OFFICE (ICO)

The MAT notified the ICO, when it was established, using the online form:

<https://ico.org.uk/registration/new>

The MAT used the ICO template (N934) for an Academy.

The MAT will renew the registration annually. In addition, if the MAT introduces new purposes for processing personal information, such as the installation of CCTV, then it will notify the ICO, by email at notification.ico.gsi.gov.uk, requesting that the new purpose be included in the registration.

4. DEFINITIONS

Personal data is information that relates to an identifiable living individual that is processed as data. Processing means collecting, using, disclosing, retaining or disposing of information. The data protection principles apply to all information held electronically or in structured files that tells you something about an identifiable living individual. The principles also extend to all information in education records. Examples would names of staff and pupils, dates of birth, addresses, national insurance numbers, school marks, medical information, exam results, SEN assessments and staff development reviews.

Sensitive personal data is information that relates to race and ethnicity, political opinions, religious beliefs, membership of trade unions, physical or mental health, sexuality and criminal offences. There are greater legal restrictions on processing sensitive personal data than there are on personal data.

5. DATA PROTECTION PRINCIPLES

The eight core principles of the Data Protection Act (DPA) are enshrined in this policy, and form the basis for the MAT’s commitment that personal data:

- Is processed fairly and lawfully;
- Is obtained only for lawful purposes, and is not further used in any manner incompatible with those original purposes;

- Is accurate and where necessary, kept up to date;
- Is adequate, relevant and not excessive in relation to the purposes for which it is processed;
- Is not kept for longer than is necessary for those purposes;
- Is processed in accordance with the rights of data subjects under the DPA;
- Is protected by appropriate technical and organisational measures against unauthorised or unlawful processing against accidental loss, destruction or damage; and
- Is not transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection of the personal information.

6. FAIR PROCESSING

The MAT is committed to being clear and transparent about what type of personal information we hold and how it is used. The following 'Privacy Notice for Pupil and their Parents and Carers' will be published on the MAT website.

7. PRIVACY NOTICE FOR PUPILS AND THEIR PARENTS AND CARERS

Why do we collect information?

The MAT collects information about our pupils and holds this personal data so that we can:

- Support each pupil's learning;
- Monitor and report on each pupil's progress;
- Provide appropriate pastoral care and other support to each of our pupils; and
- Assess how well each pupil is doing and report on that to parents and carers.

What type of information do we collect?

- The information will include: personal data such as name and date of birth as well as contact details, educational performance assessments, attendance information and pastoral information. It will also include sensitive personal data such as: ethnicity, special educational needs, behavioural incidents and medical information that will help us to support each pupil's education and wider welfare needs.
- We will also hold personal information about parents and carers so that we can get hold of you routinely or in an emergency.
- Where CCTV is used on MAT premises, this will only be for general security purposes in order to protect the pupils and staff of the MAT.
- Pupil photographs may be included, as part of their personal data and this will be treated with the same level of confidentiality as all other personal data. Photographic images of pupils used in publicly available media such as websites or newsletters will not identify pupils unless parental permission has been given in advance.

Do we share this information with anyone else?

We do not share any of this data with any other organisation without your permission except where the law requires it. We are required to provide pupil data to central government through the Department for Education (DfE) and the Education Funding Agency (EFA). Where it is necessary to protect a child, the MAT will also share data with the Local Authority Children's Social Services and/or the Police.

Can we see the personal data that you hold about our child?

All pupils have a right to have a copy of the personal information held about them. As our pupils are of primary school age, a request for a copy of the personal information has to be made by a parent or carer in writing. The only circumstances under which the information would be withheld would be if there was a child protection risk, specifically:

- The information might cause serious harm to the physical or mental health of the pupil or another individual;
- Where disclosure would reveal a child is at risk of abuse;
- Information contained in adoption or parental order records;
- Information given to a court in proceedings under the Magistrate's Courts (Children and Young Persons) Rules 1992; and
- Copies of examination scripts.

If you require a printed copy of the personal data then the MAT will charge the actual cost of providing the copy up to a maximum of a £10 charge. To protect each child's right of confidentiality under law the MAT reserves the right to check the identity of a person making a request for information on a child's behalf. Once an identity check has been completed and any due fee paid, the information will be collected and provided within 40 calendar days.

Can we see our child's educational record?

All parents and carers are also entitled to a copy of their child's educational record. A request must be made in writing to the Board of Trustees. The educational record includes curriculum, assessment, pastoral and behavioural information that has been stored by the academy. Only information that has come from a teacher or an employee of the MAT or an educational professional contracted by the MAT can be considered to form part of the educational record.

The MAT will charge a fee to provide an actual copy of the educational record but this will not be greater than the actual cost of reproducing the information. Once any fee has been received, the MAT will respond to the request within 15 school days (21 calendar days excluding any public or school holidays).

8. INFORMATION SECURITY

Objective

The information security objective is to ensure that the MAT's information base is protected against identified risks so that it may continue to deliver its services and obligations to the community. It also seeks to ensure that any security incidents have a minimal effect on its business and academic operations.

Responsibilities

The Chief Executive Officer (CEO) has direct responsibility for maintaining the Information Security policy and for ensuring that the staff of the MAT adhere to it.

General Security

It is important that unauthorised persons are not permitted access to MAT information and that we protect against theft of both equipment and information. This means that we must pay attention to protecting our buildings against unauthorised access. Staff must:

- Not reveal pin numbers or building entry codes to people you do not know or who cannot prove themselves to be employees;
- Beware of people tailgating you into the building or through a security door;
- If you don't know who someone is and they are not wearing some form of identification, ask them why they are in the building;
- Not position screens on reception desks where members of the public could see them;
- Lock secure areas when you are not in the office;
- Not let anyone remove equipment or records unless you are certain who they are;
- Visitors and contractors in MAT buildings should always be in the visitors' book and be issued with a visitors' badge.

Security of Electronic data

Most of our data and information is collected, processed, stored, analysed and reported electronically. It is essential that our systems, hardware, software and data files are kept secure from damage and unauthorised access. MAT staff must:

- Prevent access to unauthorised people and to those who don't know how to use an item of software properly. It could result in loss of information;
- Keep suppliers' CDs containing software safe and locked away. Always label CDs so you do not lose them in case they need to be reloaded;
- When we buy a licence for software, it usually only covers a certain number of machines. Make sure that you do not exceed this number, as you will be breaking the terms of the contract.

Passwords are a critical element of electronic information security. All staff must manage their passwords in a responsible fashion:

- Don't write it down;
- Don't give anyone your password;

- Your password should be at least 8 characters;
- Your password should be something that you can remember but not anything obvious, or anything that people could easily guess such as your name;
- You can be held responsible for any malicious acts by anyone to whom you have given your password;
- Include numbers as well as letters in the password
- Take care that no one can see you type in your password
- Change your password regularly, and certainly when prompted. Also change it if you think that someone may know what it is.

Many database systems, particularly those containing personal data, should only allow a level of access appropriate to each staff member. The level may change over time.

Use of Email and Internet

The use of the MAT's email system and wider internet use is for the professional work of the MAT. Reasonable personal use of the system in a staff's own time is permitted but professional standards of conduct and compliance with the MAT's wider policies are a requirement whenever the email or internet system is being used. The MAT uses a filtered and monitored broadband service to protect our pupils. Deliberate attempt to access websites that contain unlawful, pornographic, offensive or gambling content are strictly prohibited. Staff discovering such sites on the system must report this to their line manager immediately. The CEO will ensure that the sites are reported to the broadband provider for filtering.

- To avoid a computer virus arriving over the Internet, do not open any flashing boxes or visit personal websites;
- Do not send highly confidential or sensitive personal information via email;
- Save important emails straight away
- Unimportant emails should be deleted straight away;
- Do not send information by email, which breaches the DPA. Do not write anything in an email which could be considered inaccurate or offensive, or cannot be substantiated.

Electronic Hardware

- All hardware held within the MAT should be included on the asset register;
- When an item is replaced, the register should be updated with the new equipment removed or replaced;
- Do not let anyone remove equipment unless you are sure that they are authorised to do so;
- In non-secure areas, consider using clamps or other security devices to secure laptops and other portable equipment to desktops.

Homeworking Guidance

If staff must work outside of the MAT or at home, all of the 'Information Security' principles still apply. However, working outside of the MAT presents increased risks for securing information. The following additional requirements apply:

- Do not access confidential information when you are in a public place, such as a train, and may be overlooked
- Do not have conversations about personal or confidential information on your mobile when in a public place. Ensure that, if urgent, you have your conversation in a separate room or away from other people;
- If you use a laptop, tablet or smartphone:
 - Ensure that it is locked and password protected to prevent unauthorised access
 - Make sure that you don't leave your device anywhere it could be stolen. Keep it with you at all times and secure it when you are in the workplace
 - Any portable device or memory stick that contains personal data must be encrypted. Personal data may not be taken off the MAT's site or put onto a portable device without the express permission of the CEO. Taking personal data offsite on a device or media that is not encrypted would be a disciplinary matter
 - When working on confidential documents at home do not leave them lying around where others may see them; dispose of the documents using a shredder
 - If you are using your own computer, ensure that others cannot access documents. When you have completed working on them, transfer them back onto the MAT's system and delete them from your computer. It is forbidden to use a computer owned by you to hold personal data about pupils or staff at the MAT.

Audit of Data Access

Where possible our software specifications will include the function to audit confidential data and attribute access, including breaches of security, to specific users.

Data Backup

The MAT will arrange that all critical and personal data is backed up to a secure online (off physical site) storage. If the MAT is physically damaged, critical data backups will allow the MAT to continue its business at another location with secure data.

Data backup should routinely be managed on a rolling daily process to secure off-site areas.

9. DISPOSAL OF INFORMATION

Paper records should be disposed of with care. If papers contain confidential or sensitive information then shred them before disposing of them. Particular care must be taken when selecting papers to be placed in a recycling bin.

Computers and hardware to be disposed of must be completely 'cleaned' before disposal. It is not enough to just delete all the files.

It cannot be assumed that simply deleting a file will prevent it being recovered from electronic media. Electronic memory containing personal information or sensitive personal information must be electronically scrubbed or physically destroyed.

Where a third party contractor holds personal information on behalf of the academy, for example a payroll provider, the MAT will seek reassurance from the contractors regarding their data protection policies and procedures.

10. SUBJECT ACCESS REQUESTS

Requests from parents or pupils for access to personal data or educational records will be dealt with as described in the Privacy Notice for Pupils and their Parents and Carers.

MAT staff may have access to their personal data within 40 calendar days of a request and at no charge.

The MAT will maintain a documented record of all requests for personal information with details of who dealt with the request, what information was provided and when, and any outcomes. The record will be used if there is a subsequent complaint in relation to the request.

11. SHARING PERSONAL INFORMATION

The MAT only shares personal information with other organisations where there is a legal requirement to do so or the organisation has been contracted by the MAT to carry out a function of the MAT.

The MAT is required, by example, to share information with the Department for Education and the Education Funding Agency. Under certain circumstances, such as child protection, we may also be required to share information with the Children's Social Services or the police.

Because our pupils are of primary school age, their own right to access their own personal information held by the MAT will be exercised through their parents or carers.

The CEO will be responsible for authorising the sharing of data with another organisation. The CEO, in authorising the sharing of data will take account of:

- Whether it is lawful to share it;
- Whether there is adequate security in place to protect the information while it is being transferred and then held the other organisation

If personal data is sent by email then security will be threatened. You may need to check that the recipient's arrangements are secure enough before sending the message. The data may also need to be password protected and the password sent separately. You should also check that it is going to the correct email address.

Circular emails sent to parents and carers should be sent bcc (blind carbon copy) to ensure that the email addresses are not disclosed to everyone.

If confidential personal data is provided by paper copy it is equally important to ensure it reaches the intended recipient in a sealed envelope, clearly marked as 'private and confidential'.

12. WEBSITES

The MAT website and each academy's website are used to provide important information for parents and carers. Where personal information, including images, are placed on the website, the following principles will apply:

- We will not disclose personal information (including photos) on a website without the consent of the pupil, parent, member of staff or Board Member as appropriate;
- We will comply with regulations regarding cookies and consent for their use;
- Our website design specifications will take account of the principles of data protection.

13. CCTV

If the MAT uses CCTV this will be notified to the Information Commissioners Office along with the purpose of capturing images using CCTV. The MAT appreciates that images are captured on CCTV constitute personal information under the DPA.

14. PHOTOGRAPHS

The MAT may use photographs of pupils or staff taken for inclusion in the MAT's website, newsletters or other publications without further specific content being sought.

Images recorded by parents and carers using their own personal equipment of their child in a school play or activity for their own family use are not covered by data protection law.

All other uses by the MAT of photographic images are subject to data protection.

15. PROCESSING BY OTHERS

The MAT remains responsible for the protection of data that is processed by another organisation on its behalf. As part of a contract of engagement, other organisations that process data on behalf of the MAT will have to specify how they will ensure compliance with data protection law.

16. TRAINING

The CEO will ensure that all staff are adequately trained to understand their responsibilities in relation to this policy and procedures.

17. FREEDOM OF INFORMATION PUBLICATION SCHEME

In line with the Freedom of Information Act, the MAT will provide the following Approved Publication Scheme on our website, as outlined by the Information Commissioning Office.

*the actual cost incurred by the MAT

18. CHARGES

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

Material which is published and accessed on the MAT website or any of the academy websites will be provided free of charge.

Charges may be made for actual disbursements incurred such as:

- Photocopying
- Postage and packaging
- The costs directly incurred as a result of viewing information

Charges may also be made for making datasets (or parts of datasets) that are relevant copyright works available for re-use. These charges will be in accordance with the terms of the Re-use of Public Sector Information Regulations 2015, where they apply, or with regulations made under section 11B of the Freedom of Information Act, or with other statutory powers of the MAT.

If a charge is to be made, confirmation of the payment due will be given before the information is provided. Payment may be requested prior to provision of the information.

Written requests

Information held by the MAT that is not published under the above scheme can be requested in writing, when its provision will be considered in accordance with the provisions of the Freedom of Information Act.

INFORMATION TO BE PUBLISHED	HOW THE INFORMATION CAN BE OBTAINED	COST
Class 1: Who we are and what we do		
Who's who in the MAT	Website	Free
Who's who on the Board of Trustees and the basis of their appointment	Website	Free
Articles of Association/Funding Agreement	Website/hard copy	Free
Contact details for the CEO – telephone number and email address	Website	Free
MAT Structure	Website	Free
Class 2: What we spend and how we spend it		
(Financial information relating to the projected and actual income and expenditure, procurement, contracts and financial audit)		
Annual budget plan and financial statements	Hard copy	Free
Capitalised funding	Hard copy	Free
Procurement and projects	Hard copy	Free
Pay policy	Website	Free
Staffing and grading structure	Hard copy	Free
Class 3: What our priorities are and how we are doing		
(Strategies and plans, performance indicators, audits, inspections and reviews)		
Government-supplied performance data	Hard copy	Free
The latest full Ofsted report	Hard copy	Free
MAT Business Plan	Hard copy	Free
Class 4: How we make decisions		
(Decision-making processes and records of decisions – current and previous three years as a minimum)		
Admissions policy/decisions (not individual admissions decisions)	Website	Free
Agenda of meetings for the Local Advisory Boards	Hard copy	10p/sheet
Minutes of meetings (as above) – n.b this will exclude information that is properly regarded as private to the meetings	Hard copy	10p/sheet
Class 5: Our policies and procedures		
(Current written protocols, policies and procedures for delivering our services and responsibilities. Current information only)		
School policies including:		
Charging and Remissions Policy	Website (tbd)	Free
Health and Safety Policy	Hard copy	Free
Complaints Policy & Procedure	Website/hard copy	Free
Staff Conduct Policy	Hard copy	Free
Discipline and Grievance Policies	Hard copy	Free
Home-school Agreement	Website	Free
Curriculum	Website	Free
Sex Education	Website	Free
Special Educational Needs	Website	Free
Accessibility	Website	Free
Behaviour	Website	Free
Collective Worship	Website	Free
Records management and personal data policies include: Information security policy Data protection and Freedom of Information Policy E-Safety Policy	Website	Free
Class 6 – Lists and Registers		

(Currently maintained lists and registers only)		
Curriculum updates	Website/newsletters	Free
Any information the MAT is currently legally required to hold in publically available registers (THIS DOES NOT INCLUDE THE ATTENDANCE REGISTER)	Hard copy	10p/sheet
Class 7 – The services we offer		
(Information about the services we offer, including leaflets, guidance and newsletters produced for the public and businesses. Current information only)		
Extra-curricular activities	Website/newsletters	Free
Out of school clubs	Website/newsletters	Free
Services for which the MAT is entitled to recover a fee, together with those fees	Hard copy	10p/sheet
Leaflets, books and newsletters	Website/school office	Free
Additional information This will provide the MAT with the opportunity to publish information that is not itemised in the list above	-	-
Schedule of Charges		
Type of Charge	Description	Basis of Charge
Disbursement cost	Photocopying/printing at 10p per sheet (black and white)	Actual cost*
	Postage	Actual cost of Royal Mail standard 2 nd class