

DATA PROTECTION POLICY



HARROW
SCHOOL

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1. Introduction

Harrow School (the School) is fully committed to compliance with the requirements of the Data Protection Act 1998 (the Act). The School will therefore follow procedures that aim to ensure that all employees, contractors, agents, consultants, partners or other members of the School who have access to any personal data held by or on behalf of the School, are fully aware of and abide by their duties and responsibilities under the Act. For the purposes of the Act, the School is the “data controller” of personal data about pupils and their parents and/or guardians (your personal data).

2. Statement of Policy

In order to operate safely and efficiently, the School has to collect and use personal data about people with whom it works (data subjects). This may include families of boys, boys themselves, members of the public, current, past and prospective employees, clients and customers, and suppliers. In addition, it may be required by law to collect and use personal data in order to comply with the requirements of central government. This personal data must be handled and dealt with properly, however it is collected, recorded and used, and whether it be held on paper or electronically, regardless of media. Processing may include obtaining, recording, holding, disclosing, destroying or otherwise using personal data. In this policy any reference to boys or pupils includes current, past or prospective pupils.

The School regards the lawful and fair treatment of personal data as very important to its successful operations and to maintaining confidence between the School, its pupils, their parents or guardians, staff and those with whom it carries out business. To this end the School fully endorses and adheres to the Principles of Data Protection as set out in the Act.

3. The Principles

The School shall, as far as is reasonably practicable, comply with the eight Data Protection Principles contained within the Act to ensure that all personal data processed by the School is:-

- 1) processed fairly and lawfully;
- 2) obtained for specified purposes and only processed in accordance with those purposes;
- 3) adequate, relevant and not excessive;
- 4) accurate and up-to-date;
- 5) not kept for longer than necessary;
- 6) processed in accordance with the data subject's rights;
- 7) kept secure; and
- 8) transferred outside the European Economic Area only when the country in question ensures an adequate level of protection, and shall adhere to the obligations listed in paragraph 7 of this policy.

4. Personal Data

Personal data covers both facts and opinions about a living individual who can be identified from that data (or from that data and other information in the School's possession). It includes information necessary for employment such as the employee's name and address and details for payment of salary. It may also include information about the employee's health and appraisals at work.

The School may process a wide range of personal data of pupils, their parents or guardians as part of its

operations. This personal data may include (but is not limited to) names and addresses, dates of birth, bank details, academic, disciplinary, admissions and attendance records, references, School reports, examination scripts and marks.

5. 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, their parents or guardians, or staff.

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.

6. Sensitive Personal Data

The School may be required to process sensitive personal data regarding a member of staff or pupil, their parents or guardians. Where sensitive personal data is processed by the School, the explicit consent of the data subject or appropriate representative will generally be required in writing, although there are certain exemptions to this rule.

Sensitive personal data includes:

- medical information;
- racial or ethnic origins;
- political opinions;
- religious or other beliefs;
- offences committed or alleged; and
- proceedings in respect of an offence and the disposal of such proceedings or sentence.

7. Handling of Personal Data

The School will:

- observe in full conditions regarding the fair collection and use of personal data;
- meet its legal obligations to specify the purpose for which personal data is used;
- collect and process appropriate personal data and only to the extent that it is needed to fulfil operational needs or to comply with any legal requirements;
- ensure the quality of personal data used;
- apply retention procedures to determine the length of time personal data is held;
- take appropriate technical and organisational security measures to safeguard personal data;
- ensure that personal data is not transferred abroad without suitable safeguards; and
- ensure that the rights of people about whom the personal data is held can be fully exercised under the Act.

Personal data must be processed in line with data subjects' rights. Data subjects have a right to:

- request access to data about them held by the School (see paragraph 9 of this policy below);
- the right to prevent processing in certain circumstances such as for direct marketing purposes or where the processing is likely to cause damage or distress to themselves or anyone else; and
- the right to ask to have inaccurate data about them amended.

8. Data Protection Officer

The School's Director of IT will be the School's Data Protection Officer. He or she will endeavour to ensure that personal data is processed in compliance with the policy and the principles of the Act. The Data Protection Officer will be supported in this role by the Archivist and Records Manager.

9. Rights of Access to Information

Data subjects have a right of access to personal data about themselves held by the School. Any individuals wishing to access their personal data should put their request in writing to the Data Protection Officer or the Archivist and Records Manager (a 'data subject access request'). The School will endeavour to respond to any such written requests as soon as is reasonably practical. The School is entitled to charge an administration fee of up to £10.00 for providing this information.

A data subject can assist the School in responding to a data subject access request by specifying:

- the format of personal information being requested (e.g. hard copy documents or electronic communications);
- what the personal information relates to (e.g. education, pastoral care etc.); and
- the date or date range of when the personal information was created.

The School will 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 or employee. The School acknowledges that an individual may have the right to access a reference relating to them received by the School. Such a reference will only be disclosed if such disclosure will not identify the source of the reference, where the referee has given their consent, or if disclosure is reasonable in all the circumstances.

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 (or the consent of a guardian) 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 parent's (or guardian's) consent. The School will grant the pupil direct access to their personal data if in the School's reasonable belief the pupil understands the nature of the request. As a general guide, a child aged 12 or older is expected to be mature enough to understand the request they are making. A child may however be mature enough at an earlier age, or may lack sufficient maturity until a later age and all requests will be considered on a case by case basis.

Where a pupil raises a concern confidentially with a member of staff and expressly withholds their agreement to their personal data being disclosed to their parents or guardian, 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.

10. Exemptions

Certain data is exempted from certain provisions of the Data Protection Act, including in connection with or relevant to the following:

- the prevention or detection of crime;
- the assessment or collection of any tax or duty;
- where the processing is necessary to exercise a right or obligation conferred or imposed by law upon the School; and
- references given by the School.

The Data Protection Act contains a number of exemptions when personal data may be withheld, including:

- personal data which might cause serious harm to the physical or mental health of the pupil or another individual;
- cases where the disclosure would reveal a child is at risk of abuse;
- personal data contained in adoption and parental order records;

- personal data given to a court in proceedings under the Magistrates' Courts (Children and Young persons) Rules 1992;
- copies of examination scripts; and
- providing examination marks before they are officially announced.

The School will generally not be required to provide access to personal data held in an unstructured way.

The School is also not required to disclose to any pupil examination scripts.

11. Accuracy

The School will endeavour to ensure that all personal data held in relation to data subjects is accurate. Staff must notify the Personnel Department of any changes to personal data held about them, and pupils and their parents (or guardians) should contact the Pupil Database Manager. An individual has the right to request that inaccurate personal data about them be erased or corrected.

12. Disclosure of Information

The School may receive requests from third parties to disclose personal data it holds about data subjects. The School 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 School does intend to disclose such personal 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 a confidential reference relating to an employee;
- 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; and
- 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.

13. Use of Personal Information by the School

The School will, from time to time, make use of personal data relating to data subjects in the following ways:

- to make use of photographic images of pupils or members of staff in School publications and on the School website; or
- 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 development, fundraising, marketing or promotional purposes.

However, the School will not publish photographs of individuals with their names without the express agreement of the appropriate individual.

Should an individual wish to limit or object to any such use they should notify the Data Protection Officer or the Archivist and Records Manager in writing.

14. Data Protection Responsibilities

Day-to-day responsibility is undertaken by members of support and academic staff. They will endeavour to ensure that all personal data is processed in compliance with the Principles of the Data Protection Act.

In addition, the School will ensure that:

- there is someone with specific responsibility for data protection in the School;
- everyone managing and handling personal data understands that they are contractually responsible for following good data protection practice;
- everyone managing and handling personal data is appropriately trained to do so;
- everyone managing and handling personal data is appropriately supervised;
- anyone wanting to make enquiries about handling personal data, whether a member of staff or a member of the public, knows what to do;
- queries about handling personal data are promptly and courteously dealt with;
- methods of handling personal data are regularly assessed and evaluated;
- performance with handling personal data is regularly assessed and evaluated; and
- data sharing with third parties is carried out under a written agreement, setting out the scope and limits of the sharing. Any disclosure of personal data will be in compliance with approved procedures.

All managers and staff within the School's Departments will take steps to ensure that personal data is kept secure at all times against unauthorised or unlawful loss or disclosure and, in particular, will ensure that:

- paper files and other records or documents containing personal and/or sensitive data are kept in a secure environment;
- personal data held on computers and computer systems is protected by the use of secure passwords, which where possible have forced changes periodically; and
- individual passwords should be such that they are not easily compromised.

All contractors, consultants, partners or other agents of the School must:

- ensure that they and all of their staff who have access to personal data held or processed for or on behalf of the School, are aware of this policy and are fully trained in and are aware of their duties and responsibilities under the Act. Any breach of any provision of the Act will be deemed as being a breach of any contract between the School and that individual, company, partner or firm; and
- provide the School with information about how it processes data held on its behalf (if requested);

All contractors who are users of personal data supplied by the School will be required to confirm that they will abide by the requirements of the Act with regard to information supplied by the School.

15. Providing information over the telephone

Any member of staff dealing with telephone enquiries should be careful about disclosing any personal data held by the School. In particular they should:

- check the caller's identity to make sure that the personal data is only given to a person who is entitled to it;
- suggest that the caller put their request in writing if they are not sure about the caller's identity or where their identity cannot be checked; and
- refer to the School's Data Protection Officer for assistance in difficult situations. No one should be bullied into disclosing personal data.

16. Enforcement

If an individual believes that the School has not complied with this Policy or acted in accordance with the Data Protection Act, he or she should notify the School's Data Protection Officer or the Archivist and Records Manager. Employees may use the School's Grievance Procedure. Parents (or guardians) may use the Complaints Procedure for Parents. Pupils may contact their House Masters.

17. Data Breach Management

In the event of a suspected breach of the Act the following will be addressed by the School:

- containment and recovery;
- assessment of ongoing risk;
- notification of breach; and
- evaluation of response.

The School will follow the advice provided by the Information Commissioner's Office on how to manage data breaches and when to notify.

18. Notification to the Information Commissioner

The Data Protection Act 1998 requires every data controller who is processing personal data, to notify and renew their notification, on an annual basis. Failure to do so is a criminal offence.

To this end Departments will be responsible for notifying and updating the Archivist and Records Manager of the processing of personal data, within their area.

The School's Data Protection Officer will review the Data Protection Register annually, prior to notification to the Information Commissioner.

Any changes to the register must be notified to the Information Commissioner, within 28 days. To this end, any changes made between reviews will be brought to the attention of the School's Data Protection Officer immediately.

19. Audits

The School will undertake regular internal audits of Boarding Houses and Departments to ensure this policy's requirements are being followed, including penetration testing.

20. Reviews

This policy will be reviewed annually by the Data Protection Officer in conjunction with the Archivist and Records Manager, the Assistant Bursar, the ICT Steering Committee and the Bursar's Management Group.

21. Future Planning

The policy will be developed following issues raised by the internal audits, external audits and the internal reviews and in accordance with the law and regulation as it applies from time to time.

22. Contact Details

Data Protection Officer: Dr C D O'Mahony
email: cdo@harrowschool.org.uk
tel: +44 (0)20 8872 8593

23. Advice Lines

Advice is also available from the Information Commissioner's Office at www.ico.org.uk

24. References

This policy is based on documents published on the ISBA website.
Please see also the School ICT Acceptable Use Policies.

Adopted by The Keepers and Governors of the Possessions, Revenues and Goods of the Free Grammar School of John Lyon within the town of Harrow on the Hill in the County of Middlesex on 1 December 2013

Last updated 1 December 2013