Data Protection Policy

MARINE ACADEMY PLYMOUTH POLICIES

VERSION CONTROL SHEET

POLICY NAME: Data Protection Policy

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1. Introduction:

The Academy holds and processes information about employees, students and other data subjects for academic, administrative and commercial purposes. When handling such information, the Academy and all staff or others who process or use any personal information, must comply with the Data Protection Principles which are set out in the Data Protection Act 1998 (the Act). These are attached as the Academy's Data Protection Guidelines on Appendix 1. In summary these state that personal data will:

- be processed fairly and lawfully;
- be obtained for a specified and lawful purpose and will not be processed in any manner incompatible with the purpose;
- be adequate, relevant and not excessive for the purpose;
- be accurate and up-to-date;
- not to be kept for longer than necessary for the purpose;
- be processed in accordance with the data subject's rights;
- be kept safe from unauthorised processing and accidental loss, damage or destruction; and
- not be transferred to a country outside the European Economic Area, unless that country has equivalent levels of protection for personal data, except in specified circumstances

Definitions Staff", students and other data subjects may include past, present and potential members of those groups. Other data subjects and third parties may include contractors, suppliers, contacts, referees, friends or family members. Processing refers to any action involving personal information, including obtaining, viewing, copying, amending, adding, deleting, extracting, storing, disclosing or destroying information.

2. Notification of Data Held

The Academy will notify all staff and students and other relevant data subjects of the types of data held and processed by the Academy concerning them, and the reasons for which it is processed. The information, which is currently held by the Academy and the purposes for which it is processed are as agreed with the Information Commissioners Office. When processing for a new or different purpose is introduced the individuals affected by that change will be informed.

3. Staff Responsibilities

All staff will ensure that all personal information which they provide to the Academy in connection with their employment is accurate and up-to-date, that they will inform the Academy of any changes to information, for example, changes of address, check the

information which the Academy will make available from time to time, in written or automated form, and inform the Academy of any errors or, where appropriate, follow procedures for up-dating entries on computer forms. The Academy will not be held responsible for errors of which it has not been informed.

When staff hold or process information about students, colleagues or other data subjects (for example, students' course work, pastoral files, references to other academic institutions, or details of personal circumstances), they should comply with the Data Protection Guidelines

Staff will ensure that:

- all personal information is kept securely;
- personal information is not disclosed either orally or in writing, accidentally or otherwise to any unauthorised third party; and
- unauthorised disclosure may be a disciplinary matter, and may be considered gross misconduct in some cases.

When staff supervise students doing work which involves the processing of personal information, they must ensure that those students are aware of the Data Protection principles, in particular, the requirement to obtain the data subject's consent where appropriate.

Staff will be advised on an annual basis of any changes or amendments to this policy or any guidelines, as well as good practice.

4. **Student and Parental Responsibilities**

All students and parents /carers will ensure that all personal information which they provide to the Academy is accurate and up-to-date. They will inform the Academy of any changes to that information, for example, changes of address check the information which the Academy will make available from time to time, in written or automated form, and inform the Academy of any errors or, where appropriate, follow procedures for up-dating entries on computer forms. The Academy will not be held responsible for errors of which it has not been informed.

5. **Rights to Access Information**

Staff, students and other data subjects in the Academy have the right to access any personal data that is being kept about them either on computer or in structured and accessible manual files. Any person may exercise this right by submitting a request in writing to the Principal or nominated person. The Academy aims to comply with requests for access to personal information as quickly as possible, but will ensure that a response is

provided within 21 days unless there is good reason for delay. In such cases, the reason for the delay will be explained in writing by the Principal to the data subject making the request. Further guidance on access to information is processed under the Academy's procedures for the Freedom of Information Act.

6. **Subject Consent**

In some cases, such as the handling of sensitive information or the processing of research data, the Academy is entitled to process personal data, only with the consent of the individual. Agreement to the Academy processing some specified classes of personal data is a condition of acceptance of a student, and a condition of employment for staff. (See Appendix 1)

7. **Sensitive Information**

The Academy may process sensitive information about a person's health, disabilities, criminal convictions, race or ethnic origin, or trade union membership. For example, some jobs or courses will bring the applicants into contact with children, including young people between the ages of 16 and 19, and the Academy has a duty under the Children Act 1989 and other enactment's to ensure that staff are suitable for the job, and students for the courses offered. The Academy may also require such information for the administration of the sick pay policy, sickness insurance cover, the absence policy or the equal opportunities policy, other Academy policies, or for academic assessment.

The Academy also asks for information about particular health needs, such as allergies to particular forms of medication, or conditions such as asthma or diabetes. The Academy will also use such information to protect the health and safety of the individual, for example, in the event of a medical emergency.

8. **The Data Controller and the Designated Data Controllers**

The Academy is the data controller under the Act, and the Principal is ultimately responsible for implementation. Responsibility for day-today matters will be delegated to the Senior Leadership Team and nominated members of staff as designated data controllers, as information and advice about the holding and processing of personal information is available from the designated data controllers.

9. **Assessment Grades**

Students will be entitled to information about their grades for assessments, however this may take longer than other information to provide. The Academy may withhold enrolment, awards, certificates, accreditation or references in the event that monies are due to the Academy.

10. **Standard Publication of Information**

The Academy will not publish information into the public forum of any data classes specified in Appendix 1 without the specific permission of the individuals involved.

The Academy, or associated third parties, will only publish digital or materials-based photographic or video sources in compliance with the Academy's Data Protection – Photography and Video Guidance.

11. **Retention of Data**

The Academy will keep different types of information for differing lengths of time, depending on legal, academic and operational requirements. A list of recommended retention times is set out in the Academy's Retention Schedule.

12. Compliance

Compliance with the Act is the responsibility of all students and members of staff. Any deliberate or reckless breach of this policy may lead to disciplinary, and where appropriate, legal proceedings. Any questions or concerns about the interpretation or operation of this policy should be taken up with the Principal.

Any individual, who considers that the policy has not been followed in respect of personal data about him or herself, should raise the matter with the designated data controller initially. If the matter is not resolved it should be referred to the complaints or grievance procedure.

Appendix 1 - Data Protection Guidelines

Marine Academy Plymouth has clearly set out the statutory requirements for all staff, students and associated agencies and suppliers will follow and operate the Data Protection Principles.

In summary these state that personal data will:

- be processed fairly and lawfully;
- be obtained for a specified and lawful purpose and will not be processed in any manner incompatible with the purpose;
- be adequate, relevant and not excessive for the purpose;
- be accurate and up-to-date;
- not to be kept for longer than necessary for the purpose;
- be processed in accordance with the data subject's rights;
- be kept safe from unauthorised processing and accidental loss, damage or destruction; and
- not be transferred to a country outside the European Economic Area, unless that country has equivalent levels of protection for personal data, except in specified circumstances.

Below are examples of how these principles may be applied within the Academy and are by no way the only ways that the principles apply.

1. Personal data will be processed fairly and lawfully. By this, we mean that any information that is collected and stored electronic will be gathered will be used within the confines of the various laws that apply and will not be altered or distorted in any way. Assessment grades, for example, those recorded as Teacher Assessments for KS3 National Tests, will be kept in their original form and not be changed or adapted at a later date.

2. Personal data will be obtained for a specific and lawful purpose and will not be processed in any manner incompatible with the purpose. The Academy collects a wide variety of information over an academic year. Each section of information is collected for a specific reason, for example, ethnicity as part of regular returns to local and central government. This generic information may be used for multiple purposes, but when information is collected for a specific purpose, for example, family information as part of a subject project, it cannot then be used for other reasons, such as contacting other members of that student's family if the student is not in school.

3. Personal data will be adequate, relevant and not excessive for the purpose. Although this may seem common sense the Academy should only ask for information it really needs. Students completing a project about how other students travel to school

(walk, cycle, bus, etc) do not need to get telephone numbers even if they think they 'may' need them for their next project.

4. Personal data will be accurate and up-to-date. Again, this might seem common sense but it is important that when staff use personal data they take every opportunity to make sure it is the most recent information. Information changes at an ever increasing rate and this needs to be reflected in how it is used.

5. Personal data will not be kept for longer than is necessary. Once staff have finished using personal information, it needs to be removed and destroyed where possible. Information can only be kept for as long as it is needed, and not retained 'just in case.'

6. Personal data will be processed in accordance with the data subject's rights. All individuals have rights to allow them to ensure that information about them is not being used for purposes that they are not happy with or if they have to legally allow information to be used they have a right to know how it is being used. As part of this the Academy needs to keep people informed about how and why it is using their information. This may simply be informing the class that information is being collected to allow a unit of work to be completed (eg looking at methods of travelling to school) but staff also have to realise that some people may refuse to give them that information, or ask them to stop using it.

7. Personal data will be kept safe from unauthorised processing and accidental loss, damage or destruction. This is one of the most important principles. This covers everything from ensuring that individuals do not share information with those who have no right to it, e.g. those professing to be 'family members', through to allowing unauthorised people access to a computer where personal, confidential or sensitive information is held, e.g. a student logging on to a staff laptop that has the SEN register on it, or sharing a password with another person, therefore allowing them complete access to all the information it contains.

8. Personal information will not be transferred to a country outside the European Economic Area, unless that country has equivalent levels of protection for personal data, except in specified circumstances. Whilst this may seem to be an unimportant principle in the scheme of things, the Academy accepts that many companies are now global and by giving information to a company the Academy has to be clear about where and how the information is used. The Academy will make every effort to ensure that information is only shared with those who are going to follow the same legal principles, and this can be done by restricting to those working and operating within the European Economic Area. Where in doubt, it is recommended that staff ask the Academy's nominated Data Control Officer, the Corporate Director of Business & Finance.