



## SANDYE PLACE ACADEMY Data Protection & Freedom of Information Policy

### Statement Document History

Issue	Date	Comment
1.0	March 2016	Approved by Board of Trustees
Review Date		December 2017

### Data Protection

Sandye Place Academy collects and uses personal information about staff, pupils, parents and other individuals who come into contact with the school. This information is gathered in order to enable it to provide education and other associated functions. In addition, there may be a legal requirement to collect and use information to ensure that the school complies with its statutory obligations.

Schools have a duty to be registered, as Data Controllers, with the Information Commissioner's Office (ICO) detailing the information held and its use. These details are then available on the ICO's website. Schools also have a duty to issue a Fair Processing Notice to all pupils/parents; this summarises the information held on pupils, why it is held and the other parties to whom it may be passed on. Sandye Place Academy is registered with the Information Commissioner's Office for the purposes stated above.

#### Purpose

This policy is intended to ensure that personal information is dealt with correctly and securely and in accordance with the Data Protection Act 1998, and other related legislation. It will apply to information regardless of the way it is collected, used, recorded, stored and destroyed, and irrespective of whether it is held in paper files or electronically.

All staff involved with the collection, processing and disclosure of personal data will be aware of their duties and responsibilities by adhering to these guidelines.

#### What is Personal Information?

Personal information or data is defined as data which relates to a living individual who can be identified from that data, or other information held.

#### Data Protection Principles

The Data Protection Act 1998 establishes eight enforceable principles that must be adhered to at all times:

1. Personal data shall be processed fairly and lawfully;
2. Personal data shall be obtained only for one or more specified and lawful purposes;
3. Personal data shall be adequate, relevant and not excessive;
4. Personal data shall be accurate and where necessary, kept up to date;



5. Personal data processed for any purpose shall not be kept for longer than is necessary for that purpose or those purposes;
6. Personal data shall be processed in accordance with the rights of data subjects under the Data Protection Act 1998;
7. Personal data shall be kept secure i.e. protected by an appropriate degree of security;
8. Personal data shall not be transferred to a country or territory outside the European Economic Area, unless that country or territory ensures an adequate level of data protection.

### **General Statement**

The school is committed to maintaining the above principles at all times. Therefore the school will:

- Inform individuals why the information is being collected when it is collected
- Inform individuals when their information is shared, and why and with whom it was shared
- Check the quality and the accuracy of the information it holds
- Ensure that information is not retained for longer than is necessary
- Ensure that when obsolete information is destroyed that it is done so appropriately and securely
- Ensure that clear and robust safeguards are in place to protect personal information from loss, theft and unauthorised disclosure, irrespective of the format in which it is recorded
- Share information with others only when it is legally appropriate to do so
- Set out procedures to ensure compliance with the duty to respond to requests for access to personal information, known as Subject Access Requests
- Ensure our staff are aware of and understand our policies and procedures

### **Complaints**

Complaints will be dealt with in accordance with the school's complaints policy. Complaints relating to information handling may be referred to the Information Commissioner (the statutory regulator).

### **Review**

This policy will be reviewed as it is deemed appropriate, but no less frequently than every 2 years. The policy review will be undertaken by the Principal, or nominated representative.

### **Contacts**

If you have any enquires in relation to this policy, please address them to the Principal at the Academy who will act as the contact point for any subject access requests.

Further advice and information is available from the Information Commissioner's Office, [www.ico.gov.uk](http://www.ico.gov.uk) or telephone 01625 545745 3



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## Freedom of Information Act Policy and Publication Scheme

### 1. Introduction: what a publication scheme is and why it has been developed

One of the aims of the Freedom of Information Act 2000 (which is referred to as FOIA in the rest of this document) is that public authorities, including schools, should be clear and proactive about the information they will make public.

To do this we must produce a publication scheme, setting out:

- The classes of information which we publish or intend to publish;
- The manner in which the information will be published; and
- Whether the information is available free of charge or on payment.

The scheme covers information already published and information that is to be published in the future. All information in our publication scheme is either available for you on our website to download and print off or available in paper form.

Some information that we hold may not be made public, for example personal information.

This publication scheme conforms to the model scheme for schools approved by the Information Commissioner.

The Governing Body is responsible for maintenance of this scheme.

### 2. Aims and Objectives

The Academy aims to:

- enable every child to fulfill their learning potential, with education that meets the needs of each child,
- help every child develop the skills, knowledge and personal qualities needed for life and work

and this publication scheme is a means of showing how we are pursuing these aims.

### 3. Categories of information published

The publication scheme guides you to information which we currently publish (or have recently published) or which we will publish in the future. This is split into categories of information known as 'classes'. These are contained in section 6 of this scheme...

The classes of information that we undertake to make available are organised into four broad topic areas:

- *School Prospectus* – information published in the school prospectus.
- *Governors' Documents* – information about the school and its performance reviewed by governors



- *Pupils & Curriculum* – information about policies that relate to pupils and the school curriculum.
- *Academy Policies and other information related to the school* - information about policies that relate to the school in general.

#### 4. How to request information

Many of the documents are available on our website. You will find our website at <http://www.sandyeplaceacademy.org.uk/>

If you require a paper version of any of the documents within the scheme, please contact the school by telephone, email, fax or letter. Contact details are set out below:

Email: [admin@spacademy.org.uk](mailto:admin@spacademy.org.uk)

Tel: **01767 680420**

Fax: **01767 691141**

Contact Address: **Sandye Place Academy, Park Road, Sandy, SG19 1JD**

To help us process your request quickly, please clearly mark any correspondence “**PUBLICATION SCHEME REQUEST**” (in CAPITALS please)

If the information you're looking for isn't available via the scheme and isn't on our website, you can still contact the school to ask if we have it.

#### 5. Paying for information

Information published on our website is free, although you may incur costs from your Internet service provider. If you don't have Internet access, you can access our website using a local library or an Internet café.

Single copies of information covered by this publication are provided free unless stated otherwise in section 6. If your request means that we have to do a lot of photocopying or printing, or pay a large postage charge, or is for a priced item such as some printed publications or videos we will let you know the cost before fulfilling your request. Where there is a charge this will be indicated by a £ sign in the description box.

#### 6. Classes of Information Currently Published

##### 6.1 Who we are and what we do

Organisational information, structures, locations and contacts

- *Instrument of Government*

The Instrument of Government is the document that records the name and category of the school and the name and constitution of its governing body.

- *School prospectus*

The statutory contents of the school prospectus, as follows:

- information about the implementation of the governing body's policy on pupils with special educational needs and (SEND).



- a description of the policies relating to disabled pupils, including facilities to improve access and the accessibility plan.

Once the prospectus has been published and made available to parents, access to it should be available to anyone.

- *Annual Report*  
Only maintained nursery schools are required to produce a Governor's Annual Report to Parents.
- *Governing Body*  
The names, and contact details of the governors should be available and the basis on which they have been appointed.
- *School session times and term dates*  
Details of school session times and dates of school terms and holidays.
- *Location and contact information*  
The address, telephone number and website for the school together with the names of key personnel.

#### 6.2 What we spend and how we spend it

Financial information about projected and actual income and expenditure, procurement, contracts and financial audit.

- *Pay policy*  
The statement of the school's policy and procedures regarding teachers' pay.
- *Staffing and grading structure*
- *Governors' allowances*  
Details of allowances and expenses that can be claimed or incurred

#### 6.3 What our priorities are and how we are doing

Strategies and plans, performance indicators, audits, inspections and reviews.

- *School performance*
  - Government-supplied performance data
  - Summary of latest Ofsted report\*
  - The required narrative sections covering areas such as: successes during the year; areas of improvement; efforts to meet the individual needs of every child; pupil's health, safety and support; post-Ofsted action plan; and links with parents and the community (\* the full Ofsted report should also be available on request.)
- *Performance management information*  
Staff appraisal policies and procedures adopted by the governing body.
- *Schools future plans*  
Any major proposals for the future of the school involving, for example, consultation or a change in school status.
- *Every Child Matters / Child protection*  
The contribution of the school to the five Every Child Matters outcomes. The policies and procedures that are in place to ensure that functions are exercised with a view to safeguarding and promoting the welfare of children in compliance with any guidance issued by the Secretary of State.

#### 6.4 How we make decisions

Decision-making processes and records of decisions, available for the current and previous three years.



- *Minutes of meetings of the Governing body and its sub-committees*  
Minutes, agendas and papers considered at such meetings should be published as soon as practicable, with the exception of information that is properly considered to be confidential to the meeting.

#### 6.5 Our policies and procedures

Current written protocols, policies and procedures for delivering our services and responsibilities.

- *School policies*  
This will include school policies and procedures together with other information related to the school such as charging and remissions policy, health and safety and risk assessment, complaints procedure, staff conduct policy, discipline and grievance policies, pay policy, staffing structure implementation plan. It will also include policies and procedures for handling information requests.
- *Pupil and Curriculum policies*  
This will include such policies as teaching & learning, home-school agreement, sex education, special educational needs, accessibility, equality, collective worship, and pupil discipline
- *Records management and personal data policies*  
This will include information security policies, records retention, destruction and archive policies, and data protection (including data sharing) policies.
- *Equality and diversity*  
This will also include policies, schemes, statements, procedures and guidelines relating to equal opportunities.
- *Policies and procedures for the recruitment of staff*  
If vacancies are advertised as part of recruitment policies, details of current vacancies will be readily available.
- *Charging regimes and policies*  
Details of any statutory charging regimes should be provided. Charging policies should include charges made for information routinely published. They should clearly state what costs are to be recovered, the basis on which they are made, and how they are calculated.

#### 6.6 Lists and registers

- *Curriculum circulars and statutory instruments*  
Statutory Instruments (for example Regulations), departmental circulars and administrative memoranda sent to the Head Teacher/Governing Body concerning the curriculum.
- *Disclosure logs*  
If a school produces a disclosure log indicating the information provided in response to requests, it should be readily available. Disclosure logs are recommended as good practice.
- *Asset register*  
We would expect some information from capital asset registers to be available, if such registers are held.
- *Any information the school is currently legally required to hold in publicly available registers*



### 6.7 The services we offer

Information about the services the school provides including leaflets, guidance and newsletters.

- *Extra-curricular activities*
- *Out of school clubs*
- *School publications*
- *Services for which the school is entitled to recover a fee, together with those fees*
- *Leaflets, booklets and newsletters*

## 7. Feedback and Complaints

We welcome any comments or suggestions you may have about the scheme. If you want to make any comments about this publication scheme or if you require further assistance or wish to make a complaint then initially this should be addressed to:

**Chair of Governors**  
**Sandye Place Academy**  
**Sandy**  
**SG19 1JD**

If you are not satisfied with the assistance that you get or if we have not been able to resolve your complaint and you feel that a formal complaint needs to be made then this should be addressed to the Information Commissioner's Office. This is the organization that ensures compliance with the Freedom of Information Act 2000 and that deals with formal complaints.

They can be contacted at:

**Information Commissioner**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire SK9 5AF**  
Enquiry/Information Line: 01625 545 700  
E Mail: **publications@ic-foi.demon.co.uk**  
Website : **www.informationcommissioner.gov.uk**





## Appendix 1

Sandye Place Academy procedures for responding to subject access requests made under the Data Protection Act 1998.

### Rights of access to information

There are two distinct rights of access to information held by schools about pupils.

1. Under the Data Protection Act 1998 any individual has the right to make a request to access the personal information held about them.
2. The right of those entitled to have access to curricular and educational records as defined within the Education Pupil Information (England) Regulations 2005.

These procedures relate to subject access requests made under the Data Protection Act 1998.

### Actioning a subject access request

1. Requests for information must be made in writing; which includes email, and be addressed to the Principal. If the initial request does not clearly identify the information required, then further enquiries will be made.
2. The identity of the requestor must be established before the disclosure of any information, and checks should also be carried out regarding proof of relationship to the child. Evidence of identity can be established by requesting production of:
  - passport
  - driving licence
  - utility bills with the current address
  - Birth / Marriage certificate
  - P45/P60
  - Credit Card or Mortgage statement

*This list is not exhaustive.*
3. Any individual has the right of access to information held about them. However with children, this is dependent upon their capacity to understand (normally age 12 or above) and the nature of the request. The Principal should discuss the request with the child and take their views into account when making a decision. A child with competency to understand can refuse to consent to the request for their records. Where the child is not deemed to be competent an individual with parental responsibility or guardian shall make the decision on behalf of the child.
4. The school may make a charge for the provision of information, dependant upon the following:
  - Should the information requested contain the educational record then the amount charged will be dependant upon the number of pages provided.
  - Should the information requested be personal information that does not include any information contained within educational records schools can charge up to £10 to provide it.
  - If the information requested is only the educational record viewing will be free, but a charge not exceeding the cost of copying the information can be made by the Principal.





5. The response time for subject access requests, once officially received, is 40 days (**not working or school days but calendar days, irrespective of school holiday periods**). However the 40 days will not commence until after receipt of fees or clarification of information sought.
6. The Data Protection Act 1998 allows exemptions as to the provision of some information; therefore all information will be reviewed prior to disclosure.
7. Third party information is that which has been provided by another, such as the Police, Local Authority, Health Care professional or another school. Before disclosing third party information consent should normally be obtained. There is still a need to adhere to the 40 day statutory timescale.
8. Any information which may cause serious harm to the physical or mental health or emotional condition of the pupil or another should not be disclosed, nor should information that would reveal that the child is at risk of abuse, or information relating to court proceedings.
9. If there are concerns over the disclosure of information then additional advice should be sought.
10. Where redaction (information blacked out/removed) has taken place then a full copy of the information provided should be retained in order to establish, if a complaint is made, what was redacted and why.
11. Information disclosed should be clear, thus any codes or technical terms will need to be clarified and explained. If information contained within the disclosure is difficult to read or illegible, then it should be retyped.
12. Information can be provided at the school with a member of staff on hand to help and explain matters if requested, or provided at face to face handover.

The views of the applicant should be taken into account when considering the method of delivery. If postal systems have to be used then registered/recorded mail must be used.

### **Complaints**

Complaints about the above procedures should be made to the Chair of the Governing Body who will decide whether it is appropriate for the complaint to be dealt with in accordance with the school's complaint procedure.

Complaints which are not appropriate to be dealt with through the school's complaint procedure can be dealt with by the Information Commissioner. Contact details of both will be provided with the disclosure information.

### **Contacts**

If you have any queries or concerns regarding these policies / procedures then please contact the Principal.

Further advice and information can be obtained from the Information Commissioner's Office, [www.ico.gov.uk](http://www.ico.gov.uk)