

*Promoting Ambition for Change*

# TEMPLE LEARNING ACADEMY



## **Data Protection Policy 2017-2018**

*Ratified June 2017*

*Review: Summer 2018*

## Introduction

The Governors of Temple Learning Academy are aware that the Data Protection Act is due to be replaced by the General Data Protection Regulation on the 25<sup>th</sup> May 2018.

Therefore, this policy will be reviewed in Summer 2018. This will include the appointment of a Data Protection Officer who will lead on all data protection matters, including:

- Technical and organisational measures to protect against unlawful processing, accidental loss or destruction
- Systems and procedures to ensure data is kept fully up-to-date and also removed effectively in order to maintain a data subject's "right to be forgotten"
- Reviews of specific, separate and clear consents from data subjects
- Internal procedures for detecting, reporting and investigating data breaches

## 1. Policy Statement

1.1 Temple Learning Academy complies with the Data Protection Act 1998. All personal data have been notified to the Data Protection Commissioner.

1.1.1 This policy applies to all employees and learners in the Academy

1.1.2 The Academy will hold the minimum personal data necessary to enable it to perform its functions. Every effort will be made to ensure that information is accurate and up-to-date and that inaccuracies are corrected without unnecessary delay.

1.1.3 Personal data will be accurate in respect of matters of fact. Opinions will be carefully and professionally expressed.

1.1.4 The Academy will respond to and assist every request for access to data from employees or other persons connected with the Academy.

1.1.5 The Academy reserves the right to charge for access to personal data. Requests for access should be directed to the Operations and HR Manager.

1.1.6 The authorisation of a member of the Academy's Leadership Team is necessary before an employee uses a privately owned computer to process personal data belonging to the Academy or takes data off site for processing owned by the Academy.

1.1.7 Personal data will be kept in an appropriately controlled and secure environment.



1.1.8 Data sharing with any external agency will be the subject of a written agreement setting out the powers that permit the exercise, its scope and controls and will be agreed by the Co-Principal(s).

1.1.9 Any employee who knowingly or recklessly breaching the Data Protection Policy will be subject to the established disciplinary procedures.

## 2. Some questions answered:

### 2.1 What does the Act mean to employees?

The Academy had made a commitment of compliance with the Act and assigned responsibility for this. All leaders should ensure that their areas of responsibility comply with the Act and that their use of personal data is appropriately registered and that colleagues are aware of the policy and the procedures to follow. Finally each employee has an individual responsibility to make themselves aware of what the Act involves and comply with it.

### 2.2 How do I know if I can disclose data for a particular purpose?

Generally data held by the Academy is not to be disclosed outside the Academy unless required by law. Disclosures within the Academy are permitted if they are necessary for an employee of the Academy to carry out their normal duties but the purposes must be compatible. There may be occasions when confidentiality will not permit internal disclosure; if members of staff are unsure if the data requested can be disclosed they should check with the Co-Principal(s).

### 2.3 How do I deal with requests to share data from external organisations?

Requests from agencies such as Police, Health Authority etc should be cleared with the Academy's Co-Principal(s). If they are proposing a long-term partnership in sharing data a written agreement should be put in place clearly stating the powers the parties to it have to enter into such an agreement and identifying who will manage the exercise and the controls that will be in place. If a request is made regarding data about an individual the agency making the request should be required to say why they require this and you should ensure you have this in writing. Never disclose personal data to a telephone enquirer or email enquiry without checking first.

### 2.4 Who do I contact about Data Protection issues?

Both internal and external queries should be directed to the Academy's Co-Principal(s).

### 2.5 Does the Academy disclose to the Police?

The Academy may disclose information to the Police for the purposes of crime or apprehension of offenders or purposes such as anti-social behaviour or community safety which are permitted under Section 115 of the Crime and Disorder Act 1998. There is no policy for general disclosure to the Police.



### 3. Legal Definitions

- 3.1 Personal Data – Information recorded about living, identifiable individuals. This can be held on computer or in manual files which are readily accessible.
- 3.2 Data Subject – An individual about whom data is held.
- 3.3 Data Processor – An organisation which processes data on behalf of someone else.
- 3.4 Processing – Obtaining, recording, holding, carrying out any set of operations on the information of data, including organising, adapting, altering, retrieving, consulting, using, transmitting, disseminating, making available, aligning, combining, blocking, erasing or destroying.
- 3.5 Source – From where or whom data is obtained for entry into a computer system or manual filing system.
- 3.6 Disclosure/Recipient - Organisations or individuals to whom data can be given or disclosed.
- 3.7 Subject Access – Anyone who thinks data is being held about them by the Academy is entitled to receive a copy of the information or to be told that no data is held about them. Applicants must identify themselves and specify which data they wish to see. Manual data is exempt from subject access until 2001 but the Academy may wish to extend the individual's right to manual data before this date. Applications should be made in writing to the Co-Principal(s).

