

Data Protection

All schools processing personal data must comply with the eight enforceable principles of good practice. These specify that personal data must be:

1. Processed fairly and lawfully.
2. Obtained for specified and lawful purposes.
3. Adequate, relevant and not excessive.
4. Accurate and up to date.
5. Not kept any longer than necessary.
6. Processed in accordance with the "data subject's" (the individual's) rights.
7. Securely kept.
8. Not transferred to any other country without adequate protection in situ.

Definition

Personal data are defined in the Data Protection Act, as follows:-

"data which relate to a living individual who can be identified:-

* from those data; or

* from those data and other information which is in the possession of, or is likely to come into the possession of, the data controller and includes any expression of opinion about the individual and any indication of the intentions of the data controller or any other person in respect of the individual".

Data Collection

When collecting personal data make sure that people know:

- a) who you are
- b) what the data will be used for
- c) to whom it will be disclosed

This information can often be provided on an application form or similar. It is equally important NOT to collect more personal data than is actually needed.

Handling Data

When handling, collecting, processing or storing personal data, ensure that:

- a) all personal data is both accurate and up to date
- b) errors are corrected effectively and promptly
- c) the data is deleted/destroyed when it is no longer needed
- d) the personal data is kept secure at all times (protecting from unauthorised disclosure or access)
- e) the Data Protection Act is considered when setting up new systems or when considering use of the data for a new purpose. Note that this may affect the existing registration with the Data Protection Authority

f) written contracts are used when external bodies process/handle the data explicitly specifying the above requirements with respect to the data

It is equally important NOT to:

- a) access personal data that you do not need for your work
- b) use the data for any purpose it was not explicitly obtained for
- c) keep data that would embarrass or damage Beech House School if disclosed (eg: via a subject access request – see below)
- d) transfer personal data outside of the European Economic Area unless you are certain you are entitled to or consent from the individual concerned has been obtained
- e) store/process/handle sensitive personal data (see below) unless are certain you are entitled to or consent from the individual concerned has been obtained

Subject Access

Individuals, who the data relates to, have various rights:

- a) to receive on request details of the processing relating to themselves. This includes any information about themselves including information regarding the source of the data and about the logic of certain “fully automated decisions”
- b) to have any inaccurate data corrected or removed in a timely fashion
- c) in certain circumstances to stop processing likely to cause “substantial damage or substantial distress”
- d) to prevent their data being used for advertising or marketing
- e) not to be subject to certain “fully automated decisions” if they significantly affect him/her

When a subject access request is received, it is important to act promptly and effectively as certain time scales are imposed regarding response

Notes

'Sensitive Data' means data pertaining to: racial or ethnic origin; religious or similar beliefs; trade union membership; physical or mental health or sexual life; political opinions; criminal offences. This data may only be held in strictly defined situations or where explicit consent has been obtained.

'Data Controller' is a person who determines the purposes for which and the manner in which any personal data are, or are to be, processed.

'Subject Access' is the right of individuals to have access to the data about them and other related information.

'Notification' is the process of notifying the Data Protection Authority of the purposes for which personal data is held/processed

Access

When a request is made by a third party to access data held by the school a data form must be completed and parental consent established.