DATA PROTECTION & GDPR POLICY

Date of Last Review	November 2023
Date of Next Review	November 2025
Review period	Bi - Annually

Tayyibah Girls School is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment.

Data Protection Policy

Aims

Tayyibah Girls School (TGS) 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.

This policy applies to all personal data, regardless of whether it is in paper or electronic format.

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 & 2018, 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 purpose;
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

Tayyibah Girls 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), Head Teacher or to the management at governors@tayyibah.org.uk

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 Head teacher, or nominated representative.

Contacts

If you have any enquires in relation to this policy, please contact the Head Teacher at the school address or email at spatel@tayyibah.org.uk who will also act as the contact point for any subject access requests.

Appendix 1

Tayyibah Girls School

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 (Wales) Regulations 2004.

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 Head Teacher, if the initial request does not clearly identify the information required, and 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 Headteacher would 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 response time for subject access requests, once officially received, is 30 days **(not working or school days but calendar days, irrespective of school holiday periods)**. However the 30 days will not commence until after clarification of information sought and confirmation provided.

5. The Data Protection Act 1998 allows exemptions as to the provision of some information; **therefore all information will be reviewed prior to disclosure**.

6. 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.

7. 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.

8. If there are concerns over the disclosure of information then additional advice would be sought.

9. Where redaction (information blacked out/removed) has taken place then a full copy of the information provided would be retained in order to establish, if a complaint is made, what was redacted and why.

10. Information disclosed would 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 would be retyped.

11. 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 would be taken into account when considering the method of delivery. If postal systems have to be used then registered/recorded mail would be used.

Complaints

Complaints which are not appropriate to be dealt with through the school's complaints 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 Head teacher.

Appendix 2 – Privacy policy for parents

Privacy Notice (How we use pupil information)

The categories of pupil information that we collect, hold and share include:

- Personal information (such as name, unique pupil number, address and parent's contact details.)
- Characteristics (such as ethnicity, language, nationality and country of birth)
- Attendance information (such as sessions attended, number of absences and absence reasons)
- Medical, accident logs, home address and next of kin information for use with emergency services, statutory assessment services and social care.
- Contact details (home address, email address and telephone numbers)
- Assessment information (such as attainment and progress records across curriculum subjects)
- Behavioural information (types of behaviour displayed, outcomes of incidents and number of exclusions)
- Safeguarding information (detail of disclosures, outcomes of meetings, various plans and sensitive information regarding court proceedings, child protection plans and correspondence with outside agencies.)
- CCTV recordings
- Photographs (used internally to log activities)

Why we collect and use this information

We use the pupil data:

- to support pupil learning;
- to monitor and report on pupil progress;
- to provide appropriate pastoral care;
- to assess the quality of our services;
- to comply with the law regarding data sharing;
- to comply with statutory requests for data from relevant authorities.

The lawful basis on which we use this information

We process this information under article 6 of the GDPR in respect of public tasks and from Article 9 where data processed is special category data from the GDPR from 25 May 2018.
For further information on how data is used, please visit the following website https://www.gov.uk/education/data-collection-and-censuses-for-schools

Collecting pupil information

Whilst the majority of pupil information you provide to us is mandatory, some of it is provided to us on a voluntary basis. In order to comply with the General Data Protection Regulation, we will inform you whether you are required to provide certain pupil information to us or if you have a choice in this.

Storing pupil data

We hold pupil data for the length of time prescribed by the information management toolkit adopted by our school.

Who we share pupil information with

We routinely share pupil information with:

- Schools that the pupil's attend after leaving us
- Educational professionals (eg Educational Psychologists, Specialist Teachers etc)
- Our local authority and other authorities where services are provided.
- The Department for Education (DfE)
- Social care
- Statutory assessment services
- School staff and Governors
- Police and other legal professionals as appropriate
- Health care professionals

Why we share pupil information

We do not share information about our pupils with anyone without consent unless the law and our policies allow us to do so.

We share pupils' data with the Department for Education (DfE) on a statutory basis.
We are required to share information about our pupils with our local authority (LA) and the Department for Education (DfE) under section 3 of The Education (Information About Individual Pupils) (England) Regulations 2013.

Data collection requirements:

To find out more about the data collection requirements placed on us by the Department for Education (for example; via the school census) go to https://www.gov.uk/education/data-collection-and-censuses-for-schools

The National Pupil Database (NPD)

The NPD is owned and managed by the Department for Education and contains information about pupils in schools in England. It provides invaluable evidence on educational performance to inform independent research, as well as studies commissioned by the Department. It is held in electronic format for statistical purposes. This information is securely collected from a range of sources including schools, local authorities and awarding bodies.
We are required by law, to provide information about our pupils to the DfE as part of statutory data collections such as the school census and early years' census. Some of this information is then stored in the NPD. The law that allows this is the Education (Information About Individual Pupils) (England) Regulations 2013.

To find out more about the NPD, please visit: https://www.gov.uk/government/publications/national-pupil-database-user-guide-and-supporting-information
The department may share information about our pupils from the NPD with third parties who promote the education or well-being of children in England by:

- conducting research or analysis
- producing statistics
- providing information, advice or guidance

The Department has robust processes in place to ensure the confidentiality of our data is maintained and there are stringent controls in place regarding access and use of the data. Decisions on whether DfE

releases data to third parties are subject to a strict approval process and based on a detailed assessment of:

- who is requesting the data
- the purpose for which it is required
- the level and sensitivity of data requested: and
- the arrangements in place to store and handle the data

To be granted access to pupil information, organisations must comply with strict terms and conditions covering the confidentiality and handling of the data, security arrangements and retention and use of the data.

For more information about the department's data sharing process, please visit: https://www.gov.uk/data-protection-how-we-collect-and-share-research-data

For information about which organisations the department has provided pupil information, (and for which project), please visit the following website:
https://www.gov.uk/government/publications/national-pupil-database-requests-received

To contact DfE: https://www.gov.uk/contact-dfe

Requesting access to your personal data

Under data protection legislation, parents and pupils have the right to request access to information about them that we hold. To make a request for your personal information, or be given access to your child's educational record, contact the school administrator.
You also have the right to:

- object to processing of personal data that is likely to cause, or is causing, damage or distress
- prevent processing for the purpose of direct marketing
- in certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed; and
- claim compensation for damages caused by a breach of the Data Protection regulations
- If you have a concern about the way we are collecting or using your personal data, we request that you raise your concern with us in the first instance. Alternatively, you can contact the Information Commissioner's Office at https://ico.org.uk/concerns/

Contact

If you would like to discuss anything in this privacy notice, please contact: The Headteacher

Issued on behalf of the Governing Body of Tayyibah Girls School