

The Southfield Trust

Data Protection Policy

Data protection

The Data Protection Act 1998 regulates how personal information is stored and handled to make sure it is not misused. As follows:

- Complying with the Data Protection Act
- Requests for access to personal information
- Information security and the acceptable use of ICT, Biometric Data & CCTV
- Images of pupils

1. Complying with the Data Protection Act

Your legal obligations

Schools handle and store personal information about pupils, parents or carers, staff and governors. Under the Data Protection Act 1998, schools are legally obliged to protect this information. Your school must:

- only collect personal information you need for specific purposes
- keep the information secure
- ensure the information is relevant and up to date
- only hold as much information as you need and only for as long as you need it
- let people know what information is held about them and what it is used for
- allow these people to see the information that is held about them
- notify the Information Commissioner's Office that you process personal information.

Find out more about complying with the Data Protection Act from the [Information Commissioner's Office](#).

Informing parents and carers

Your school must inform all parents and carers that you hold personal information about each pupil and explain how you intend to use this information. Your school needs to send the parent or carer of every pupil a Privacy Notice, also called a Fair Processing Notice. The notice is renewed every year, so you have to send it to parents in the autumn of every school year. Find out more on our page [Privacy Notices](#).

Allowing individuals to see their information

Pupils, their parents or carers, staff and governors have the right to see the personal information schools hold about them and to correct the information if it is wrong. Under the Data Protection Act, they can send a subject access request to the school. Find out what your legal obligations are on our page [Requests for access to personal information](#).

Notifying the Information Commissioner's Office

All schools have to notify the Information Commissioner's Office (ICO) that they handle personal information. Notification is statutory and failure to do so is a criminal offence.

There is a notification fee that schools have to pay annually to keep their registration with the ICO up to date. The fee is £500 for schools that directly employ 250 or more staff, and £35 for schools that directly employ fewer than 250 staff. As the majority of school staff are employed directly by East Sussex County Council, most schools may have to pay only the smaller fee. Find out more using the ICO website links below:

[Changes to the notification fee structure](#)

[Check if your school has already notified the ICO](#)

[Notify the ICO for the first time](#)

[Renew your notification](#)

2. Requests for access to personal information

Personal information about pupils

Pupils' rights

There are two distinct rights of access to the information schools hold about pupils:

- **Right to the educational record**

Under the Education (Pupil Information) (England) Regulations 2005, a parent or legal guardian has the right to access their child's educational record.

- **Subject access right**

Under the Data Protection Act 1998, a pupil has a right to see their own information. In general, pupils aged 12 years or older should be considered mature enough to make a request. The maturity of young people varies, so your school should treat each request on a case-by-case basis. A parent or legal guardian may also make a request on behalf of their child. However, a parent will only be able to see all the information about their child if the child is unable to act on their own behalf or gives their consent for the information to be released to the parent.

Timescales for dealing with requests

If a pupil or parent makes a request for information that contains, wholly or in part, an educational record, your school must respond within 15 school days.

If a pupil or parent makes a subject access request just for personal information outside the educational record, your school must respond promptly and at most within 40 calendar days.

Withholding information

Your school can withhold information if providing the information:

- is likely to cause harm to the physical or mental health of the pupil or another person
- would reveal a child is at risk of abuse
- would reveal information about adoption or parental orders
- would reveal information about third parties.

Find out more

For more detailed information on handling requests for access to pupils' personal information, including withholding information, download the following guidance from the ICO website:

- ['Access to pupils' information held by schools in England'](#)
- ['Dealing with subject access requests involving other people's information'](#)
- ['Access to exam results'](#)

Personal information about other people

Under the Data Protection Act 1998, pupils' parents or legal guardians, staff and governors can ask to see their personal information held by schools. Your school must respond to such requests promptly or at most within 40 days.

Find out more

For further information on handling requests from parents, staff and governors, download the following general guidance from the [ICO website](#):

- 'Checklist for handling requests for personal information'
- 'Subject access and employment references'

3. Information security and the acceptable use of ICT

Information security and the acceptable use of ICT

Your school needs to ensure that the confidential information in your care is protected. You also need to ensure that information and communication technologies (ICT) are used properly and legally.

Confidential information includes:

- personal information about pupils, staff and others
- sensitive business information, including commercially sensitive information about the school, East Sussex County Council, other agencies and contractors.

For more detailed information, please follow the links below:

[Legal obligations when dealing with confidential information and ICT](#)

[Protecting confidential information](#)

[Access to confidential information](#)

[Biometric data](#)

[CCTV](#)

[Email security](#)

[E-safety](#)

[Fax security](#)

[Information security incidents](#)

[Passwords](#)

[Secure email for contacting ESCC](#)

[Storing, archiving and disposing of school records](#)

[Telephone security](#)

[Transferring confidential information from school premises](#)

[Working from home and other non-school locations](#)

4. Images of Pupils

Parents taking images of pupils at school events

Parents, legal guardians and other family members may wish to photograph or make video recordings of their children taking part in school events. The Data Protection Act 1998 does not apply to images taken purely for personal use. The Act should not be used as a reason to stop parents or family members from photographing or recording school events.

However, it is important that you take practical steps to ensure that images of children are taken and used safely, as explained below.

Before the event

- Ensure that parents, legal guardians or family members are aware of their responsibilities for appropriate use of images. See our [model cover letter for parents about the use of children's images](#). (Word, 34KB)
- Include a statement on parental responsibility for appropriate use of images in the relevant school policy. See our [model school policy for the use of images of children](#) (Word, 60KB).
- Ask parents or legal guardians for permission for their child to be included in images taken by other parents whose children are also participating in the same school event. Ask every year in the standard school communication if parents wish to change their permission. See our [model consent form](#) (Word, 44KB).
- Include a section in the consent form to indicate that any images parents take during school activities will not be used inappropriately.
- Consider including a returnable slip in letters inviting parents or legal guardians to school events. They should sign it to indicate that any images they take during the school activity will not be used inappropriately.
- Consider asking parents, legal guardians or family members to sign a dated register for each event if they wish to take images.
- Add the parental consent form and the signed statement on parental responsibility to the pupil's file.

During the event

- Limit photography, video recording or other image taking to designated areas in the school, for example in the main school hall where the event is taking place, not in backstage areas or classrooms. This information should be given to parents in advance, for example in the invitation letter to the event.
- Assign a specific time during the event when images can be taken in appropriate settings. This information should be given to parents in advance.
- Ensure children are appropriately dressed.
- Ensure that children who should not be photographed, for example, those children whose parents have refused consent, are not included in any images.
- Monitor the use of cameras and other equipment.

After the event

- Alert parents to the risks of putting children's images on the internet, including on social networking sites. If parents or family members wish to put images they take during school events on the internet, and those images contain children who are not their family members, they must first obtain the permission of parents or legal guardians of the other children concerned.
- Consider creating a school video recording or CD of digital images of the event, giving the option for parents to buy a copy.

Find out more

Detailed guidance is also available on the following websites:

- [Teachernet](#) - Parents photographing and videoing school events
- [Information Commissioner's Office \(ICO\)](#) – 'Taking photographs in schools' (document)

Using images of pupils for school purposes

Schools may use pupils' images in school publications, staff training activities, student teacher portfolios, on websites and displays and for other purposes.

Using images of pupils can be motivating for the pupils and is a good opportunity to promote the work of the school. However, it is important to be aware of the potential misuse of images and to take steps to ensure the safety of your pupils. You should also ensure that you have the consent of pupils and their parents or legal guardians to take and use images.

The following advice may help to protect your school and the Children's Services Authority (CSA) in the event of a prosecution. The advice is relevant for images taken on any medium, including digital or conventional photographs, videos, camera phones or CCTV.

Good practice checklist

We have created a checklist to use when dealing with images of pupils.

- Get written parental consent at the beginning of every school year, before any images are taken or published.
- Obtain the consent of pupils if they are 12 years or older. Parental consent alone may not be enough if pupils are mature enough to have their own views on the use of their images.
- If you use an image of a pupil, do not publish their name. If you publish the name of a pupil, do not use their image.
- The physical and emotional maturity of a child will change throughout their time at school. You should take this into account before using an image of the pupil.
- If you use an agency, ensure the photographer has been checked by the Criminal Records Bureau (CRB) and is accompanied by a member of school staff at all times.
- Use the image only for the purpose it was taken. Don't use it for purposes that the pupil or their parent is unaware of or has not given consent to use.
- Make sure all copies of images, including negatives or electronic copies, are stored securely and are accessible only to authorised people.
- Make sure all copies of images, including negatives or electronic copies, are deleted when no longer needed or when the pupil leaves the school.
- Do not use images of pupils who have left the school.
- If your school wants to use images and it is not possible to identify individuals from these images, then it is not necessary to obtain the consent of the individuals concerned or their parents.

Looked after children

Before using an image of a looked after child you need to speak to the child's social worker. They can advise you on who needs to give permission for the image to be used. It should not be the foster carer who gives consent.

Model policy and templates for schools

We have created the following templates, which you can adapt and use. They are:

- [model school policy for the use of images of children](#) (Word, 60KB)
- [cover letter to parents about the use of pupil images](#) (Word, 34KB)
- [form for parents'/legal guardians' consent to take and use images of pupils](#) (Word, 44KB)

Once you have signed parental consent, you should add this document to the pupil's file. You can also add this information to the pupil's electronic record on the School Information Management System (SIMS). For more information on how to do this please visit our section on [SIMS](#).

Find out more

More guidance on taking and using images of pupils is available from the links below.

- [Teachernet](#)
- [Information Commissioner's Office – 'Taking photos in schools'](#).

5. Biometric data

For full guidance on using biometric data at your school please follow the links below.

[What is biometric data?](#)

[Legal requirements for introducing biometric technologies](#)

[What your school must do before adopting biometric technologies](#)

[Security of biometric data](#)

Related websites

- [Use of biometrics in schools - ICO website](#)
- [Fingerprinting in schools - ICO website](#)

Related documents

- [Checklist - issues to consider before](#)

6. CCTV and other surveillance technologies

The use of CCTV (closed-circuit television) in schools has increased rapidly in recent years. While CCTV may be useful for enhancing security and preventing vandalism, your school must ensure that its use is justified and is a proportionate response to the problems it is meant to address. For more information please follow the links below.

[Legal requirements for using CCTV](#)

[What your school should do before installing CCTV](#)

[When to use CCTV in your school](#)

Appendix 1: Privacy notices

PRIVACY NOTICE: Early Years

The South Downs and Lindfield Schools Federation processes personal information about its pupils and is a 'data controller' for the purposes of the Data Protection Act 1998. We collect information from you and may receive information about your child from their previous setting. We hold and use your child's information to support their teaching and learning, monitor and report on how well they are doing, provide them with pastoral care and to assess how well the setting is doing. The information we hold includes your and your child's contact details, your child's national curriculum assessment results, attendance information, ethnic group, special educational needs status and any relevant medical information.

We will not give information about you or your child to anyone outside the setting without your permission unless the law and our rules permit it. We are required by law to pass some of your child's information to East Sussex County Council and to the Department for Education (DfE) and local NHS agencies. We will pass on individual pupil records to the receiving setting when a child moves from one setting to another. This includes when a child moves to reception class in primary school.

YOU CAN ASK TO SEE THE INFORMATION WE HOLD ABOUT YOU

South Downs School: If you want to see a copy of the information we hold and share about you at the South Downs School, then please contact the Head of School, Sharon James.

East Sussex County Council: If you need to know more about how East Sussex County Council stores and uses your information please see their website:

www.eastsussex.gov.uk/dataprotection

If you are unable to access this website, please contact:

Information Governance Officer

Children's Services

East Sussex County Council

County Hall

St Anne's Crescent

☎ 01273 482901

Lewes

✉ CS.DPA@eastsussex.gov.uk

BN7 1UE

🌐 www.eastsussex.gov.uk

Department for Education: If you need to know more about how the DfE stores and uses your information please see their websites:

<http://media.education.gov.uk/assets/files/doc/w/what%20the%20department%20does%20with%20data%20on%20pupils%20and%20children.doc>

If you are unable to access these websites, the DfE can send you a copy of this information. Please contact:

Public Communications Unit

Department for Education

Sanctuary Buildings

Great Smith Street

☎ 0870 000 2288

London



<http://www.education.gov.uk/help/contactus>

SW1P 3BT

🌐 www.education.gov.uk

PRIVACY NOTICE: Primary School

The South Downs and Lindfield Schools Federation processes personal information about its pupils and is a 'data controller' for the purposes of the Data Protection Act 1998. We collect information from you and may receive information about you from your previous school. We hold and use your information to support your teaching and learning, monitor and report on how well you are doing, provide you with pastoral care and to assess how well your school is doing. The information we hold includes your contact details, national curriculum assessment results, attendance information, your ethnic group, special educational needs and any relevant medical information.

We will not give information about you to anyone outside the school without your permission unless the law and our rules permit it. We are required by law to pass some of your information to East Sussex County Council and to the Department for Education (DfE).

YOU CAN ASK TO SEE THE INFORMATION WE HOLD ABOUT YOU

The South Downs School: If you want to see a copy of the information we hold and share about you then please contact the Head of School, Sharon James

East Sussex County Council: If you need to know more about how East Sussex County Council stores and uses your information please see their website:

www.eastsussex.gov.uk/dataprotection

If you are unable to access this website, please contact:

Information Governance Officer

Children's Services

East Sussex County Council

County Hall

St Anne's Crescent

☎ 01273 482901

Lewes

✉ CS.DPA@eastsussex.gov.uk

BN7 1UE

🌐 www.eastsussex.gov.uk

Department for Education: If you need to know more about how the DfE stores and uses your information please see their website:

<http://media.education.gov.uk/assets/files/doc/w/what%20the%20department%20does%20with%20data%20on%20pupils%20and%20children.doc>

If you are unable to access these websites, the DfE can send you a copy of this information. Please contact:

Public Communications Unit

Department for Education

Sanctuary Buildings

Great Smith Street

☎ 0870 000 2288

London



<http://www.education.gov.uk/help/contactus>

SW1P 3BT

🌐 www.education.gov.uk

PRIVACY NOTICE: Secondary School

The South Downs and Lindfield Schools Federation processes personal information about its pupils and is a 'data controller' for the purposes of the Data Protection Act 1998. We collect information from you and may receive information about you from your previous school and the Learning Records Service. We hold and use your information to support your teaching and learning, monitor and report on how well you are doing, provide you with pastoral care and to assess how well your school is doing. The information we hold includes your contact details, national curriculum assessment results, attendance information, your ethnic group, special educational needs and any relevant medical information. If you are enrolling for post-14 qualifications, the Learning Records Service will give us your unique learner number

(ULN). We may also ask them for details of any learning you have done in the past or any qualifications you have.

We will not give information about you to anyone outside the school without your permission unless the law and our rules permit it. We are required by law to pass some of your information to East Sussex County Council and to the Department for Education (DfE).

YOUTH SUPPORT SERVICES

Once you are aged 13 or over, by law we have to pass on certain information to the provider of youth support services in your area. This is East Sussex County Council's youth support services for all young people aged 11 to 19.

We have to pass on your name, address and date of birth and your parent's or carer's name and address and other information that the youth support services need to provide their services. However, you (if you are 16 years or older) or your parent or carer can ask that no information beyond your name, address and date of birth and your parent's or carer's name and address be passed to the youth support services. Please tell the Head of School, Kirsty McIlhargey, if you wish to opt-out of this arrangement.

If you want more information about youth support services in East Sussex, please contact East Sussex County Council. Their website and contact details are given below. You can also see more information about young people's services on the Directgov Young People page at www.direct.gov.uk/en/YoungPeople/index.htm.

YOU CAN ASK TO SEE THE INFORMATION WE HOLD ABOUT YOU

The Lindfield School: If you want to see a copy of the information we hold and share about you then please contact tell the Head of School, Kirsty McIlhargey,

East Sussex County Council: If you need to know more about how East Sussex County Council stores and uses your information please see their website:

www.eastsussex.gov.uk/dataprotection

If you are unable to access this website, please contact:

Information Governance Officer

Children's Services

East Sussex County Council

County Hall

St Anne's Crescent

☎ 01273 482901

Lewes

✉ CS.DPA@eastsussex.gov.uk

BN7 1UE

🌐 www.eastsussex.gov.uk

Department for Education: If you need to know more about how the DfE stores and uses your information please see their websites:

<http://media.education.gov.uk/assets/files/doc/w/what%20the%20department%20does%20with%20data%20on%20pupils%20and%20children.doc>

If you are unable to access these websites, the DfE can send you a copy of this information. Please contact:

Public Communications Unit

Department for Education

Sanctuary Buildings

Great Smith Street

☎ 0870 000 2288

London

✉

<http://www.education.gov.uk/help/contactus>

SW1P 3BT

🌐 www.education.gov.uk