



Brook Learning Trust

Data Protection (Freedom of Information) Policy and Privacy Notice (see appendix 1)

At Brook Learning Trust we bring together our unique academies in our belief in the power of education to change lives and communities. It is our steadfast purpose to challenge and defy the barriers that constrain the educational progress of any child. We set high aims for aspiration and secure collective responsibility for all our children's achievements. Our work is underpinned by the values of Integrity, Respect, Courage, Optimism, Excellence and Accountability.

Aims & Objectives of this Policy

The aim of this policy is to provide a model set of guidelines to enable staff, parents and pupils to understand:

- The law regarding personal data
- How personal data should be processed, stored, archived and deleted/destroyed
- How staff, parents and pupils can access personal data

In addition, there is brief guidance at the end of the policy on Freedom of Information which covers other information held by schools.

The objective of the policy is to ensure that Trust Academies act within the requirements of the Data Protection Act 1998 when retaining and storing personal data, and when making them available to individuals, and that the process of responding to enquiries for other information is also legal under the Freedom of Information Act 2000 (in force from 1 January 2005).

Data Protection – the Law

- Pupils: under the Data Protection Act 1998, and other regulating acts, access to their own personal information is a statutory right for pupils (if they are of an age to understand the information they request) and parents (as defined in the Education Act 1996) may also request access to their child's personal data
- Staff: have a right of access to personal data concerning/mentioning themselves
- Anyone: has the right to question and correct inaccurate information, but this must pertain to matters of fact, not of opinion
- Confidentiality: should be respected. Personal data should always be kept securely and protected by passwords if they are electronic; access to personal data should be confined to those authorised to see them. The law also provides that personal data should not be kept longer than is required
- Third party data (information about someone other than the requesting individual): should in general only be provided with the permission of that party
- A named person: will have overall responsibility for personal data within each academy. In most cases this will be the Principal

Processing, Storing, Archiving and Deleting Personal Data: Guidance

- Personal data and school records about pupils are confidential to the child. The information can be shared appropriately within the professional working of the academy to enable it to make the best educational provision for the child. The law permits such information to be shared with other educational establishments when pupils change schools
- School and examination records for a child should be kept for seven years after the child leaves the establishment, or until the child reaches twenty-five years of age (whichever is greater)
- Data on staff are sensitive information and confidential to the individual/s to whom they relate. They are shared, where appropriate, at the discretion of the Principal and with the knowledge, and if possible the agreement, of the staff member/s concerned
- Employment records form part of a staff member's permanent record. Because there are specific legislative issues connected with these (salary and pension details etc) employment records should be retained for the duration of a staff member's employment and for a further seven years after the cessation of employment
- Interview records, CVs and application forms for unsuccessful applicants should be kept for six months
- All formal complaints made to the Principal, the Academy Council or the Trust Executive Team will be kept for at least seven years in confidential files, together with any documents relating to the outcome of such complaints. Individuals concerned in such complaints may have access to such files subject to data protection recommendations and to legal professional privilege in the event of a court case

Accessing Personal Data: Guidance

- A child can request access to his/her own data. The request is not charged and does not have to be in writing. The staff member with overall responsibility for personal data within the academy will judge whether the request is in the child's best interests and whether the child will understand the information provided. He/she may also wish to consider whether the request has been made under coercion
- A parent can request access to or a copy of his/her child's school records and other information held about their child. The request must be made in writing. There is no charge for such requests on behalf of the child, but there may be a charge for photocopying records: this is detailed in guidance available from the Information Commissioner. Staff should check, if a request for information is made by a parent, that no other legal obstruction (for example, a court order limiting an individual's exercise of parental responsibility) is in force
- Parents should note that all rights under the Data Protection Act to do with information about their child rest with the child as soon as they are old enough to understand these rights. This will vary from one child to another, but, as a broad guide, it is reckoned that most children will have a sufficient understanding by the age of twelve years. Parents are encouraged to discuss and explain any request for information with their child if they are aged twelve years or over
- Separately from the Data Protection Act, The Education (Pupil Information) (England) Regulations 2005 provide a pupil's parent (regardless of the age of the pupil) with the right to view, or to have a copy of, their child's educational record at the school. Parents who wish to exercise this right must apply to the academy in writing
- Educational records: (unlike other personal data; see below) access must be provided within fifteen school days and, if copies are requested, these must be supplied within fifteen school days of receipt of any payment due
- A member of BLT staff can request access to their own records at no charge, but the request must be made in writing. The member of staff has the right to see his/her own records and to ask for copies of the records. There is no charge for copies of records

- The law requires that all requests for personal information are dealt with within forty days of receipt. This does not apply to requests for educational records, for which see above. All requests will be acknowledged in writing on receipt and access to records will be arranged as soon as possible. If awaiting third party consents, the Trust/Academy will arrange access to those documents already available, and notify the individual that other documents may be made available later
- In all cases, should third party information (ie information about another individual) be included in the information, permission will be sought to show this information to the applicant, with the exception of information provided by another member of Trust staff or an agency representative who is exempt from a requirement for third party consents. If third party permission is not obtained, the person with overall responsibility should consider whether the information can still be released
- Personal data should always be of direct relevance to the person requesting the information. For example, a document discussing more general concerns may not be defined as personal data
- From 1 January 2005, when the Freedom of Information Act came into force, a request for personal information can include unstructured as well as structured records: for example, letters, emails etc. not kept within an individual's personal file, nor filed under their name, but nevertheless still directly relevant to them. If these data form part of a wider record, it is advisable to file these within structured records as a matter of course to avoid excessive administrative work. These can be requested if sufficient information is provided to identify them
- Anyone who requests to see their personal data has the right to question the accuracy of matters of fact recorded in the data, and to ask to have inaccurate information deleted or changed. They may also question opinions and their comments will be recorded, but opinions do not need to be deleted or changed as a part of this process
- The Trust/Academy will document all requests for personal information, including details of who dealt with the request, what information was provided and when, and any outcomes (letter requesting changes etc.) This will enable staff to deal with a complaint if one is made in relation to the request

Fair Processing of Personal Data: Data which may be Shared

Trusts, academies, local education authorities and the Department for Education (DfE) all hold information on pupils in order to run the education system and in doing so have to follow the Data Protection Act 1998. This means, among other things, that the data held about pupils must only be used for specific purposes allowed by law. The Trust has a Fair Processing or Privacy Notice which explains how personal data are used and with whom they will be shared. A copy of this Notice is appended to this policy document.

The Trust and the relevant education authorities which oversee its academies use information about pupils to carry out specific functions for which they are responsible, such as the assessment of any special educational needs the pupil may have. They also uses this information to derive statistics to inform decisions on (for example) the funding of schools, and to assess the performance of academies and set targets for them. The statistics are used in such a way that individual pupils cannot be identified from them.

Information on how to access personal data held by other organisations is given below.

Pupils, as data subjects, have certain rights under the Data Protection Act, including a general right of access to personal data held on them, with parents exercising this right on their behalf if they are too young to do so themselves. If your child wishes to access his/her personal data, or you wish to do so on his/her behalf, please contact the relevant organisation in writing:

- The Principal of the Academy at which your child is registered (in the first instance)
- The CEO of Brook Learning Trust (should the data be held at Trust level only)

Guidance on Freedom of Information Publication Schemes

- Under the Freedom of Information Act 2000, all schools and academies should have a Publication Scheme; this is essentially a formal list of the types of non-personal information which the establishment produces or holds, and which is readily accessible to staff, pupils and parents or other enquirers
- The Publication Scheme which has been adopted by Brook Learning Trust is published on the BLT website. Further information about the scheme may be obtained by application to the Principal of the relevant academy or from the office of the CEO of the Trust
- Unless otherwise stated, the Principal of each Academy has overall responsibility for published information within each school

Requests for information

- The Freedom of Information Act came into force on 1 January 2005. Under this Act, all schools/academies which receive a written or emailed request for information which they hold or publish are required to respond within twenty working days
- Upon request, the academy will provide information on how to access the information required. If the item is charged, the academy does not need to provide it until the payment is received
- A refusal to share any information requested must state the relevant exemption which has been applied or that the academy does not hold the information, and must explain what public interest test has been made where applicable
- If the information is published by another organisation (for example, in an Ofsted or other inspection or data report) the school can direct the enquirer to the organisation which supplied the information or publication unless it is legally permissible and practically possible to share the information (for example, a copy of the summary of an Ofsted report)
- It is not legal to photocopy a publication in its entirety and supply this to an enquirer unless the Trust owns the copyright – this is particularly important where the original publication was a charged item
- The academy will keep the original request and note against this who dealt with the request and when the information was provided
- Any complaint about the provision of information will be handled by the Principal and/or his/her delegate or by the CEO of the Trust. All complaints should be submitted in writing and documented. The Publication Scheme includes information on who to contact for both enquiries and complaints
- All enquirers should be advised that they may complain to the information Commissioner if they are unhappy with the way their request has been handled

POLICY REVIEW AND RATIFICATION

Policy reviewed by the Trust Executive every two years and ratified by BLT Board in May

Summary of amendments to this iteration	no material changes: urls checked and updated where necessary
Ratified by Audit & Risk Committee	June 2016
Next Review due	May 2018
Next Ratification	May 2018

Bibliography

(urls last accessed June 2016)

Data Protection Act 1998:

<https://www.gov.uk/data-protection/the-data-protection-act>

Information Commissioner's Office Data Sharing Code of Practice Guidelines

<https://ico.org.uk/for-organisations/guide-to-data-protection/data-sharing/>

Information Commissioner's Office, Education:

<https://ico.org.uk/for-organisations/education/>

Information Commissioner's Office, Publication of Examination Results by Schools:

<https://ico.org.uk/for-the-public/schools/exam-results>

Information Commissioner's Office, Accessing Pupils' Information:

<https://ico.org.uk/for-the-public/schools/pupils-info>

Disclosure & Barring Service:

Code of practice for registered persons and other recipients of disclosure information through the DBS checking service

<https://www.gov.uk/government/publications/dbs-code-of-practice>

Health and Safety at Work Act 1974 & Health and Safety at Work Act 1972:

Retention requirements

<http://www.hse.gov.uk/foi/retention-schedule.htm>



Brook Learning Trust Privacy Notice

Appendix 1 of the BLT Data Protection (FOI) Policy

NB this Privacy Notice is available to all students registered at Trust Academies.

If you do not agree with the content of this Notice, please contact the administrative office of your academy. If no response is received from you within five working days of distribution, it will be assumed that you are in agreement with the content of this Notice.

1 Privacy Notice - Data Protection Act 1998

This notice confirms that Brook Learning Trust and its Academies are data controllers for the purposes of the Data Protection Act. We collect information from you and may receive information about you from your previous school, Kent County Council, the Learning Records Service or other relevant educational agency.

2 How we use your Personal Information

We hold this personal data and use them to:

- Support your teaching and learning
- Monitor and report on your progress
- Provide appropriate pastoral care
- Support you to decide what to do after you leave school
- Assess the educational delivery of your academy

This information includes your contact details, national curriculum assessment results, attendance information and personal characteristics such as your ethnic group, any special educational needs and relevant medical information. If you are enrolling for post 14 qualifications we will be provided with your unique learner number (ULN) by the Learning Record Service and may also obtain from them details of any learning or qualifications you have undertaken.

We are required by law to pass some information about you to our Local Authority (LA) and the Department for Education (DfE) and, in turn, the latter will be available for the use of the LA.

Once you are aged 13 or over, we are required by law to pass on certain information to providers of youth support services in your area. This is the LA support service for young people aged 13 to 19 in England. We must provide both your and your parent's/parents' name/s and address/es, and any further information relevant to the support services. However, if you are over 16, you (or your parent/s) can ask that no information beyond name, address and date of birth be passed to the support service. This right transfers to you on your 16th birthday.

3 Supporting you to Plan your Future

3.1 How we share additional data collected in Years 10, 11, 12 and 13 with Kent County Council

The information detailed below that your academy collects from you during Years 10, 11, 12 and 13 may be shared with other organisations in order to provide you with careers and other guidance and for administrative, statistical and research purposes relating to education and training.

3.2 Information we have to pass on by law

We are required by law to pass some of your information to Kent County Council (KCC) as part of the Intended Destination, September Guarantee and Annual Activity processes. This is to assist KCC fulfil its legal obligation under the Education and Skills Act 2008 and the Apprenticeship, Skills, Children and Learning Act 2009 to assist, encourage and enable young people aged 13-19 (and young adults with learning difficulties or disabilities up to the age of 25) to participate in education or training. KCC are then required to share this information with the Department of Education.

We share the following information about you:

- What you are intending to do after Year 11 in terms of education, training or employment (your Intended Destination)
- Which post-16 provider has made you an offer of a place on a course at the end of Year 11 or Year 12 if you stayed at your academy after Year 11 (referred to as the September Guarantee)
- What your destination is after you leave Year 11 or Year 12 or Year 13, if we are aware of this (as part of the Annual Activity Survey). This could include sixth form at your academy, if relevant

3.3 Information KCC may share with us once you have left school

Kent County Council has a legal responsibility to track all young people up to the age of 19 (and young adults with learning difficulties or disabilities up to the age of 25). The purpose of collecting this information is to assist the planning of education and training for young people and the support services they require. Some of this information is then shared with the Department for Education who use the information to plan at a national level.

Kent County Council will, if you allow, inform your Academy of your current activity once you have left the school. This is in relation to education, training, employment with training you may be undertaking and whether you are NEET (Not in Education, Employment or Training).

The purpose of this is to:

- Enable your Academy to offer support should you become NEET
- Check that the education it provides is enabling students to make a positive progression once they leave their school
- Help plan support and education for future students

3.4 Information that may be shared with other Schools and Colleges

Some of the information we collect from you during Years 10 and 11 and as part of the Intended Destination, September Guarantee and Annual Activity processes may also be shared with EFA funded post-16 providers (hereafter referred to as 'post-16 providers') who deliver in Kent.

These providers are listed on www.kentchoices4u.com.

These providers could offer you a progression route and support your transition into post-16 education, training or employment with training.

To support your transition to post-16 education and to support planning for future learners Brook Learning Trust, or KCC, may also need to share further information about you directly with post-16 providers after you have enrolled, this includes:

- Whether you are NEET and may need support finding an education/training employment opportunity
- Your activity after leaving a FE College after Year 12 or Year 13
- Your attendance record at school
- Whether you have been excluded from school

- If you have any special educational needs
- Whether you are looked after/or a care leaver
- Whether you are a carer
- Whether English is an additional language for you
- Whether you are a traveller
- Whether you receive free school meals, and
- Whether you are currently supervised by the Youth Offending Team

4 You have a choice about what information is shared after you turn 16

You can ask that:

- No information beyond name, address and date of birth be shared with KCC in regard to the provision of Local Authorities support services for young people or
- No information about your current activities once you have left school be shared with Brook Learning Trust and its Academies and/or
- No information will be shared with post 16 providers in the future, once you have enrolled with another provider.

To express your wishes regarding the above, please contact your Academy, directing your enquiry to the Administrative Officer. Alternatively you could contact the Management Information Team at KCC at url:

<http://www.kelsi.org.uk/school-management/data-and-reporting/management-information/contact-management-information>

5 How we keep your Information safe

Both your Academy and KCC keep information about you on computer systems and also sometimes on paper. Your Academy holds your education records securely and retains them from your date of birth until you reach the age of 25, after which they are safely destroyed.

There are strict controls on who can see your information. Your academy will not share your data unless it is legally obliged to do so, or if you have advised it that you do not want this information shared unless sharing it is the only way your academy can, in the opinion of its staff, make sure you stay safe and healthy.

6 Need to know more about how we process your Information?

If you need more information about how your academy uses your information or if you wish to see a copy of your information, please contact the Administration Office of your Academy.

If you would like to obtain a copy of the information about you that KCC shares with the Department for Education or post-16 providers or if you wish to know how they use your information, please contact:

Information Resilience & Transparency Team

Kent County Council Room 2.71

Sessions House

Maidstone

Kent

ME14 1XQ

email: freedomofinformation@kent.gov.uk

You can also visit the KCC website if you need more information about how they use and store your information. Please go to:

<http://www.kent.gov.uk/about-the-council/about-the-website/privacy-policy>

7 Further Information about young Peoples' Services

For more information about young peoples' services in Kent, visit url:
<http://www.kent.gov.uk/education-and-children/young-people>