

Walthamstow Montessori School

Data Protection Policy

Data Protection is important, not because it is about protecting data, but because it is about protecting people. People can be harmed if their data is misused, or if it gets into the wrong hands, through poor security or through careless disclosures. They can also be harmed if their data is inaccurate or insufficient and decisions are made about them, or about what services to provide them with.

Data on Staff, volunteers and student, Volunteers, Students on placements

This policy document does not form part of your contract of employment and may be changed from time to time in line with current best practice and statutory requirements, and to ensure that business needs are met. You will be consulted and advised of any changes as far in advance as possible of the change being made, unless the change is required by statute.

This policy applies to all staff, volunteers and student, volunteers and students.

Staff, volunteers and student will be informed about data protection issues, and their rights to access their own personal data through the Staff, volunteers and student Handbook and at Organisational Induction.

Compliance with this policy is a condition of employment and any deliberate breach of this policy will result in disciplinary action, which may include dismissal and possible legal action.

All data/information processed by the organisation is covered by this policy.

The organisation holds personal data about you. In your employment contract you have consented to the data being used as set out in the contract.

The Data Protection Act 1998 and subsequent updates protects Staff, volunteers and students against the misuse of personal data, and covers both manual and electronic records.

The Act requires that any personal data held should be:

- processed fairly and lawfully;
- obtained and processed only for specified and lawful purposes;
- adequate, relevant and not excessive;
- accurate and kept up to date;
- held securely and for no longer than is necessary; and

If you access another Staff, volunteers and student's records without authority this will be treated as gross misconduct and is a criminal offence under the Data Protection Act 1998, section 55.

Purposes for Which Personal Data may be Held

Personal data relating to Staff, volunteers and students may be collected primarily for the purposes of:

- recruitment, promotion, training, redeployment, and/or career development;
- administration and payment of wages and sick pay;
- calculation of certain benefits including pensions;
- disciplinary or performance management purposes;
- performance review;
- recording of communication with Staff, volunteers and students and their representatives;
- compliance with legislation;
- provision of references to financial institutions, to facilitate entry onto educational courses and/or to assist future potential employers; and
- Staff, volunteers and student level of performance and career planning.

The school considers that the following personal data falls within the categories set out above:

- personal details including name, address, age, status and qualifications. Where specific monitoring systems are in place, ethnic origin and nationality will also be deemed as relevant;
- references and CVs;
- emergency contact details;
- notes on discussions between management and the Staff, volunteers and student;
- appraisals and documents relating to grievance, discipline, promotion, demotion, or termination of employment;
- training records;
- salary, benefits and bank/building society details; and
- absence and sickness information.

Staff, volunteers and students or potential Staff, volunteers and students will be advised of the personal data which has been obtained or retained, its source, and the purposes for which the personal data may be used or to whom it will be disclosed.

The organisation will review the nature of the information being collected and held on an annual basis to ensure there is a sound business reason for requiring the information to be retained.

Sensitive Personal Data - This data will not be collected

Sensitive personal data includes information relating to the following matters:

- the Staff, volunteers and student's racial or ethnic origin;
- his or her political opinions;
- his or her religious or similar beliefs;
- his or her trade union membership;

- his or her physical or mental health or condition;
- his or her sexual orientation; or
- the commission or alleged commission of any offence by the staff, volunteers and student.

Data about Children, Families and Carers

The organisation considers that the following personal data falls within the categories set out above:

- personal details including name, address, age, and status. Where specific monitoring systems are in place, ethnic origin and nationality will also be deemed as relevant;
- emergency contact details;
- notes on discussions between management and the family or carers;
- records or reports about progress or education needs.
- absence and sickness information.
- Behaviour management plans and incidents
- Care plans
- Data passed to the organisation regarding safeguarding issues.

Responsibility for the Processing of Personal Data

The organisation's Data Controller is Lorna Mahoney who is responsible for ensuring all personal data is controlled in compliance with the Data Protection Act 1998.

Staff, volunteers and students who have access to personal data must comply with this Policy and adhere to the procedures laid down by the Data Controller. Failure to comply with the Policy and procedures may result in disciplinary action up to and including summary dismissal.

Use of Personal Data

To ensure compliance with the Data Protection Act 1998 and in the interests of privacy, confidence and good relations, the disclosure and use of information held by the organisation is governed by the following conditions:

- personal data must only be used for one or more of the purposes specified in this Policy;
- Documents may only be used in accordance with the statement within each document stating its intended use; and
- provided that the identification of the individual Staff, volunteers and students is not disclosed, aggregate or statistical information may be used to respond to any legitimate internal or external requests for data (e.g., surveys, no. of staff, volunteers and students figures); and
- personal data must not be disclosed, either within or outside the organisation, to any unauthorised recipient.

Personal Data Held for Equal Opportunities Monitoring Purposes

Where personal data obtained about staff, volunteers and student, candidates for employment, volunteers, students on placement and people who use the services will be held for the purpose of Equal Opportunities monitoring, all such data must be made anonymous.

Disclosure of Personal Data of Staff, volunteers and student

Personal data may only be disclosed outside the organisation with the staff, volunteers and students written consent, where disclosure is required by law or where there is immediate danger to the Staff, volunteers and student's health.

Disclosure of Personal Data of children and Families or Carers

Personal data may only be disclosed outside the organisation with the written consent, where disclosure is required by law or where there is immediate danger to the child

- a. Safeguarding
- b. Criminal activity
- c. Ethical queries
- d. Situations where there maybe immediate danger, e.g. suicidal;

Guidance which is specific to Safeguarding and care can be found at www.ecm.gov.uk/delivering/services/informationsharing

Accuracy of Personal Data

The school will review personal data regularly to ensure that it is accurate, relevant and up to date.

In order to ensure that our files are accurate and up to date, and so that the school is able to contact the staff, volunteers and student or, in the case of an emergency, another designated person, staff, volunteers and students must notify the school coordinator as soon as possible, of any change in their personal details (e.g., change of name, address; telephone number; loss of driving license where relevant; next of kin details, etc).

Access to Personal Data ("Subject Access Requests")

Staff, volunteers and students and those using the services have the right to access personal data held about them. The organisation will arrange for the person requesting information to see or hear all personal data held about them within 21 days of receipt of a written request.

Retention of records

The organisation follows the retention periods recommended by the Information Commissioner in its Employment Practices Data Protection Code. See appendix A

Data about Children, Families and Carers that is required by Ofsted for three years

See attached Appendix B

Related Policies

- Confidentiality Policy
- Code of Conduct
- Disciplinary Policy
- Equal Opportunities Policy

(A signed policy is available upon request)

This policy was adopted on dated: **01.03.2016**

Signed (Principal):

Signed (Senior member of school staff):

Signed (Parent Representative):

Date signed: 1/5/18

Date to be Reviewed: **01.05.2019**

Appendix A

Record	Statutory retention period	Statutory authority
Accident books, Accident records/reports	3 years after the date of the last entry	The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR) (SI 1995/3163)
Accounting records	3 years for private companies, 6 years for public limited companies	Section 221 of the Companies Act 1985
Income tax and NI returns, income tax records and correspondence with the Inland Revenue	not less than 3 years after the end of the financial year to which they relate	The Income Tax (Employments) Regulations 1993 (SI 1993/744)
Statutory Maternity Pay records, calculations, certificates (Mat B1s) or other medical evidence	3 years after the end of the tax year in which the maternity period ends	The Statutory Maternity Pay (General) Regulations 1986 (SI 1986/1960)
Statutory Sick Pay records, calculations, certificates, self-certificates	3 years after the end of the tax year to which they relate	The Statutory Sick Pay (General) Regulations 1982 (SI 1982/894)
wage/salary records (also overtime, bonuses, expenses)	6 years	Taxes Management Act 1970

Appendix B

To Comply with Ofsted requirements and Data Protection Retention and Archives Early Education Centre will keep the following written records.

- The name, home address and date of birth of each child.
- The name, home address and phone number of the child's parent.
- The name, home address and phone number of everyone living or working in the premises where the childcare is provided – or the part of the premises where the childcare is held.
- A daily record of the hours you care for the child.
- A record of accidents that happen on the premises.
- A record of any medicine given, including the date and details of any medicine given and who gave the medicine.
- A record for parents to sign, to say that Staff, volunteers and student can give medicines (see note 2 below).
- A record of your risk assessment.
- A statement on keeping children safe.
- A statement on dealing with complaints.
- A written record of any complaints, the results of the investigation and any action taken.
- We will keep a record of visitors. This is good practice because it is one way that we can keep children safe.