



Data protection policy

Key staff members:	All staff
Responsible body:	Project Steering Group/Local Governing Body
Adopted:	June 2017
Last reviewed:	n/a
Next review:	June 2018

1. Introduction

This is Mulberry UTC (the "UTC")'s policy on how it looks after pupil and staff personal information in accordance with the Data Protection Act 1998 (the "Act").

Further information on the Act, how it works and your rights under it are available from the Office of the Information Commissioner (the organisation which oversees the Act) at:

www.informationcommissioner.gov.uk

2. Collection of personal information

The UTC needs to keep certain information about staff, students and their parents to allow it to carry out its functions as a school and to monitor performance, achievements and health and safety. In so doing, the UTC will comply with the terms of the Act to ensure that personal information is treated in a manner that is fair and lawful.

In summary, the Act states that personal information shall:

- Be obtained and processed fairly and lawfully and shall not be processed unless certain conditions are met
- Be obtained for a specified and lawful purpose and shall not be processed in any manner incompatible with that purpose (such purposes are stated in the UTC's data protection registration which can be viewed at: <http://forms.informationcommissioner.gov.uk/search.html>)
- Be adequate, relevant and not excessive for that purpose
- Be accurate and kept up to date
- Not be kept for longer than is necessary for that purpose
- Be processed in accordance with the data subject's rights

- Be kept safe from unauthorised access, accidental loss or destruction
- Not be transferred to a country outside the European Economic area, unless that country has equivalent levels of protection for personal data.

The UTC will ensure that all staff or others who gather and use personal information on the UTC's behalf will follow these principles at all times. In order to ensure that this happens; the UTC has developed this Data Protection Policy. Data protection statements will be included in the UTC prospectus and on any forms that are used to collect personal information.

3. The Data Controller and the Compliance Officer

The UTC as a body corporate is a 'data controller' under the Act. To ensure the UTC is carrying out its obligations under the Act properly, the UTC Finance and Resources Officer has been given responsibility for ensuring compliance, who will help staff [and parents] to deal with day to day queries about looking after and properly using personal information. Any member of staff, pupil or any other individual who considers that this policy has not been followed in respect of personal data about themselves, should in the first instance, raise the matter with the UTC Finance and Resources Officer.

If you are not satisfied about any aspect of how the UTC gathers and holds personal information, in addition to the rights contained in this policy you have a right to discuss and/or complain to the Office of the Information Commissioner (www.informationcommissioner.gov.uk/) whose address is:

Information Commissioner's Office Wycliffe House,
Water Lane,
Wilmslow,
Cheshire
SK9 5AF
Tel: 01625 545700

4. Data Gathering

- All personal information relating to staff, students or other people with whom the UTC has contact, whether held on computer or in paper files, are covered by the Act.
- Only relevant personal information may be collected and the person from whom it is collected should be informed of the intended use of the data and of any possible disclosures of that information which may be made. Wherever possible, the UTC will try and get consent from the relevant data subject (or his/her parent or legal guardian) to hold and use that information.
- Where the UTC collects information which is of a more sensitive nature (for example details of any medical conditions which students have and which the UTC needs to know about), the UTC will obtain the explicit consent from the parents and/or students in respect of its holding of that information.

5. Data Checking

- The UTC will issue annual reminders to staff and parents to ensure that the personal information which it holds is up to date and accurate.

6. Responsibility of Parents

Students and their parents should ensure that all personal information provided to the UTC is accurate and up to date. They should ensure that changes of address etc, are notified to the UTC. The UTC cannot be held responsible for any errors unless the parent has informed the UTC of such changes.

Subject to the above, any errors discovered will be rectified and, if the incorrect information has been disclosed to a third party, any recipients informed of the corrected data.

7. Data Storage

The UTC shall ensure that:

- any personal information held in respect of students is kept securely
- the personal information is not disclosed either orally or in writing or electronically or by any other means accidentally or otherwise to any unauthorised third party (but see 'Disclosing Information to Third Parties', below)

Personal information shall:

- in respect of manual data, be stored by the UTC in a secure and safe manner. It shall be kept in a locked filing cabinet, drawer or safe where it is inaccessible to anyone who does not have a legitimate reason to view or process that information
- in relation to electronically stored information, be coded, encrypted or password protected both on a local hard drive and on a network drive that is regularly backed up
- computer work stations in administrative areas are be positioned so that they are not visible to casual observers waiting either in the office or the reception hatch.

Your right of access to personal information held about you/your child

All people for whom the UTC holds personal information on are entitled to: -

- know what information the UTC holds and processes about them and why.
- know how to gain access to it.
- know how to keep it up to date if the UTC's information is or becomes out of date.
- know what the UTC is doing to comply with its obligations under the Act.
- a right under the Act to access certain personal data being kept about them

If the UTC receives a written request from a data subject (a child or his/her parents or legal guardians) to see any or all personal information that the UTC holds about them, the UTC will respond within 40 days, as required by the Act. The maximum charge for this is £10. Please note that the charges and timings of disclosures to students/parents of educational records are different (see below).

- the Act gives all UTC students, regardless of age, the right of access to their UTC pupil records. Request to see or receive copies of records should be made in writing to the Principal
- in addition to the right to be given a copy of the educational record, students are entitled to be given a description of the personal information which makes up the record, together with details of the purposes for which the information are processed, the sources of the information (if known) and the individuals or organisations to which the information may have been disclosed
- a period of up to 15 UTC days is allowed in which to respond to a subject access request. (The equivalent period for other types of record is up to 40 days). If asked to provide a hard copy of the record, a fee may be charged according to the number of pages. (See below for the scale of charges).

Students may be asked for information to verify their identity if it is necessary, for instance in the case of former students who may not be currently known to the UTC. They may also be asked for information necessary to locate the data held about them.

For instance, a student may be asked to supply the dates between which he or she attended the UTC.

- only in exceptional cases will the UTC be able to withhold some of the information which is requested by a pupil. For example, information does not have to be disclosed by the UTC where that information might cause harm to the physical or mental health of the pupil or a third party. Also, information which may identify third parties (for example other students, although not teachers), and information which forms part of some court reports are exempt from disclosure by the UTC. Information may also be withheld if in that particular case it would hinder the prevention and detection of crime or the prosecution or apprehension of offenders to provide it.
- if students are incapable of understanding or exercising their own rights under the Act, (for instance because they are too young) parents can, of course, make subject access requests on their behalf.
- parents have an independent right of access to student records (under the Education Pupil Information (England) Regulations 2000). Because of this, the students themselves have no right to prevent their parents from obtaining a copy of their UTC record.

Subject Access Fees – access by students and/or parents

No of Pages - Maximum Fee

1-19: £1	70-79: £7	250-299: £25
20-29: £2	80-89: £8	300-349: £30
30-39: £3	90-99: £9	350-399: £35
40-49: £4	100-149: £10	400-449: £40
50-59: £5	150-199: £15	500+: £50
60-69: £6	200-249: £20	

8. Disclosing information to third parties

- personal information will only be disclosed to organisations or individuals for whom consent has been given to receive the data, or to organisations that have a legal right to receive (or to whom the UTC has a legal right to disclose) the data without consent being given

- personal information will not be used in newsletters, websites or other media without the consent of the data subject
- routine consent issues will be incorporated into the UTC's pupil and staff data gathering sheets to avoid the need for frequent similar requests for consent being made by the UTC. This will include information considered sensitive under the Act relating to particular health needs, such as allergies or medical conditions. The UTC will only use this information in the protection of the health and safety of the individual, but will need consent to process this data in the event of a medical emergency.
- therefore, the pupil and staff information gathering sheets that all staff and students are required to complete, will include a section requiring consent to process the applicant's personal data. A refusal to sign such a form will prevent the application from being processed.