



WAKEFIELD GRAMMAR SCHOOL FOUNDATION (incl EYFS)

DATA PROTECTION POLICY (PUPIL DATA)

1. General Statement of the Foundation's Duties

Wakefield Grammar School Foundation (the Foundation) is required to process relevant personal data regarding pupils and their parents and guardians as part of its operation and shall take all reasonable steps to do so in accordance with this policy. Processing may include obtaining, recording, holding, disclosing, destroying or otherwise using data. In this policy any reference to pupils includes current, past or prospective pupils.

2. Data Protection Officer

The Foundation has appointed Mr Laurence Perry as Data Protection Officer (DPO) who will endeavour to ensure that all personal data is processed in compliance with this policy and the Principles of the Data Protection Act 1998 (DPA)

3. The Principles

The Foundation shall so far as is reasonably practicable comply with the Data Protection Principles ("the Principles") contained in the Data Protection Act to ensure all data is:

- I. Fairly and lawfully processed;
- II. Processed for a lawful purpose;
- III. Adequate, relevant and not excessive;
- IV. Accurate and up-to-date;
- V. Not kept for longer than necessary;
- VI. Processed in accordance with the data subject's rights;
- VII. Secure;
- VIII. Not transferred to other countries without adequate protection.

4. Personal Data

Personal data covers both facts and opinions about an individual. The Foundation may process a wide range of personal data of pupils, their parents or guardians as part of its operations. This personal data may include (but is not limited to); names and addresses, bank details, academic, disciplinary, admissions and attendance records, references, examination scripts and marks.

5. Processing of Personal Data

Consent may be required for the processing of personal data unless the processing is necessary for the Foundation to undertake its obligations to pupils, their parents or guardians. Any information which falls under the definition of personal data, and is not otherwise exempt, will remain confidential and will only be disclosed to third parties with the consent of the appropriate individual or under the terms of this policy.

6. Sensitive Personal Data

The Foundation may, from time to time, be required to process sensitive personal data regarding a pupil, their parents or guardians. Sensitive personal data includes information and data relating to racial or ethnic origin, political opinions, religious beliefs or other beliefs of a similar nature, membership of a trade union, physical or mental health or condition, sexual life, commission or alleged commission of any offence or any related proceedings.

Where sensitive personal data is processed by the Foundation, the explicit consent of the appropriate individual will generally be required in writing.

7. Rights of Access

Individuals have a right of access to information held by the Foundation. Any individual wishing to access their personal data should put their request in writing to the DPO. The Foundation will endeavour to respond to any such written requests as soon as is reasonably practicable and, in any event, within 40 days.

The Foundation may charge an administration fee of up to £10.00 for providing this information.

You should be aware that certain data is exempt from the right of access under the Data Protection Act. This may include information which identifies other individuals, information which the Foundation reasonably believes is likely to cause damage or distress, or information which is subject to legal professional privilege. The school is also not required to disclose any pupil examination scripts.

The Foundation will also treat as confidential any reference given by the Foundation for the purpose of the education, training or employment, or prospective education, training or employment of any pupil. The Foundation acknowledges that an individual may have the right to access a reference relating to them received by the Foundation. However, such a reference will only be disclosed if such disclosure will not identify the source of the reference or where, notwithstanding this, the referee has given their consent or if disclosure is reasonable in all the circumstances.

8. Whose Rights

The rights under the Data Protection Act are the individual's to whom the data relates. The Foundation will, however, in most cases rely on parental consent to process data relating to pupils unless, given the nature of the processing in question, and the pupil's age and understanding, it is unreasonable in all the circumstances to rely on the parent's consent.

The Foundation will grant the pupil direct access to their personal data if in the Foundation's reasonable belief the pupil understands the nature of the request. As a general guide, a child age 12 or older is expected to be mature enough to understand the request they are making. A child may however be mature enough at an earlier age, or may lack sufficient maturity until a later age and all requests will be considered on a case by case basis. Pupils agree that the Foundation may disclose their personal data to their parents or guardian.

Where a pupil raises a concern confidentially with a member of staff and expressly withholds their agreement to their personal data being disclosed to their parents or guardian, the Foundation will maintain confidentiality unless it has reasonable grounds to believe that the pupil does not fully understand the consequences of withholding their consent, or where the Foundation believes disclosure will be in the best interests of the pupil or other pupils.

9. Exemptions

There are situations where access to information may be withheld by the Foundation:

a) The Data Protection Act contains a number of exemptions when information may be withheld, these include:

- information which might cause serious harm to the physical or mental health of the pupil or another individual;
- cases where the disclosure would reveal a child is at risk of abuse;
- information contained in adoption and parental order records;

- information given to a court in proceedings under the Magistrates' Courts (Children and Young persons) Rules 1992;
- copies of examination scripts; and
- providing examination marks before they are officially announced.

b) Unstructured personal information.

The Foundation will generally not be required to provide access to information held mutually and in an unstructured way.

10. Disclosure of Information

The Foundation may receive requests from third parties to disclose personal data it holds about pupils, their parents or guardians. The Foundation confirms that it will not generally disclose information unless the individual has given their consent or one of the specific exemptions under the Data Protection Act applies. However the Foundation does intend to disclose such data as is necessary to third parties for the following purposes:

- To give a confidential reference relating to a pupil to any educational institution which it is proposed that the pupil may attend.
- To give information relating to outstanding fees or payment history to any educational institution which it is proposed that the pupil may attend.
- To publish the results of public examinations or other achievements of pupils of the Foundation.
- To disclose details of a pupil's medical condition where it is in the pupil's interests to do so, for example for medical advice, insurance purposes or to organisers of school trips.

Where the Foundation receives a disclosure request from a third party it will take reasonable steps to verify the identity of that third party before making any disclosure.

11. Use of Personal Information by the Foundation

The Foundation will, from time to time, make use of personal data relating to pupils, their parents or guardians in the following ways.

- To make use of photographic images of pupils in Foundation publications and on the Foundation website. The use of photographic images is covered by the Foundation's Photography and Privacy Policy.
- For fundraising, marketing or promotional purposes and to maintain relationships with pupils of the Foundation, including transferring information to any association, society or club set up for the purpose of establishing or

maintaining contact with pupils, or for development, fundraising, marketing or promotional purposes.

Should you wish to limit or object to any such use please notify the DPO in writing.

12. Accuracy

The Foundation will endeavour to ensure that all personal data held in relation to an individual is accurate. Individuals must notify the Foundation of any changes to information held about them. An individual has the right to request that inaccurate information about them is erased or corrected.

13. Security

The Foundation will take reasonable steps to ensure that members of staff will only have access to personal data relating to pupils, their parents or guardians where it is necessary for them to do so. All staff will be made aware of this policy and their duties under the Data Protection Act. The Foundation will ensure that all personal information is held securely and is not accessible to unauthorised persons.

14. Enforcement

If an individual believes that the Foundation has not complied with this policy or acted otherwise than in accordance with the Data Protection Act, they should utilise the Foundation's complaints procedure and should also notify the DPO.

Review History
Policy Written
Reviewed

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C Hastings
L Perry / R Clarkson