

<b>Version:</b>	2	<b>Model by:</b>	BCC	<b>Ratified on:</b>	12/11/19
<b>Date written:</b>		<b>Frequency:</b>	Annually	<b>Review date:</b>	Nov 2020
<b>Signed:</b>	Signed copy in Governors File			Chair of governors	

## Castle Vale Nursery School Data Protection Policy

It is the aim of the Governing Body of Castle Vale Nursery School and Children's Centre to support the implementation of policies and procedures which support the vision of:

*Making a difference. All of our children, all of the time.*

We follow the policies and procedures from Birmingham City Council and Birmingham Safeguarding Children Board (BSCB) which includes the government's prevent strategy.

Equal opportunities for all - 'An entitlement to learning must be an entitlement for all pupils'. Our school uses the Equality Act 2010: To treat everyone Equally and Fairly regardless of: Age, Disability, Gender, Gender Identity, Race and Nationality, Religion or belief, Pregnancy, Marriage, Sexual Orientation. Our children are treated as individuals with their own abilities, difficulties, attitudes, backgrounds and experiences.

We are a Silver RIGHTS RESPECTING SCHOOL This policy is in accordance with the 1989 United Nations Convention on the Rights of the Child (UNCRC)

Article 2 (non-discrimination), Article 3 (best interests of the child), Article 12 (respect for the views of the child), Article 13 (freedom of expression), Article 16 (right to privacy), Article 23 (children with a disability), Article 28 (right to education), Article 29 (goals of education), Article 30 (children from minority or indigenous groups), Article 31 (leisure, play and culture).

- 1 The school will comply with:
  - 1.1 The terms of the Data Protection Act 1998, the Freedom of Information Act 2000 and any other relevant legislation to ensure personal data is treated in a manner that is fair and lawful.
  - 1.2 Birmingham City Council's Children's Services advice and guidance.
  - 1.3 Information and guidance provided by the Information Commissioner's Office and displayed on the ICO's website.
  
- 2 This policy will be used in conjunction with the school's **Internet Usage Policy**.
  
- 3 Data Gathering
  - 3.1 All personal data relating to staff, pupils or other people with whom we have contact, whether held on computer or in paper files, are covered by the Act.
  - 3.2 Only relevant personal data will be collected and the person from whom it is collected will be informed of the data's intended use and any possible disclosures of the information that may be made.
  
- 4 Data Storage
  - 4.1 Personal data will be stored in a secure and safe manner.

- 4.2 Electronic data will be protected by robust password and firewall systems.
- 4.3 Personal passwords must not be disclosed to colleagues, pupils or other persons to enable them to access data.
- 4.4 Computer workstations in administrative areas will be positioned so that they are not visible to casual observers waiting either in the office or at the reception hatch.
- 4.5 Any hard copies of personal data will be stored where the data not accessible to anyone who does not have a legitimate reason to view or process it.
- 4.6 Particular attention will be paid to the need for security of sensitive personal data.

## 5 Data Checking

- 5.1 The school will issue regular reminders to staff and parents/carers to ensure that personal data held is up-to-date and accurate.
- 5.2 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.

## 6 Data Disclosures

- 6.1 Personal data will only be disclosed to organisations or individuals for whom the consent of the data subject (or that of the parent/carer) has been given for the organisation or individual to receive the data, or to organisations that have demonstrated a legal right to receive the data without consent being given.
- 6.2 When requests to disclose personal data are received by telephone the recipient must ensure the caller is entitled to receive the data and that they are who they claim to be. It is advisable to call them back, preferably via a switchboard, to ensure the possibility of fraud is minimised. Where doubt remains, no data should be disclosed until it has been established that the person is entitled to receive the data requested.
- 6.3 If someone requests access to their own personal data by telephone the recipient must ensure the caller is entitled to receive the data and that they are who they claim to be. If the person is not known personally, proof of identity should be requested prior to disclose. This may be achieved by asking questions of the caller that only the data subject might be able to answer.
- 6.4 Requests from parents or children for printed lists of the names of children in particular classes, which are frequently sought at Christmas, will be politely refused as permission would be needed from all the data subjects contained in the list. (Note: A suggestion that the child makes a list of names when all the pupils are present in class will resolve the problem.)
- 6.5 Personal data will not be used in newsletters, websites or other media without the consent of the data subject (or parent/carer).

- 6.6 Routine consent issues will be incorporated into the school's pupil data gathering sheets, to avoid the need for frequent, similar requests for consent being made by the school.
- 6.7 Personal data will only be disclosed to Police Officers if they are able to supply a properly completed and signed WA170 Police Declaration Form which notifies of a specific, legitimate need to have access to specific personal data. This form is the agreed procedure between Birmingham City Council and West Midlands Police.
- 6.8 A record will be kept of any personal data disclosed so that the recipient can be informed if the data is later found to be inaccurate.

## 7 Subject Access Requests

- 7.1 If the school receives a written request from a data subject to see or receive copies of any or all personal data which the school holds about them this will be treated as a Subject Access Request and the school will respond within the 40 calendar day deadline.
- 7.2 Informal requests to view or have copies of personal data will be dealt with wherever possible at a mutually convenient time but, in the event of any disagreement over this, the person requesting the data will be instructed to make their application in writing and the school will comply with its duty to respond within the 40 calendar day time limit.

8 This policy will be included in the **Staff Handbook**.

9 Data Protection statements will be included in the school prospectus and on any form that is used to collect personal data.