

**Statutory**

**Data Protection and  
Freedom of Information Policy  
(including Publication Scheme and  
Records Management Policy)**

**Purley CE Primary School**

**Date of policy: October 2009**

**Review Cycle: 2 years**

**Reviewed By: Full Governing Body**

**Approved By: Full Governing Body**

**Last Reviewed: Autumn 2015**

**Next review date: Spring 2018**



# Data Protection and Freedom of Information

## Aims & Objectives:

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 the school acts within the requirements of the Data Protection Act 1998 when retaining and storing personal data, and when making it 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 1st January 2005).

## Data Protection – the law:

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.

School staff have a right of access to personal data on themselves.

Anyone has the right to question and correct inaccurate information, but this must be matters of fact, not opinions.

Personal data should always be kept securely and protected by passwords if it is electronic, and access to it should only be by those authorised to see it – confidentiality should be respected. 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 their permission.

There should be a named person with overall responsibility for personal data within each school. In most cases this would be the Head Teacher.

## 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 school to enable the school 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 records for a child should be kept for 7 years after the child leaves the school, or until the child reaches 25 years of age (whichever is greater) and examination records the same.

- Data on staff is sensitive information and confidential to the individual, and is shared, where appropriate, at the discretion of the Head Teacher and with the knowledge, and if possible the agreement of the staff member 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.) these records should be retained as set out by the LEA.
- Interview records, CV's and application forms for unsuccessful applicants are kept for 6 months.
- All formal complaints made to the Head Teacher or School Governors will be kept for at least seven years in confidential files, with any documents on the outcome of such complaints. Individuals concerned in such complaints may have access to such files subject to data protection 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 will judge whether the request is in the child's best interests, and that the child will understand the information provided. They may also wish to consider whether the request has been made under coercion.
- A parent can request access to or a copy of their 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 12. Parents are encouraged to discuss and explain any request for information with their child if they are aged 12 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 school in writing.
- For educational records (unlike other personal data; see below) access must be provided within 15 school days, and if copies are requested, these must be supplied within 15 school days of payment.
- A member of West Berkshire Council 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 their 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 40 days of receipt except requests for educational records (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 school 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 (information about another individual) be included in the information the staff will try to obtain permission to show this information to the applicant, with the exception of information provided by another member of school staff (or local authority staff) which 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. A document discussing more general concerns may not be defined as personal data.
- From 1st 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 files, or filed by their name, but still directly relevant to them. If these would form part of a wider record it is advisable to file these within structured records as a matter of course and 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 within 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 school will document all requests for personal information with 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**

Schools, 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 school has a Fair Processing or Privacy Notice which explains how personal data is used and with whom it will be shared. This Notice is published here: [www.purleyprimaryschool.co.uk](http://www.purleyprimaryschool.co.uk)

The Local Education Authority uses information about pupils to carry out specific functions for which it is responsible, such as the assessment of any special educational needs the pupil may have. It also uses the information to derive statistics to inform decisions on (for example) the funding of schools, and to assess the performance of schools 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 parents want to request to access the personal data held about their child, they should contact the relevant organisation in writing:

- the school as above;

- the LEA's Data Protection Officer at Information Management Officer, Strategic Support, Council Offices, Market Street, Newbury RG14 5LD;

## **Access to other school information – guidance on Freedom of Information**

### **Publication Schemes**

- Under the Freedom of Information Act 2000, all schools (primary, secondary and nursery) should have a 'publication scheme' – essentially a formal list of the types of non-personal information which the school produces or holds, and which is readily accessible to staff, pupils and parents or other enquirers.
- The publication scheme should be available as a hard copy and also posted on the website (if the school has one). The model scheme supplied by the Information Commissioner's Office should have been adopted from January 2009.
- Schools can link this document via their website to a list of publications with details of contacts and costs, and any appropriate downloads.
- There should be a named person with overall responsibility for published information within each school. In most cases this would be the Head Teacher.

### **Requests for information**

- The Freedom of Information Act came into force on 1st January 2005. Under this Act, all schools which receive a written or emailed request for information which they hold or publish, are required to respond within 20 working days.
- The school will provide information on where to access the information required eg. the website link, or details of a charge if the publication/ information is charged, or send any free information. If the item is charged the school does not need to provide it until the payment is received.
- A refusal of any information requested must state the relevant exemption which has been applied or that the school does not hold the information, and must explain what public interest test has made if this applies.
- If the information is published by another organisation (for example, Ofsted reports, DCSF leaflets) the school can direct the enquirer to the organisation which supplied the information or publication unless it is legal and possible to provide the information direct (for example, a copy of the summary of an Ofsted report, spare copies of a DCSF leaflet).
- It will not be legal to photocopy a publication in its entirety and supply this to an enquirer unless the school owns the copyright – this is particularly important where the original publication was a charged item.
- The school 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 Head Teacher or another senior member of staff. All complaints should be in writing and documented. The Publication Scheme will include 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.

## Reviewing:

This guide and policy will be reviewed, and updated if necessary every two years. The Freedom of Information publication scheme should be reviewed regularly, with staff checking if they add a new piece of recorded information to the school's portfolio that this is covered within the scheme.

Date:

Review:

Signed:

Chair of Governors

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## Bibliography:

Criminal Records Bureau: Code of Practice and explanatory guide for registered persons and other recipients of disclosure information: Guidance on retention of CRB checks and other information. [www.crb.gov.uk/downloads/code\\_of\\_practice\\_and\\_explanatory\\_guide.pdf](http://www.crb.gov.uk/downloads/code_of_practice_and_explanatory_guide.pdf)

Data Protection Act 1998: All personal data which is held must be processed and retained in accordance with the eight principles of the Act and with the rights of the individual. Personal data must not be kept longer than is necessary (this may be affected by the requirements of other Acts in relation to financial data or personal data disclosed to Government departments). Retention of personal data must take account of the Act, and personal data must be disposed of as confidential waste. Covers both personal data relating to employees and to members of the public.

Data Protection Act 1998: Compliance Advice. Subject access – Right of access to education records in England: General information note from the Information Commissioner on access to education records. Includes timescale (15 days) and photocopy costs.

Data Protection Act 1998: Compliance Advice. Disclosure of examination results by schools to the media: General information note from the Information Commissioner on publication of examination results.

Education Act 1996: Section 509 covers retention of home to school transport appeal papers. (By LEA)

Education (Pupil Information) (England) Regulations 2005: Retention of Pupil records

Guidance to LEAS: Requirements with respect to “fair processing” under the data protection act and the passing of information to connexions. 2005 DfES: Guidance Note

Health and Safety at Work Act 1974 & Health and Safety at Work Act 1972: Retention requirements for a range of health and safety documentation including accident books, H&S manuals etc.

Information Commissioner's Code of Practice Guidelines (ICC of P Guidelines): available on the internet [www.ico.gov.uk](http://www.ico.gov.uk) Guidance on retention of interview and employment records

Personnel Files – Guidance Note for Schools. 2003. West Berkshire Council: Retention of personnel files

Recruitment checks – safeguarding our children in West Berkshire Schools. 2002. West Berkshire Council: Guidance on retention of recruitment checks

School Standards and Framework Act 1998: Retention of school admission and exclusion appeal papers and other pupil records.

Information and Records Management Society – Schools records management toolkit

<http://www.irms.org.uk/resources/information-guides/199-rm-toolkit-for-school>

A downloadable schedule for all records management in schools

Revised June 2012

# Purley Church of England (Voluntary Controlled) Primary School

## Publication Scheme

### on information available under the Freedom of Information Act 2000

*The governing body is responsible for maintenance of this scheme.*

#### 1. Introduction: what a publication scheme is and why it has been developed

One of the aims of the Freedom of Information Act 2000 (which is referred to as FOIA in the rest of this document) is that public authorities, including all maintained schools, should be clear and proactive about the information they will make public.

To do this we must produce a publication scheme, setting out:

- *The classes of information which we publish or intend to publish;*
- *The manner in which the information will be published; and*
- *Whether the information is available free of charge or on payment.*

The scheme covers information already published and information which is to be published in the future. All information in our publication scheme is available in paper and electronic form.

Some information which we hold may not be made public, for example personal information.

This publication scheme conforms to the model scheme for schools approved by the Information Commissioner.

#### 2. Aims and Objectives

Purley Church of England (Voluntary Controlled) School aims to serve its community by providing an education of the highest quality within the historic context of Christian belief and practise and this publication scheme is a means of showing how we are pursuing these aims.

The governors aim:

- ❖ for the school to be a happy caring and secure community
- ❖ to combine excellence in teaching with enjoyment of learning for all members of the school community
- ❖ to ensure pupils are all equally valued and are given opportunities to access the curriculum at their own level, in order to achieve their full potential
- ❖ to allow each child to develop as an individual and have high self expectations
- ❖ to promote personal, social, spiritual and cultural development and to develop self-discipline, tolerance and co-operation
- ❖ to encourage an understanding of the meaning and significance of faith and promote Christian values through the experience offered to all pupils
- ❖ to educate our children to take their place in a multi-cultural society
- ❖ to assess and record targets and attainment of each pupil and share information with parents and child
- ❖ to satisfy the requirements of Education Acts relating to The National Curriculum, Religious Education and Collective Worship.
- ❖ to maintain a high ratio of staff to children
- ❖ to place particular emphasis on learning through the Arts and the Environment

### **3. Categories of information published**

The publication scheme guides you to information which we currently publish (or have recently published) or which we will publish in the future. This is split into categories of information known as 'classes'. These are contained in section 6 of this scheme.

The classes of information that we undertake to make available are organised into four broad topic areas:

*Governors' Documents* – information published in governing body documents.

*Pupils & Curriculum* – information about policies that relate to pupils and the school curriculum.

*School Policies and other information related to the school* - information about policies that relate to the school in general.

### **4. How to request information**

If you require a paper version of any of the documents within the scheme, please contact the school by telephone, email, fax or letter. Contact details are set out below or you can access our website at:

Email: **office@purley.w-berks.sch.uk**

Tel: **0118 9842384**

Fax: **0118 9841315**

Contact Address: **Purley CE Primary School, Purley Village, Purley on Thames, Berkshire RG8 8BU**

To help us process your request quickly, please clearly mark any correspondence "**PUBLICATION SCHEME REQUEST**" (in CAPITALS please)

If the information you're looking for isn't available via the scheme and isn't on our website, you can still contact the school to ask if we have it.

### **5. Paying for information**

Information published on our website is free, although you may incur costs from your Internet service provider. If you don't have Internet access, you can access our website using a local library or an Internet café.

Single copies of information covered by this publication are provided free unless stated otherwise in section 6. If your request means that we have to do a lot of photocopying or printing, or pay a large postage charge, or is for a priced item such as some printed publications or videos we will let you know the cost before fulfilling your request. Where there is a charge this will be indicated by a £ sign in the description box.

## 6. Classes of Information Currently Published

**Governors' information relating to the governing body** – this section sets out information published in the Governors' Annual Report and in other governing body documents.

Class	Description
<b>Instrument of Government</b>	<ul style="list-style-type: none"> <li>• The name of the school</li> <li>• The category of the school</li> <li>• The name of the governing body</li> <li>• The manner in which the governing body is constituted</li> <li>• The term of office of each category of governor if less than 4 years</li> <li>• The name of any body entitled to appoint any category of governor</li> <li>• Details of any trust</li> <li>• If the school has a religious character, a description of the ethos</li> <li>• The date the instrument takes effect</li> </ul>
<b>Minutes<sup>1</sup> of meetings of the governing body and its committees</b>	Agreed minutes of meetings of the governing body and its committees [ <i>current and last full academic school year</i> ]

**Pupils & Curriculum Policies** - This section gives access to information about policies that relate to pupils and the school curriculum.

Class	Description
Home – school agreement	Statement of the school's aims and values, the school's responsibilities, the parental responsibilities and the school's expectations of its pupils for example homework arrangements
Curriculum Policy	Statement on following the policy for the secular curriculum subjects and religious education and schemes of work and syllabuses currently used by the school
Sex Education Policy	Statement of policy with regard to sex and relationship education as part of the school's Health & Safety and PSHE Policy
Special Education Needs Policy	Information about the school's policy on providing for pupils with special educational needs
Accessibility Plans	Plan for increasing participation of disabled pupils in the school's curriculum, improving the accessibility of the physical environment and improving delivery of information to disabled pupils.
Equalities	Statement of policy for promoting equality of opportunity for all.
Collective Worship	Statement of arrangements for the required daily act of collective worship
Safeguarding Policy**	Statement of policy for safeguarding and promoting welfare of pupils at the school.
Positive Behaviour Policy	Statement of general principles on behaviour and discipline and of measures taken by the head teacher to prevent bullying.

<sup>1</sup> Some information might be confidential or otherwise exempt from the publication by law – we cannot therefore publish this

**School Policies and other information related to the school** - This section gives access to information about policies that relate to the school in general.

<b>Class</b>	<b>Description</b>
Published reports of Ofsted referring expressly to the school	Published report of the last inspection of the school and the summary of the report and where appropriate inspection reports of religious education in those schools designated as having a religious character
Post-Ofsted inspection action plan	A plan setting out the actions required following the last Ofsted inspection and where appropriate an action plan following inspection of religious education where the school is designated as having a religious character
Charging and Remissions Policies	A statement of the school's policy with respect to charges and remissions for any optional extra or board and lodging for which charges are permitted, for example school publications, music tuition, trips
School session times and term dates	Details of school session and dates of school terms and holidays
Health and Safety Policy and risk assessment	Statement of general policy with respect to health and safety at work of employees (and others) and the organisation and arrangements for carrying out the policy
Complaints procedure**	Statement of procedures for dealing with complaints
Performance Management of Staff	Statement of procedures adopted by the governing body relating to the performance management of staff and the annual report of the head teacher on the effectiveness of appraisal procedures
Staff Conduct, Discipline and Grievance	Statement of procedure for regulating conduct and discipline of school staff and procedures by which staff may seek redress for grievance
Curriculum circulars and statutory instruments	Any statutory instruments, departmental circulars and administrative memoranda sent by the Department of Education and Skills to the head teacher or governing body relating to the curriculum
Annex A - Other documents	Management of Medicines Policy**

**\*\* Information available on our website**

**Our website is at [www.purleyprimaryschool.co.uk](http://www.purleyprimaryschool.co.uk)**

## **7. Feedback and Complaints**

We welcome any comments or suggestions you may have about the scheme. If you want to make any comments about this publication scheme or if you require further assistance or wish to make a complaint then initially this should be addressed to ***Mrs Karen Fakes, Headteacher, Purley CE Primary School***

If you are not satisfied with the assistance that you get or if we have not been able to resolve your complaint and you feel that a formal complaint needs to be made then this should be addressed to the Information Commissioner's Office. This is the organisation that ensures compliance with the Freedom of Information Act 2000 and that deals with formal complaints. They can be contacted at: ***Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF*** or Enquiry/Information Line: **01625 545 700**

**E-Mail:** [publications@ic-foi.demon.co.uk](mailto:publications@ic-foi.demon.co.uk).  
**Website :** [www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk)

## **Purley CE Primary School**

### **Freedom of Information Publication Scheme**

#### **Annex A – Further documents held by the school**

<b>Name of Document</b>	<b>Description</b>
Admissions Policy	Statutory Policy
Attendance Targets	LEA targets published in EDP 2002-2007 (Page 19)
Nutritional Standards	Statutory Policy
Register of Business Interests	Headteacher and Governors
Target Setting	Statutory Policy
Scheme for paying Governor Allowance	
Management of Medicines Policy	

## Records Management Policy

The School recognises that the efficient management of its records is necessary to comply with its legal and regulatory obligations and to contribute to the effective overall management of the institution. This document provides the policy framework through which this effective management can be achieved and audited. It covers:

- Scope
- Responsibilities
- Relationships with existing policies

### 1 Scope of the policy

- 1.1 This policy applies to all records created, received or maintained by staff of the school in the course of carrying out its functions.
- 1.2 Records are defined as all those documents which facilitate the business carried out by the school and which are thereafter retained (for a set period) to provide evidence of its transactions or activities. These records may be created, received or maintained in hard copy or electronically.
- 1.3 A small percentage of the school's records will be selected for permanent preservation as part of the institution's archives and for historical research.

### 2 Responsibilities

- 2.1 The school has a corporate responsibility to maintain its records and record keeping systems in accordance with the regulatory environment. The person with overall responsibility for this policy is Mrs Karen Fakes, Headteacher.
- 2.2 The person responsible for records management in the school will give guidance for good records management practice and will promote compliance with this policy so that information will be retrieved easily, appropriately and timely.
- 2.3 Individual staff and employees must ensure that records for which they are responsible are accurate, and are maintained and disposed of in accordance with the school's records management guidelines.

### 3 Relationship with existing policies

This policy has been drawn up within the context of:

- Freedom of Information policy
- Data Protection policy
- and with other legislation or regulations (including audit, equal opportunities and ethics) affecting the school.