



INTRODUCTION

Thomas's London Day Schools needs to keep certain information about its employees, pupils, parents and other users of its facilities to allow it to monitor performance, achievements, health and safety and other statutory requirements. It also needs to process information so that staff can be recruited and paid, conferences, seminars etc. organised and legal obligations to funding bodies and the government complied with. To comply with the law, information must be collected and used fairly, stored safely and not disclosed to any other person unlawfully. To do this, Thomas's London Day Schools must comply with the Data Protection Principles, which are set out in the Data Protection Act 1998. In summary these state that personal data 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
- be adequate, relevant and not excessive for those purposes
- 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.

Important Note: The Data Protection Act 1998 extends the scope of legislation to *include written and printed etc. material*, not just the electronic data which was covered by earlier enactments.

Thomas's London Day Schools and all staff or others who process or use any personal information must ensure that they follow these principles at all times. In order to ensure that this happens, Thomas's London Day Schools has developed this Data Protection Policy.

What is defined as personal data?

Personal data is defined in the Act, at section 1(1), as follows:

“data which relate to a living individual who can be identified from those data or from those data and other information which is in the possession of, or is likely to come into the possession of, the data controller and includes any expression of opinion about the individual and any indication of the intentions of the data controller or any other person in respect of the individual”.

Status of the policy

This policy is incorporated in the formal contract of employment. Infringement of the requirements of this policy may result in disciplinary action being taken. For the purposes of this document, reference to “employee” or “member of staff” includes any person carrying out work for Thomas's London Day Schools as a contractor, consultant or in a similar role.

Any member of staff, who considers that the policy has not been followed in respect of personal data about themselves, should raise the matter initially with the designated data controller. If the matter is not resolved it should be raised as a formal grievance.

Responsibilities of staff

All staff are responsible for:

- checking that any information that they provide to Thomas's London Day Schools in connection with their employment is accurate and up to date
- informing Thomas's London Day Schools of any changes to information which they have provided, e.g. changes of address and
- informing Thomas's London Day Schools of any errors or changes in staff information.

If and when, as part of their responsibilities, staff collect information (e.g. personal information, opinions about ability, or details of personal circumstances) about other people, whether Thomas's London Day School employees or people outside the School, they must comply with any guidelines which may be published. In particular, they must seek the permission of the Data Controller for their proposed information collection and uses.

Head teachers have overall responsibility within their area and are, with Senior Managers and the Senior IT Manager, responsible for monitoring the steps taken in their area of responsibility to ensure that the Act and this Policy are complied with. Particular care must be taken when work is being undertaken externally or when an existing body of material is being brought within Thomas's London Day Schools for the first time.

Data security

All staff are responsible for ensuring that:

- 1 Any personal data, which they hold, or for which they are responsible, is kept securely, for example:
 - Kept in a locked filing cabinet; or
 - In a locked drawer;
 - If it is computerised, be password protected
 - If computerised, then the computer itself is kept in suitably secure conditions. Data should not be stored on the hard drives of desktop personal computers but on the networked storage facilities provided.
 - Where it is necessary to store information on laptop computers (or off-site) then the machine must at all times be maintained physically secure. Where the data is particularly sensitive, consideration must be given to the adoption of additional security measures which would protect the information in the event of the loss or theft of the computer. Care must be taken to ensure that data is frequently transferred to network storage and that discrepancies are not allowed to arise.
 - Where information is to be gathered through, or used on, a website, then appropriate measures must be in place to control access and prevent unauthorised disclosure.
- 2 Personal information is not disclosed either orally or in writing or accidentally or otherwise to any unauthorised third party.
Advice on the collection, retention and secure storage of information may be obtained from the Data Controller.

Staff should note that unauthorised disclosure is a breach of the Data Protection Act and may result in disciplinary action. In some cases it may be considered as gross misconduct. It may also result in a personal liability for the individual staff member.

Rights to access information

Employees and other users of Thomas's London Day School have the right to access any personal data that is being kept about them either on computer or in certain files. Any person who wishes to exercise this right should contact the Data Controller.

In order to gain access, an individual may wish to receive notification of the information currently being held. This request should be made in writing.

Thomas's London Day School reserves the right to make a charge of up to £25 on each occasion that access is requested.

Thomas's London Day School aims to comply with requests for access to personal information as quickly as possible, but will ensure that it is provided within 40 days.

Subject consent

In many cases, Thomas's London Day Schools can only process personal data with the consent of the individual. In some cases, if the data is sensitive, express consent must be obtained.

Agreement to Thomas's London Day Schools processing some specified classes of personal data is a condition of employment for staff. This includes information about previous criminal convictions in accordance with the Rehabilitation of Offenders Act 1974.

Thomas's London Day Schools has a duty of care to all staff and must therefore make sure that employees and those who use Thomas's London Day Schools facilities do not pose a threat or danger to other users.

Processing sensitive information

Sometimes it is necessary to process sensitive information about a person such as race, gender or family details. This is done to ensure that Thomas's London Day Schools can operate policies on matters such as sick pay or equal opportunities. Thomas's London Day Schools may also ask for information about particular health needs or disabilities. Thomas's London Day Schools will only use such information in the protection of the health and safety of the individual, but will need consent to process for example, in the event of a medical emergency. Because this information is considered sensitive, and it is recognised that the processing of it may cause particular concern or distress to individuals, employees and others affected will be asked to give express consent for Thomas's London Day Schools to do this.

The Data Controller and the Designated Data Controller

Thomas's London Day Schools as an organisation is the data controller under the Act, and the Principals are therefore ultimately responsible for implementation. However, the designated data controller will deal with the implementation of agreed policy and day to day matters.

Thomas's London Day Schools has a designated Data Controller. In her absence, the Head of school may be consulted.

Thomas's London Day School's designated Data Controller is the Personnel Manager.

Retention of data

Thomas's London Day Schools will keep some forms of information for longer than others.

Thomas's London Day Schools will need to keep some central personnel records indefinitely. This will include information necessary in respect of pensions, taxation, potential or current disputes or litigation regarding the employment, and information required for job references. Retention periods and policies for all classes of document are determined and codified in the Record Management Policy created as part of the work necessary to discharge the school's responsibilities under the Freedom of Information Act.

Conclusion

Compliance with the Data Protection Act 1998 is the responsibility of all members of Thomas's London Day Schools. Any deliberate breach of the data protection policy may lead to disciplinary action being taken, or access to Thomas's London Day Schools facilities being withdrawn, or even a criminal prosecution. Any questions or concerns about the interpretation or operation of this policy should be taken up with the Data Controller.

This policy will be reviewed annually.		
Created: December 2010	By:	Jill Kelham Vice Principal
Reviewed: November 2016	By:	Chris Tuck, Personnel Manager
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