



Nottingham University Academy of Science and Technology

# Data Protection Policy

**Responsible officer:** Vice Principal Curriculum & Quality

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Approved by: NUAST Board of Directors

# NOTTINGHAM UNIVERSITY ACADEMY OF SCIENCE AND TECHNOLOGY

## Data Protection Policy

### 1. Introduction

- 1.1 The Nottingham University Academy of Science and Technology (NUAST) collects and uses personal data about staff, students, parents/carers and other individuals with whom it comes into contact. This data is gathered in order to enable it to provide education and other associated functions. In addition, there may be a legal requirement to collect and use such data to ensure that it complies with its statutory obligations.
- 1.2 NUAST has a duty to be registered, as Data Controller, with the Information Commissioner's Office (ICO) detailing the type of data held and its use. These details are then available on the ICO's website. Schools also have a duty to issue a Privacy Notice (see Appendix 4) to all students and parents/carers and to all staff. These Privacy Notices summarise the data held on students and staff, why it is held and the other parties to whom it may be passed on.

### 2. Purpose

- 2.1 This Data Protection Policy is intended to ensure that personal data is processed and handled correctly and securely and in accordance with the Data Protection Act 1998 (the Act), and other related legislation. It will apply to data regardless of the way it is collected, used, recorded, stored and destroyed, and irrespective of whether it is held in paper files or electronically. (See the definition of "data" below).
- 2.2 All staff involved with the collection, processing and disclosure of personal data will be aware of their duties and responsibilities by adhering to this policy and associated guidelines.

### 3. Definitions

- 3.1 The words **data** and **information**, when used non-specifically within this policy document have the same meaning e.g. Personal data / personal information. See Appendix 1 for a full list of definitions and the eight Data Protection Principles which must be adhered to at all times.

### 4. General Statement

NUAST is committed to maintaining the Data Protection Principles at all times. Therefore the Academy will:

- a. Provide information about why the data is being collected when it is collected
- b. Inform individuals when their data might be shared, and why and with whom it will be shared
- c. Check the quality and the accuracy of the data it holds

- d. Ensure that data is not retained for longer than is necessary
- e. Ensure that when obsolete, data is destroyed and that it is destroyed appropriately and securely
- f. Ensure that clear and robust safeguards are in place to protect personal data from loss, theft and unauthorised disclosure, irrespective of the format in which it is recorded
- g. Share data with others only when it is legally appropriate
- h. Set out procedures to ensure compliance with the duty to respond to requests for access to personal information, known as Subject Access Requests (see Appendix 2)
- i. Ensure that all staff are aware of and understand the Academy's Data Protection policies and procedures.

## **5. Complaints**

- 5.1 Complaints will be dealt with in accordance with the Academy's complaints policy. Complaints relating to data handling may be referred to the Information Commissioner (the statutory regulator).

## **6. Review**

- 6.1 This policy will be reviewed as it is deemed appropriate, but no less frequently than every 2 years. The policy review will be undertaken by the Board of Directors of NUASt, or nominated representative.

## **7. Contacts**

- 7.1 If anyone has any enquires in relation to this policy, they should contact the Clerk to the Board of Directors of NUASt, who will also act as the contact point for any subject access requests. Further advice and information is available from the Information Commissioner's Office, [www.ico.gov.uk](http://www.ico.gov.uk) or telephone 01625 5457453.

## Appendix 1

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### Definitions and Data Protection Principles

1. **Data** means information which is being:
    - a. Processed by means of equipment operating automatically in response to instructions given for that purpose
    - b. Recorded with the intention that it should be processed by means of such equipment
    - c. Recorded as part of a relevant filing system or with the intention that it should form part of a relevant filing system.
  
  2. **Personal data** is defined as that which relates to a living individual who can be identified from that data, or other information held.
  
  3. **Processing of Data** means obtaining, recording or holding the data or carrying out any operation or set of operations on the data, including:
    - a. Organisation, adaptation or alteration of the data
    - b. Retrieval, consultation or use of the data
    - c. Disclosure of the data by transmission, dissemination or otherwise making available, or
    - d. Alignment, combination, blocking, erasure or destruction of the data.
  
  4. **Rights and obligations under the Act**

The Act protects the rights of “data subjects”; those about whom the data has been collected, and places duties upon “data controllers”; those who decide how and why such data is processed.
  
  5. **Data Controllers**

Data controllers will usually be organisations, but can be individuals, for example self-employed consultants. Even if an individual is given responsibility for data protection in an organisation, they will be acting on behalf of the organisation, which will be the data controller.
  
  6. **Data Processors**

Confusingly, the Act recognises a “data processor” as someone acting on behalf of the data controller to process data, but not employed by the data controller. At the Trust, it will invariably be employees who process data. They will be performing administrative duties on behalf of the Trust and will not be the legal “data processors”.
  
  7. **Data Protection Principles**

There are eight principles that must be adhered to at all times:

    1. Personal data shall be processed fairly and lawfully
    2. Personal data shall be obtained only for one or more specified and lawful purposes
    3. Personal data shall be adequate, relevant and not excessive
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4. Personal data shall be accurate and where necessary, kept up to date
5. Personal data processed for any purpose shall not be kept for longer than is necessary for that purpose or those purposes
6. Personal data shall be processed in accordance with the rights of data subjects under the Data Protection Act 1998
7. Personal data shall be kept secure i.e. protected by an appropriate degree of security
8. Personal data shall not be transferred to a country or territory outside the European Economic Area, unless that country or territory ensures an adequate level of data protection.

## Appendix 2

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### Procedures for responding to Subject Access Requests made under the Data Protection Act 1998

#### 1. Rights of access to personal data

Under the Data Protection Act 1998 (the Act) there are two distinct rights of access to information held by schools about pupils/students:

- a. Any individual has the right to make a request to access the personal data held about them.
- b. The right of those entitled to have access to curricular and educational records as defined within the Education Pupil Information (Wales) Regulations 2004.

#### 2. Responding to a subject access request

- a. Any individual has the right of access to information held about them. However with children, this is dependent upon their capacity to understand (normally age 12 or above) and the nature of the request. The Principal or their nominee should discuss the request with the child and take their views into account when making a decision. A child with competency to understand can refuse to consent to the request for their records. Where the child is not deemed to be competent an individual with parental responsibility or guardian shall make the decision on behalf of the child. (See Appendix 3 for more information about children).
- b. Requests for information must be made in writing which includes email. If the initial request does not clearly identify the information required, then further enquiries will be made.
- c. Subject access provides a right to see the information contained in personal data, rather than a right to see the documents that include that information.
- d. The identity of the requestor must be established before the disclosure of any information, and, should the request for information be about a pupil/student, checks should be carried out regarding proof of relationship to the child. Evidence of identity can be established by requesting production of:
  - a. Passport
  - b. Driving licence
  - c. Utility bills with the current address
  - d. Birth / Marriage certificate
  - e. P45/P60
  - f. Credit Card or Mortgage statement

*This list is not exhaustive.*
- e. The Academy may make a charge for the provision of information, dependent upon the following:

- a. Should the information requested contain the educational record then the amount charged will be dependent upon the number of pages provided, up to a maximum of £10
  - b. Should the information requested be personal information that does not include any information contained within educational records a charge of up to £10 can be made to provide it
  - c. If the information requested is only the educational record viewing will be free, but a charge not exceeding the cost of copying the information, or the £10 cap, can be made by the Principal
  - d. The requirement to pay a fee, if appropriate, should be made clear at the beginning of a request.
3. The response time for subject access requests, once officially received, is 40 days **(not working or school days but calendar days, irrespective of NUASt holiday periods)**. However the 40 days will not commence until after receipt of fees or clarification of information sought.
  4. The Act allows exemptions as to the provision of some information; **therefore all information will be reviewed prior to disclosure**.
  5. Third party information is that which has been provided by another, such as the Police, Local Authority, Health Care professional or another school. Before disclosing third party information consent should normally be obtained. There is still a need to adhere to the original 40 day statutory timescale.
  6. Any information which may cause serious harm to the physical or mental health or emotional condition of any pupil/student or another should not be disclosed, nor should information that would reveal that the child is at risk of abuse, or information relating to court proceedings.
  7. If there are concerns over the disclosure of information then additional advice should be sought.
  8. Where redaction (information blacked out/removed) has taken place then a full copy of the information provided should be retained in order to establish, if a complaint is made, what was redacted and why.
  9. Information disclosed should be clear, thus any codes or technical terms will need to be clarified and explained. If information contained within the disclosure is difficult to read or illegible, then it should be retyped.
  10. Information can be provided at NUASt with a member of staff on hand to help and explain matters if requested, or provided at face to face handover.
  11. The views of the applicant should be taken into account when considering the method of delivery. If postal systems have to be used then registered/recorded mail must be used.
  12. Further advice and information can be obtained from the Information Commissioner's Office, [www.ico.gov.uk](http://www.ico.gov.uk) or telephone 01625 5457453.

## Appendix 3

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### Official guidance about dealing with requests for information about children

1. Even if a child is too young to understand the implications of subject access rights, data about them is still their personal data and does not belong, for example, to a parent/carer. It is the child who has a right of access to the data held about them, even though in the case of young children these rights are likely to be exercised by those with parental responsibility for them.
2. Before responding to a subject access request for data held about a child, the Trust will consider whether the child is mature enough to understand their rights. If the Trust is confident that the child can understand their rights, then it should respond to the child rather than a parent/carer. What matters is that the child is able to understand (in broad terms) what it means to make a subject access request and how to interpret the information they receive as a result of doing so. When considering borderline cases, the Trust will take into account, among other things:
  - a. The child's level of maturity and their ability to make decisions like this
  - b. The nature of the personal data
  - c. Any court orders relating to parental access or responsibility that may apply
  - d. Any duty of confidence owed to the child or young person
  - e. Any consequences of allowing those with parental responsibility access to the child's or young person's information. This is particularly important if there have been allegations of abuse or ill treatment
  - f. Any detriment to the child or young person if individuals with parental responsibility cannot access this information
  - g. Any views the child or young person has on whether their parents should have access to information about them

*Source: The Guide to Data Protection published by the Information Commissioner's Office*

### Associated Procedure documents

CCTV Code of Practice  
Freedom of Information Publication Scheme  
Privacy Notices (Appendix 4)

### STUDENT PRIVACY NOTICE - Data Protection Act 1998

We, the Nottingham University Academy of Science and Technology Trust, are the Data Controller for the purposes of the Data Protection Act. We collect information from you and may receive information about you from your previous school and from the Learning Records Service. We hold this personal data and use it to:

- Support your teaching and learning
- Monitor and report on your progress
- Provide appropriate pastoral care
- Assess how well the Academy is doing.

This information includes your contact details, examination/test results, attendance information and personal characteristics such as your ethnic group, special educational needs and any relevant medical information. If you are enrolling for post 14 qualifications we will be provided with your unique learner number by the Learning Records Service and may also obtain from them details of any learning or qualifications you have undertaken.

Once you are aged 13 or over, we are required by law to pass on certain information to the local authority support service for young people aged 13 to 19. We must provide both your, and your parent/carer's, name(s) and address(es) and any further information relevant to the support services' role. However, if you are over 16, you (or your parent/carer) can ask that no information beyond names, address and your date of birth be passed to the support service. This right transfers to you on your 16th birthday. Please inform the Clerk to the Governing Body at the Academy if you wish to opt-out of this arrangement. For more information about young peoples' services, please go to the following website:  
[www.direct.gov.uk/en/YoungPeople/index.htm](http://www.direct.gov.uk/en/YoungPeople/index.htm)

***We will not give information about you to anyone outside the Academy without your consent unless the law and our rules allow us to.***

We are required by law to pass some information about you to the Department for Education (DfE) and, in turn, this will be available for the use of the Local Authority (Nottingham City Council).

If you want to see a copy of the information about you that we hold and/or share, please contact the Clerk to the Governing Body at the Academy. If you require more information about how the Local Authority and/or DfE store and use your information, please go to the following website:

[www.education.gov.uk/researchandstatistics/datatdatam/b00212337/datause](http://www.education.gov.uk/researchandstatistics/datatdatam/b00212337/datause)

If you are unable to access any of these websites we can send you a copy of this information.

## STAFF PRIVACY NOTICE - Data Protection Act 1998

We, the Nottingham University Academy of Science and Technology Trust, are the Data Controller for the purposes of the Data Protection Act.

Personal data is held by the Academy about those employed or otherwise engaged to work at NUAAT. This data is held by us to assist in the smooth running of the Academy and/or to enable individuals to be paid. The collection of this information will benefit both national and local users by:

- Improving the management of school workforce data across the sector
- Enabling a comprehensive picture of the workforce and how it is deployed to be built up
- Informing the development of recruitment and retention policies
- Allowing better financial modeling and planning
- Enabling ethnicity and disability monitoring
- Supporting the work of the School Teacher Review Body and the School Support Staff Negotiating Body.

This personal data includes some or all of the following - identifiers such as name, home address and National Insurance Number and characteristics such as ethnic group; employment contract and remuneration details, qualifications and absence information.

***We will not give information about you to anyone outside the Academy without your consent unless the law and our rules allow us to.***

We are required by law to pass on some of this data to:

- The Local Authority (Nottingham City Council)
- The Department for Education (DfE).

If you require more information about how the Local Authority and/or DfE store and use this data please go to the following websites:

- <http://www.nottinghamcity.gov.uk/index.aspx?articleid=871>
- <http://www.education.gov.uk/schools/adminandfinance/schooladmin/a0077963/what-the-department-does-with-school-workforce-data>