



Data Protection Policy

1. Policy Statement

Jordanhill School is committed to the eight basic Principles¹ underlying the Data Protection Act 1998 (DPA) and protecting the rights and freedoms of individuals with respect to the processing of their personal data.

The School uses personal data for management, administration, and research, but the processing of the personal data must conform to this Policy and the School's Notification to the Scottish Information Commissioner.

We are committed to:

- ensuring that we comply with the eight data protection principles (appendix 1)
- meeting our legal obligations as laid down by the Data Protection Act 1998
- ensuring that data is collected and used fairly and lawfully
- processing personal data only in order to meet our operational needs or fulfil legal requirements
- taking steps to ensure that personal data is up to date and accurate
- establishing appropriate retention periods for personal data
- ensuring that data subjects' rights can be appropriately exercised
- providing adequate security measures to protect personal data
- ensuring that a nominated officer is responsible for data protection compliance and provides a point of contact for all data protection issues
- ensuring that all staff are made aware of good practice in data protection
- providing adequate training for all staff responsible for personal data
- ensuring that everyone handling personal data knows where to find further guidance
- ensuring that queries about data protection, internal and external to the organisation, is dealt with effectively and promptly
- regularly reviewing data protection procedures and guidelines within the organisation.

The School fully recognises the "right to access", under section 7 of the DPA, of an individual to any personal data about themselves and will not restrict access to the personal data unless a statutory exemption applies.

The policy applies regardless of where the personal data is held. It applies to all personal data held by the School, which includes personal data held by all departments and staff, irrespective of its format. Personal data "held" by the School includes personal data created or received as well as personal data held by third parties on behalf of the School.

A copy of our website privacy policy can be found in appendix 3.

¹ See appendix 1

2. Responsibilities

The School is a Data Controller under the terms of the DPA and has a corporate responsibility to implement the provisions of the DPA. The School determines the purposes for which, and the manner in which, personal data is to be processed.

The School must take appropriate measures against unauthorised or unlawful processing of personal data and against accidental loss or destruction, or damage to, personal data (Principle 7.)

The School must maintain a general "right of access" by an individual to their own personal data held by the School and must maintain its records in accordance with the regulatory environment.

2.1 The Bursar's Office will be responsible for:

- Day to day data protection matters and for developing guidance and training for staff on DPA issues
- The maintenance of the School's Notification with the Information Commissioner
- The processing of all Subject Access Requests submitted to the School under section 7 of the DPA
- The administration of all complaints from, and investigations requested by, the Information Commissioner.

2.2 All members of staff who create, receive or maintain personal data have responsibilities under DPA. Staff must ensure that any request for personal data they receive is handled in compliance with this Policy. Specifically, members of staff are responsible for:

- Familiarising themselves with this Policy and the DPA Guidelines
- Seeking advice when there is uncertainty about the appropriate action to take with respect to the processing of personal data
- Managing documents and records in accordance with School procedures
- Ensuring that any personal data they hold is held securely, that it is accurate and up to date, and that any personal data they hold is not passed to any unauthorised third party.

The welfare of young people and Child Protection policies will take precedence at all times.

2.3 Heads of Department are responsible for ensuring that their staff are made aware of the existence and content of this Policy.

2.4 Compliance with this Policy is compulsory for all staff employed by the School and any member of staff who fails to comply with this Policy may be subject to disciplinary action.

3. Retention and Disposal of Personal Data

- 3.1** Personal data must not be kept for longer than is necessary based on the purpose for which it was initially collected (Principle 5). To ensure compliance with this Principle, all Staff must follow the relevant records management procedures which sets down recommended retention and disposal schedules. Only in exceptional circumstances, after consultation with senior staff, should personal data be kept indefinitely.
- 3.2** The disposal of any documents containing personal data must only be undertaken according to the School's Confidential Waste Disposal policy.

4. Subject Access Requests

How to Request Information About Yourself

There are two distinct rights of access to information held by schools about pupils.

1. Under the Data Protection Act 1998 any individual has the right to make a request to access the personal information held about them.
2. The right of those entitled to have access to curricular and educational records as defined within The Pupils' Educational Records (Scotland) Regulations 2003.

These procedures relate to the first of these, Subject Access Requests made under the Data Protection Act 1998 under which an individual has the right to access his/her personal information. The following information is intended for those who seek access to personal data about themselves that is held by the School.

Please note that if your enquiry is concerned with general information (and not information personal to you), then a [Request for Information](#) under the Freedom of Information (Scotland) Act is appropriate².

Requesting Information About Yourself

Individuals can request their information by submitting a written request (includes e-mail) along with a statutory £10 fee³ and evidence of identification.

- The SAR should be completed by the individual and returned to the Bursar.
- If the initial request does not clearly identify the information required, then further enquiries will be made.
- If the individual wishes any specific documents to be located and/or areas of the School to be searched, this should be indicated clearly.
- The School will respond to a SAR within 40 calendar days of the required documents and fee being submitted.
- The School will inform the applicant if, for any reason, it is anticipated that the response to the SAR will be sent outwith the 40 day timescale.

² <http://www.jordanhill.glasgow.sch.uk/school/freedom-information>

³ The SAR fee will normally be waived for routine requests for personal information.

- All SARs will be treated in the strictest confidence and will only be processed by authorised School staff.
- Only information which is considered to be personal data will be released under a SAR. The anonymity of other individuals or other information which is not considered to be personal data may be protected, as appropriate, by redaction or omission in accordance with the DPA.

While any individual has a right of access to personal information, with children this is dependent upon their capacity to understand and the nature of the request (Appendix 2).

An appropriate member or staff will discuss the request with the child and their views will be taken into account when making a decision. Where the child is not deemed to be competent an individual with parental responsibility or carer shall make the decision on behalf of the child.

Requesting information on behalf of another individual

In order to request information on behalf of another individual, the School requires proof that you are acting with the authorisation of that individual. Signed authorisation confirming the data subject's consent to you acting on his/her behalf and evidence of the identity of the data subject must be submitted as part of the SAR and the statutory £10 fee.

Signed consent is not required for a parent/carers seeking information about their child. However, a child with competency to understand can refuse to consent to such requests.

Withholding Data

The Data Protection Act 1998 allows exemptions as to the provision of some information; **therefore all information will be reviewed prior to disclosure.**

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 will normally be obtained. There is still a need to adhere to the 40 day statutory timescale.

Any information which may cause serious harm to the physical or mental health or emotional condition of the pupil or another will not be disclosed. We will not divulge information that would reveal that a child is at risk of abuse or where it impinges on Child Protection matters, or information relating to court proceedings.

If there are concerns over the disclosure of information then additional advice should be sought.

Where redaction (information blacked out/removed) has taken place then a full copy of the information provided will be retained in order to establish, if a complaint is made, what was redacted and why.

5. Complaints

Members of staff must promptly forward to the Bursar any comments or complaints about, or omissions from, the School's Notification with the Information Commissioner.

Any complaints regarding the processing of personal data by the School will be dealt with in accordance with the School's [Complaints Procedures](#).

Appendix 1: Data protection principles

1. Personal data shall be processed fairly and lawfully.
2. Personal data shall be obtained for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes.
3. Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.
4. Personal data shall be accurate and, where necessary, kept up to date.
5. Personal data processed for any purpose or purposes 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. Appropriate technical and organisational measures shall be taken against unauthorised and unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.
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 protection for the rights and freedoms of data subjects in relation to the processing of personal data.

Appendix 2: Requests for information about children

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 to anyone else, such as a parent or carer. So it is the child who has a right of access to the information 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.

Before responding to a SAR for information held about a child, you should consider whether the child is mature enough to understand their rights. If you are confident that the child can understand their rights, then you should respond to the child rather than the parent. What matters is that the child is able to understand (in broad terms) what it means to make a SAR and how to interpret the information they receive as a result of doing so.

When considering borderline cases, you should take into account, among other things

- the child's level of maturity and their ability to make decisions like this
- the nature of the personal data
- any court orders relating to parental access or responsibility that may apply
- any duty of confidence owed to the child or young person
- 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
- any detriment to the child or young person if individuals with parental responsibility cannot access this information
- any views the child or young person has on whether their parents should have access to information about them.

In Scotland, the law presumes that a child aged 12 years or more has the capacity to make a SAR. It does not follow that, just because a child has capacity to make a SAR, they also have capacity to consent to sharing their personal data with others – as they may still not fully understand the implications of doing so.

Appendix 3: Jordanhill School Website Privacy Policy

Privacy

This privacy policy is designed to highlight how we use information about your visit and what happens to any information you provide us with.

Use of Links

Throughout our web pages, we provide links to other websites, which may contain information of interest. We take no responsibility for, and exercise no control over, the organisations, views, or accuracy of the information contained on other websites.

Use of Text and Images

Copyright for all text and images posted on our site belongs to Jordanhill School unless otherwise stated. Our logo should not be used by any third parties without the express permission of the school.

Reading or Downloading

We collect and store only the following information about you: the name of the domain from which you access the Internet, the date and time you access our site, and the Internet address of the website from which you linked to our site. We use the information we collect to measure the number of visitors to the different sections of our site, and to help us make our site more useful to visitors.

Providing Personal Information

If you sign-up for a prospectus, Newsletter or similar material we will use your information to send you targeted communications. Should you no longer wish to receive communications from Jordanhill School, please **unsubscribe**.

We will not obtain personally identifying information about you when you visit our website, unless you choose to provide such information to us. Providing such information is strictly voluntary. Except as might be required by law, we do not share any information we receive with any outside parties.

Cookies

"Cookies" are small pieces of information sent by a web server to a web browser, which enables the server to collect information from the browser. Jordanhill School uses cookies for a couple of purposes, for instance parental logins and to enable traffic monitoring. Most browsers allow you to turn off the cookie function. If you want to know how to do this, please look at the help menu on your browser. This may restrict the online services you can use.

Data Protection

All data held by Jordanhill School is managed under the terms of our [Data Protection Policy](#).