

The Meadows Primary School

Data Protection and Freedom of Information Policy

Date of issue: March 2018

Review date: March 2019

The Meadows Primary School collects and uses personal information (referred to in the Data Protection Act as personal data) about staff, pupils, parents and other individuals who come into contact with its schools. This information is gathered in order to enable the provision of education and other associated functions.

The Meadows Primary School is a Data Controller and is registered with the Information Commissioner's Office (ICO). Details are available on the ICO website.

The Meadows Primary School will share a Privacy Notice with its workforce summarising why information is held, and if it is passed to any other organisations, to whom it may be passed (See Appendix A).

The Meadows Primary School will share a Privacy Notice with all pupils/parents which summarises the information held on pupils, why it is held and if any, other organisations to whom it may be passed (See Appendix B).

1. Purpose

This policy sets out how The Meadows Primary School deals with personal information correctly and securely and in accordance with the Data Protection Act 1998, and other related legislation.

This policy applies to all personal information however it is collected, used, recorded and stored and whether it is held on paper or electronically.

All school staff and governors involved with the collection, use, processing or disclosure of personal data will be aware of their duties and responsibilities and will adhere to this policy.

2. What is Personal Information/ data?

Personal information or data is information which relates to a living individual who can be identified from that data, or from that data in addition to other information available to them. Personal data includes (but is not limited to) an individual's, name, address, date of birth, photograph, bank details and other information that identifies them.

3. Data Protection Principles

The Data Protection Act 1998 establishes eight principles that must be adhered to at all times:

- Personal data shall be processed fairly and lawfully;
- Personal data shall be obtained only for one or more specified and lawful purposes;
- Personal data shall be adequate, relevant and not excessive;
- Personal data shall be accurate and where necessary, kept up to date;
- Personal data processed for any purpose shall not be kept for longer than is necessary for that purpose or those purposes;
- Personal data shall be processed in accordance with the rights of data subjects under the Data Protection Act 1998;
- Personal data shall be kept secure i.e. protected by an appropriate degree of security;
- 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.

4. Commitment

The Meadows Primary School is committed to maintaining the above principles at all times. Therefore the school will:

- Inform individuals why personal information is being collected.
- Inform individuals when their information is shared, and why and with whom unless the Data Protection Act provides a reason not to do this.
- Check the accuracy of the information it holds and review it at regular intervals.

- Ensure that only authorised personnel have access to the personal information whatever medium (paper or electronic) it is stored in.
- Ensure that clear and robust safeguards are in place to ensure personal information is kept securely and to protect personal information from loss, theft and unauthorised disclosure, irrespective of the format in which it is recorded
- Ensure that personal information is not retained longer than it is needed.
- Ensure that when information is destroyed that it is done so appropriately and securely.
- Share personal information with others only when it is legally appropriate to do so.
- Comply with the duty to respond to requests for access to personal information, known as Subject Access Requests.
- Ensure that personal information is not transferred outside the European Economic Area (EEA) without the appropriate safeguards.
- Ensure all staff and governors are aware of and understand these policies and procedures.

5. Complaints

Complaints will be dealt with in accordance with the school's complaints policy. Complaints relating to the handling of personal information may be referred to the Information Commissioner who can be contacted at Wycliffe House, Water Lane Wilmslow Cheshire SK9 5AF or at www.ico.gov.uk

6. Review

This policy will be reviewed as it is deemed appropriate, but no less frequently than every 3 years. The policy review will be undertaken by the Headteacher, or nominated representative.

7. Contacts

If you have any enquires in relation to this policy, please contact the school office or email enquiry@meadowsprimary.org

8. Freedom of Information Act 2000 (FOIA)

This model publication scheme has been prepared and approved by the Information Commissioner. It has been adopted without modification by The Meadows Primary School.

This publication scheme commits The Meadows Primary School to make information available to the public as part of its normal business activities. The information covered is included in the classes of information mentioned below, where this information is held by The Meadows Primary School. Additional assistance is provided to the definition of these classes in sector specific guidance manuals issued by the Information Commissioner.

The scheme commits The Meadows Primary School:

- To proactively publish or otherwise make available as a matter of routine, information, including environmental information, which is held by The Meadows Primary School and falls within the classifications below.
- To specify the information held by the School and falls within the classifications below.
- To proactively publish or otherwise make available as a matter of routine, information in line with the statements contained within this scheme.
- To produce and publish the methods by which the specific information is made routinely available so that it can be easily identified and accessed by members of the public.
- To review and update on a regular basis the information The Meadows Primary School makes available under this scheme.
- To produce a schedule of any fees charged for access to information which is made proactively available.
- To make this publication scheme available to the public.
- To publish any dataset held by the The Meadows Primary School that has been requested, and any updated versions it holds, unless The Meadows Primary School is satisfied that it is not appropriate to do so; to publish the dataset, where reasonably practicable, in an electronic form that is capable of re-use; and, if any information in the dataset is a relevant copyright work and the public authority is the only owner, to make the information available for re-use under a specified licence. The term 'dataset' is defined in section 11(5) of the Freedom of Information Act. The terms 'relevant copyright work' and 'specified licence' are defined in section 19(8) of that Act.

9. Classes of information:

• Who we are and what we do

Organisational information, locations, contacts, constitutional and legal governance.

What we spend and how we spend it

Financial information relating to projected and actual income and expenditure, tendering, procurement and contracts.

What our priorities are and how we are doing

Strategy and performance information, plans, assessments, inspections and reviews.

How we make decisions

Policy proposals and decisions. Decision making processes, internal criteria and procedures, consultations.

Our policies and procedures

Current written protocols for delivering our functions and responsibilities.

Lists and registers

Information held in registers required by law and other lists and registers relating to the functions of the authority.

The services we offer

Advice and guidance, booklets and leaflets, transactions and media releases. A description of the services offered.

The classes of information will not generally include:

- Information the disclosure of which, is prevented by law, or exempt under the Freedom of Information Act, or is otherwise properly considered to be protected from disclosure.
- Information in draft form.
- o Information that is no longer readily available as it is contained in files that have been placed in archive storage, or is difficult to access for similar reasons.

10. The method by which information published under this scheme will be made available

The Meadows Primary School will indicate clearly to the public what information is covered by this scheme and how it can be obtained.

Where it is within the capability of The Meadows Primary School, information will be provided on a website. Where it is impracticable to make information available on a website or when an individual does not wish to access the information by model publication scheme, The Meadows Primary School will indicate how information can be obtained by other means and provide it by those means.

In exceptional circumstances some information may be available only by viewing in person. Where this manner is specified, contact details will be provided. An appointment to view the information will be arranged within a reasonable timescale.

Information will be provided in the language in which it is held or in such other language that is legally required. Where Blackheath Primary is legally required to translate any information, it will do so.

Obligations under disability and discrimination legislation and any other legislation to provide information in other forms and formats will be adhered to when providing information in accordance with this scheme.

11. Charges which may be made for information published under this scheme

The purpose of this scheme is to make the maximum amount of information readily available at minimum inconvenience and cost to the public. Charges made by The Meadows Primary School for routinely published material will be justified and transparent and kept to a minimum.

Material which is published and accessed on a website will be provided free of charge.

Charges may be made for information subject to a charging regime specified by Parliament.

Charges may be made for actual disbursements incurred such as:

- photocopying
- postage and packaging
- the costs directly incurred as a result of viewing information

Charges may also be made for information provided under this scheme where they are legally authorised, they are in all the circumstances, including the general principles of the right of access to information held by public authorities, justified and are in accordance with a published schedule or schedules of fees which is readily available to the public.

Charges may also be made for making datasets (or parts of datasets) that are relevant copyright works available for re-use. These charges will be in accordance with either regulations made under section 11B of the Freedom of Information Act or other enactments.

11.1. Appropriate Charging Limits

Where it would not exceed the appropriate limit to comply with a request (£450), The Meadows Primary School will only charge a fee where hard copies of information is required in order to be communicated. If The Meadows Primary School intends to charge for supplying the information requested a fees notice will be issued to the requestor detailing the amount it is proposed to charge. In general terms, this means that in most cases Blackheath Primary will charge for photocopying and postage only, unless an exemption applies.

Regulation 7 of the Fees Regulations (Freedom of Information & Data Protection (Appropriate Limit & Fees) Regulations 2004, allow that where it would exceed the appropriate limit to comply with a request (£450), The Meadows Primary School may charge the requestor for complying with the request and may charge for:

- The costs which may be taken into account in calculating whether the appropriate limit is exceeded; and
- The communication costs (including the cost of communicating whether or not the information is held even if it will not be provide); and
- Staff time spent on communicating the information

The Meadows Primary School is able to charge for the time taken by its staff on the activities included in communicating the information.

Regulation 7 (5) of the Fees & Regulations indicates that staff time is to be charged at a flat rate of £25 per hour, irrespective of whether a higher rate is actually incurred by internal staff or charged by external contractor staff.

The Meadows Primary School can only charge £25 per hour for actual time taken for the activity. For example, if it takes one employee 45 minutes to redact exempt information which is not to be disclosed The Meadows Primary School will only charge £18.75 for this activity.

For the avoidance of doubt, any staff time spent redacting exempt information cannot be taken into account when initially estimating whether it would exceed the appropriate limit to comply with the request.

11.2. VAT

Whether or not The Meadows Primary School can charge Vat depends on whether the information requested is only available from The Meadows Primary School. If the information requested is only available from The Meadows Primary School or another public authority, any charges would not attract VAT.

However, if the requested information is available from another source that is not a public authority, The Meadows Primary School may add VAT to its fee.

11.3. Fees Notices

The Meadows Primary School will issue any fees notices within the 20 working day period allowed for responding to the request.

11.4. Refusal Notices

If it would exceed the appropriate limit to comply with a request, The Meadows Primary School is not obliged to comply with it. If this is the case, The Meadows Primary School will issue a refusal notice stating that it is relying on section 12.

The Meadows Primary School may still issue a fees notice if it is willing to provide the information for a fee. There is no statutory requirement to do this as there is no obligation to comply with the request.

Blackheath Primary will aim to provide a refusal notice, or fees notice (in cases where it is willing to provide the information) as soon as possible and at least within the 20 working day period for responding to the request.

11.5. Payment

If The Meadows Primary School does not receive payment within three months of issuing the fees notice, it is no longer obliged to respond to the request. Within the fees notice Blackheath Primary will inform the requestor of the deadline for payment.

If payment is received by cheque, The Meadows Primary School will regard the fee as being received on the day the cheque clears. Payment of the cheque will be made as soon as reasonably practicable.

As per section 45 of the Freedom of Information Code of Practice, The Meadows Primary School may consider; where the requestor has indicated they are not prepared to pay the fee, whether any of the information requested, which may be of interest is available without charge.

12. Subject Access Requests

12.1. A subject access request (SAR) is simply a written request made by or on behalf of an individual for the information which he or she is entitled to ask for under section 7 of the Data Protection Act 1998 (DPA).

A request may be a valid subject access request even if it refers to other legislation, such as the Freedom of Information Act (FOIA).

A valid subject access request may, at first sight, appear to be something else. It is not uncommon, for example, for the request to state that it is a freedom of information (FOI) request. If, in reality, it relates to the requester's personal data, The Meadows Primary School will treat it as a subject access request.

A subject access request must be made in writing. Individuals making requests are not required to complete an in-house form to make a subject access request.

If it is unclear as to whether the request made is a subject access request or a freedom of information request The Meadows Primary School will clarify within 20 working days (the time limit for responding to FOI requests) that the request is being dealt with as a subject access request under the DPA, and that the 40-day time limit for responding applies.

12.2. Email Requests

An emailed or faxed request is as valid as one sent in hard copy. We request that any subject access requests made by email are sent to enquiry@meadowsprimary.org

12.3. Oral Requests

The Meadows Primary School is not required to respond to a request made orally, however, depending on the circumstances The Meadows Primary School may deem it reasonable to do so (provided that the school is satisfied about the person's identity).

12.4. Third Party Requests

The Meadows Primary School will accept subject access requests made by a third party on behalf of someone else. However, in these cases, the school will need to be satisfied that the third party making the request is entitled to act on behalf of the individual. It is the third party's responsibility to provide evidence of this entitlement. It may be a written authority making the request or it might be a more general power of attorney.

12.5. 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 guardian. 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 subject access request for information held about a child, The Meadows Primary School will consider whether the child is mature enough to understand their rights. If the school is confident that the child can understand their rights, then we will 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 subject access request and how to interpret the information they receive as a result of doing so.

When considering borderline cases, The Meadows Primary School will take into account, among other things:

- where possible, 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; and

- any views the child or young person has on whether their parents should have access to information about them.
- 12.6. If the request relates to information that cannot be requested by means of a subject access request (eg it includes a request for non-personal information) then, The Meadows Primary School will treat this as two requests: one for the requester's personal data made under the Data Protection Act; and another for the remaining, non-personal information made under Freedom of Information Act.

If personal data is mistakenly disclosed under Freedom of Information Act to the world at large this could lead to a breach of the data protection principles.

12.7. Time Limits

The Meadows Primary School will comply with a subject access Request 'promptly' and in any event within 40 days of the date on which the request is received or (if later) the day on which the following is received:

- the fee (if any);
- any requested location information; and
- any information requested to confirm the requester's identity

12.8. Fees and Cost Limits

The Meadows Primary School may charge a fee for dealing with a subject access request and will not comply with the request until the fee has been received. The maximum fee chargeable is normally £10 (including any card-handling or administration charges).

There are different fee structures for organisations that hold health or education records (where the maximum fee is £50, depending on the circumstances – see chapter 10 of the Subject Access Code of Practice). These fees are not subject to VAT.

If a fee is payable but has not been sent with the request, The Meadows Primary School will contact the individual promptly and inform them of the fee they need to pay.

In many cases the fee charged for dealing with a subject access request will not cover the administrative costs of doing so. The Meadows Primary School will comply with the request regardless of this fact.

However, there is one narrowly defined situation in which the likely cost of complying with a subject access request is relevant in determining whether The Meadows Primary School must comply. Where a request relates to 'unstructured personal data' (as defined in section 9A(1) of the DPA) held by a public authority, the authority is not required to comply with the request if it estimates that the cost of doing so would

exceed the £450 appropriate charging limit (see the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004).

12.9. Exemptions

The Data Protection Act 1998 (DPA) recognises that in some circumstances there might be a legitimate reason for not complying with a subject access request, so it provides a number of exemptions from the duty to do so. Where an exemption applies to the facts of a particular request, The Meadows Primary School may refuse to provide all or some of the information requested, depending on the circumstances.

For more details on exemptions please refer to the Subject Access Code of Conduct which can be viewed at https://ico.org.uk/media/for-organisations/documents/1065/subject-access-code-of-practice.pdf



13. Guide to Information available from The Meadows Primary School under the Model Publication Scheme

Information to be Published	How the information can be	Minimum Cost – where
	obtained	item is readily available
Class 1 – Who we are and what we do		
(Organisational information, structures, locations and contacts)		
Who's who in the school	School Website	
Who's who on the Governing Body and the basis of their appointment	School Website	
Instrument of Governance	Hardcopy	10p per page + Postage
Contact Details for the Headteacher and Governing Body	Hardcopy	10p per page + Postage
School Prospectus	School Website	
Staffing Structure	School Website	
School session times and term dates	School Website	
Class 2 – What we spend and how we spend it (Financial Information relating to projected and actual income and expenditure, procurement, contracts and financial audit) Current and Previous year as a minimum		
Annual budget plan	Hardcopy	10p per page + Postage
Capitalised Funding	Hardcopy	10p per page + Postage
Additional Funding	Hardcopy	10p per page + Postage
Procurement and projects	Hardcopy	10p per page + Postage
Pay Policy	Hardcopy	10p per page + Postage
Staffing and grading structure	Hardcopy	10p per page + Postage
Governors Allowances	Hardcopy	10p per page + Postage
Class 3 – What our priorities are and how we are doing (Strategies and plans, performance indicators, audits, inspections and reviews)		

Current information as a minimum		
School profile		
Government supplied performance data	School Website/Government Website	
The latest Ofsted report		
- Summary	School Website/Ofsted Website	
- Full report		
Performance management policy and procedures adopted by the local governing	Hardcopy	10p per page + Postage
body and Board of Directors		
School Development Plan	School Website	
Safeguarding – Policies & Procedures (eSafety , Safeguarding policies)	School Website	
Class 4 – How we make decisions		
(Decision making processes and records of decisions)		
Current and previous three years as a minimum		
Admissions policy/criteria (not individual admission decisions)	School Website	
Agendas of meetings of the Governing Body.	Hardcopy	10p per page + Postage
Minutes of meetings (as above) – nb this will exclude information that is properly	Hardcopy	10p per page + Postage
regarded as private to the meetings.		
Class 5 – Our policies and procedures		
(current written protocols, policies and procedures for delivering our services and		
responsibilities)		
Current information only		
School Policies including:		
 Charging and remissions policy 	School Website	
Health & Safety	School Website	

Complaints Policy	School Website	
Discipline and grievance policies	Hardcopy	10p per page + Postage
 Equality and diversity (including equal opportunities) policies 	School Website	
Pupil and curriculum policies, including:		
Home – school agreement	Hardcopy	10p per page + Postage
Curriculum Information	School Website	
Sex education & relationships policy	Hardcopy	10p per page + Postage
Special educational needs	School Website	
Accessibility	School Website	
Race equality (Equality & Diversity policy)	School Website	
Collective worship	School Website	
Behaviour policy	School Website	
Records management and personal data policies, including:		
Records retention destruction and archives policy	Hardcopy, as per statutory	10p per page + Postage
	guidance	
 Data protection & Freedom of Information (including information sharing 	School Website	
policies)		
Charging & Remissions policy.	School Website	10p per page + Postage
Class C. Lists and Degisters	Come information may only be	
Class 6 – Lists and Registers	Some information may only be available by inspection	
Currently maintained lists and registers only	available by inspection	
Disclosure Logs	Inspection only	
Asset Register	Inspection only	
Any information The Meadows Primary School is currently legally required to	Inspection only	
hold in publicly available registers (this does not include the attendance register)		
Class 7 – The services we offer		

(information about the services we offer, including leaflets, guidance and newsletters produced for the public and businesses) Current information only		
Extra-curricular activities	School Website	10p per page + Postage
Out of school clubs	School Website	10p per page + Postage
School Publications	School Website	
Leaflets, books and newsletters	School Website	
Additional Information		
(any policy or information that is not detailed above)		
If a policy is required that is not available on the school website please email		
office@bps.sandwell.sch.uk		
Hard copies of all information is available at a cost of 10p per page + Postage		

14. Contact Details:

The Meadows Primary School Bristol Road South Northfield Birmingham B31 2SW

15. Schedule of Charges:

This describes how the charges have been arrived at:

Type of Charge	Description	Basis of Charge
Disbursement cost	Photocopying/printing @ 10p per sheet	Actual cost*
	(black & white)	

	Photocopying/printing @ 50p per sheet (colour)	Actual cost*
	Postage	Large letter second-class stamp (Current Royal Mail Rate)
Statutory Fee	Only requests which the schools estimates	Maximum fee = £450
(The Freedom of Information and Data	will cost less that the Statutory Limit will be	
Protection (Appropriate Limit and Fees) Regulations 2004 – regulation 3).	processed	
Other Fees (The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 – regulation 4).	In a case in which this regulation has effect, a public authority may, for the purpose of its estimate, take account only of the costs it reasonably expects to incur in relation to the request in -	
	 determining whether it holds the information, 	£25 per person hour*
	 locating the information, or a document which may contain the information, 	£25 per person hour*
	 retrieving the information, or a document which may contain the information, and 	£25 per person hour*
	 extracting the information from a document containing it 	£25 per person hour*



Appendix A



PRIVACY NOTICE

For The Meadows Primary School

The school workforce: those employed to teach, or otherwise engaged to work within The Meadows Primary School

The Data Protection Act 1998: How we use your information

The Meadows Primary School process personal data relating to those we employ to work at school. This is for employment purposes to assist in the running of the School, 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 workforce data across the sector
- enabling development of a comprehensive picture of the workforce and how it is deployed
- informing the development of recruitment and retention policies
- allowing better financial modelling and planning
- enabling ethnicity and disability monitoring; and
- supporting the work of the School Teachers' Review Body

This personal data includes identifiers such as names and National Insurance numbers and characteristics such as ethnic group, employment contracts and remuneration details, qualifications and absence information.

We will not share information about you with third parties without your consent unless the law allows us to. We are required, by law, to pass on some of this personal data to:

the Department for Education (DfE)

If you require more information about how we and/or DfE store and use your personal data please visit:

• https://www.gov.uk/data-protection-how-we-collect-and-share-research-data

If you want to see a copy of information about you that we hold, please contact:

Mrs C Goode, Business Manager.

Appendix B



PRIVACY NOTICE

For The Meadows Primary School

Information about pupils attending The Meadows Primary School

Privacy Notice - Data Protection Act 1998

We The Meadows Primary School are a data controller for the purposes of the Data Protection Act. We collect personal information from you and may receive information about you from your previous school and the Learning Records Service. We hold this personal data to:

- Support your learning;
- Monitor and report on your progress;
- Provide appropriate pastoral care, and
- Assess how well we are doing.

Information about you that we hold includes your contact details, national curriculum assessment results, attendance information¹ and personal characteristics such as your ethnic group, any special educational needs you may have and relevant medical information.

These results may be matched to other data held by the Local Authority and used to produce school and group level statistics. It will not be possible to identify individual pupils from the statistics.

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

We are required by law to pass some information about you to our Local Authority (LA) and the Department for Education. We are also required to pass information on to other LA's in respect to Children in Care who reside in another LA other than Sandwell.

¹ Attendance information is **NOT** collected as part of the Censuses for the Department for Education for the following pupils / children - a) in Nursery schools; b) aged under 4 years in Maintained schools; c) in Alternative Provision; and d) in Early Years Settings. This footnote can be removed where Local Authorities collect such attendance information for their own specific purposes.

We will share relevant information with external organisations, including voluntary organisations and charities which is proportionate to the needs of the child and family. Personal data shall be processed fairly and lawfully.

If you want to receive a copy of the information about you that we hold or share, please contact **Mrs C Goode, Business Manager.**

If you need more information about how the LA and DfE store and use your information, then please go to the following websites:

https://www.birmingham.gov.uk/info/20154/foi and data protection/384/privacy statement or https://www.gov.uk/data-protection-how-we-collect-and-share-research-data

If you cannot access these websites, please contact the DfE as follows:

 Public Communications Unit Department for Education Sanctuary Buildings Great Smith Street London SW1P 3BT

Website: https://www.gov.uk/government/organisations/department-for-education

Email: http://www.education.gov.uk/help/contactus

Telephone: 0370 000 2288