



Our Trust Vision

To ensure that all the children and young people in our care have the opportunity to fulfil their potential through achieving highly, regardless of their ability or background. Our 'PRIDE' values of Partnership, Respect, Integrity, Determination and Excellence are the foundations of our Trust and the communities we serve.

Data (Subject) Policy

Co-ordinator: Mrs J Kingswood (Principal)
Start date: February 2017
Review date: February 2019 (subject to changes in law and review)

Data Subjects' Rights

The 1998 Data Protection Act gives data subjects certain rights in relation to personal data held about them by others. These are listed below with a short explanation as to what they mean:

The Right of Subject Access

This allows data subjects to find out what personal data is held which relates to themselves by making a Subject Access Request.

A Data Subject Notice

The right to prevent processing likely to cause damage or distress, a data subject can write to a data controller asking for processing to stop, or request that they do not begin processing personal data relating to themselves which is likely to cause substantial unwarranted damage or distress to themselves or anyone else. This is known as a Data Subject Notice.

The Right to Prevent Processing for Direct Marketing

A data subject can ask a data controller to stop or not to begin processing personal data relating to him/her for direct marketing purposes. This is an absolute right.

The Right to Compensation

A data subject has the right to take action for compensation if they suffer damage or damage and distress because of any breach of the Act by a data controller. Compensation for distress alone can only be claimed in limited circumstances.

The Right of Rectification, Blocking Erasure and Destruction

A data subject may apply to the Court to order a data controller to rectify, block, erase or destroy personal details if they are inaccurate or contain expressions of opinion which are based on inaccurate data.

Rights in Relation to Automated Decision-Taking

A data subject can ask a data controller to ensure that no decision that significantly affects them is based solely on processing their personal data by automatic means.

A Request for Assessment

Any person has the right to make a request to the Information Commissioner for an assessment to be made as to whether any provision of the Act has been contravened.

Procedure for Dealing with a Data Subject Notice

A data subject can write to your Academy as a data controller requiring the Academy to cease or not to begin processing their personal data, whereby doing so would, or is likely to cause unwarranted substantial damage or substantial distress to them or to another person.

However, this right is unavailable if any one of the following conditions for processing can be complied with:

- Consent of the data subject has been obtained;
- Data is necessary for the performance of a contract with the data subject;
- There is a legal obligation;
- To protect vital interests of the data subject

Should you receive a Data Subject Notice an indicator must be put on the data subject's record to show that a Notice has been served, when it was served and what actions have been taken.

The Academy, in its role as data controller, then has 21 days to respond, in writing, to the Data Subject Notice, stating that it has complied or intends to comply. If the school does not intend to fully or partially comply with the Data Subject Notice the reasons for this action should be stated.

Procedures to Follow on Receiving a Subject Access Request

A data subject whose details are held by a school as data controller has the right to receive a copy of information held about them.

To obtain this information the data subject will need to make a Subject Access Request in writing. They are then entitled to be told whether the Academy, or someone else acting on its behalf, is processing their personal data and if so be given a description of:

- The personal data
- The purpose(s) for which it is being processed
- To whom the data are or may be disclosed
- The source of the information
- Logic behind processing (except in cases of trade secrets)

A charge can be made to individuals making Subject Access Requests, as set down from time to time by the Information Commissioner.

Staff processing personal data should check their notified systems as soon as possible for information relating to the named person. The Data Protection Act requires data controllers to reply to Subject Access Requests as quickly as possible and in all cases within 40 calendar days, or later if the data subject has not given enough information for a search to be made.

The following basic points should be noted when dealing with a request:

- The data subject has the right to see all of their personal information (unless covered by an exemption)
- A copy should be kept on file of all information sent to the data subject
- All codes to be explained
- Third party details should not be included without written consent of the third party

- If dealing with a joint application, the parties must only be given their own information and not the partner’s unless written permission is received
- Once all the information has been gathered, ask the data subject if they would like to collect it or have it sent by registered post
- The data subject should receive all information within 40 calendar days of their request (in the case of examination results a dispensation exists – five months or 40 days after results announced, whichever is the earlier)

Subject Access Exemption

There is some information that may be exempt from the Subject Access provisions. If this is the case then the data subject has no right to this information and must be informed that “I do not hold any personal data that I am required to reveal to you”.

The Exemptions are as follows:

- National Security
- Prevention of crime and taxation purposes
- Health, Education and Social Work
- Special Purposes (must meet certain criteria)
- Journalism
- Artistic purposes
- Literary purposes
- Judicial appointments and Honours
- Crown employment and Crown or Ministerial appointments
- Management forecasts/management planning
- Negotiations
- Corporate Finance
- Examination scripts
- Legal professional privilege
- Statistical or research data that does not identify an individual
- Confidential references given by the data controller (but not received by the data controller).
- Data incriminating the data controller

An employee need not comply with any request or order if compliance would expose him/her to proceedings for an offence. (Section 7 of the Act). Information disclosed cannot be used in legal proceedings against the Academy.

Signed..... Chair of Governors

Signed..... Principal