



**Hoo St Werburgh Primary School  
And Marlborough Centre**

**DATA PROTECTION POLICY & APPENDIX**

***November 2016***

Signed .....  
**Head of School – E Poad**

Signed .....  
**Chair of Governors – I Chappell**

Dated .....

Dated .....

This document is a statement of the aims and principles of the School, for ensuring the confidentiality of sensitive information relating to staff, pupils, parents and governors.

## **Introduction**

Hoo St Werburgh Primary School & Marlborough Centre needs to keep certain information about its employees, students and other users to allow it to monitor performance, achievements, and health and safety, for example. It is also necessary to process information so that staff can be recruited and paid, courses organised and legal obligations to funding bodies and 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, Hoo St Werburgh Primary School & Marlborough Centre must comply with the Data Protection Principles which are set out in the Data Protection Act 1998 (the 1998 Act). 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 that purpose.
- 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.

Hoo St Werburgh Primary School & Marlborough Centre and all staff or others who process or use personal information must ensure that they follow these principles at all times. In order to ensure that this happens, the School has developed this Data Protection Policy.

## **Status of this policy**

This policy does not form part of the contract of employment for staff, but it is a condition of employment that employees will abide by the rules and policies made by the School from time to time. Any failures to follow the policy can therefore result in disciplinary proceedings.

## **The Data Controller and the Designated Data Controllers**

The School, as a body corporate, is the Data Controller under the 1998 Act, and the Governors are therefore ultimately responsible for implementation. However, the Designated Data Controllers will deal with day to day matters.

The School has 3 Designated Data Controllers: They are the Headteacher, the School Business Manager and the Head of the Marlborough Centre.

Any member of staff, parent or other individual who considers that the Policy has not been followed in respect of personal data about himself or herself or their child should raise the matter with the appropriate Designated Data Controller, who would be:

### **Responsibilities of Staff**

All staff are responsible for:

- Checking that any information that they provide to the School in connection with their employment is accurate and up-to-date.
- Informing the School of any changes to information that they have provided, eg change of address, either at the time of appointment or subsequently. The School cannot be held responsible for any errors unless the staff member has informed the School of such changes.

If and when, as part of their responsibilities, staff collect information about other people (eg about a student's course work, opinions about ability, references to other academic institutions, or details of personal circumstances), they must comply with the guidelines for staff set out in the School's Data Protection Code of Practice.

### **Data Security**

All staff are responsible for ensuring that:

- Any personal data that they hold is kept securely.
- Personal information is not disclosed either orally or in writing or via Web pages or by any other means, accidentally or otherwise, to any unauthorised third party.

Staff should note that unauthorised disclosure will usually be a disciplinary matter, and may be considered gross misconduct in some cases.

Personal information should:

- Be kept in a locked filing cabinet, drawer, or safe; or
- If it is computerised, be coded, encrypted or password protected both on a local hard drive and on a network drive that is regularly backed up; and

- If a copy is kept on a diskette or other removable storage media, that media must itself be kept in a locked filing cabinet, drawer, or safe.

## **Rights to Access Information**

All staff, parents and other users are entitled to:

- Know what information the School holds and processes about them or their child and why.
- Know how to gain access to it.
- Know how to keep it up-to-date.
- Know what the School is doing to comply with its obligations under the 1998 Act.

This Policy document and the School's Data Protection Code of Practice address, in particular, the last three points above. To address the first point, the School will, upon request, provide all staff and parents and other relevant users with a statement regarding the personal data held about them. This will state all the types of data the School holds and processes about them, and the reasons for which they are processed.

All staff, parents and other users have a right under the 1998 Act to access certain personal data being kept about them or their child either on computer or in certain files. Any person who wishes to exercise this right should complete the Subject Access Request Form and submit it to the Designated Data Controller.

The School will make a £10 charge on each occasion that access is requested, although the School has discretion to waive this.

The 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, as required by the 1998 Act.

## **Rights to Access Information**

In many cases, the School can only process personal data with the consent of the individual. In some cases, if the data is sensitive, as defined in the 1998 Act, express consent must be obtained. Agreement to the School processing some specified classes of personal data is a condition of acceptance of employment for staff. This includes information about previous criminal convictions.

Jobs will bring the applicants into contact with children. The School has a duty under the Children Act 1989 and other enactments to ensure that staff are suitable for the job. The School has a duty of care to all staff and students and must therefore make sure that employees and those who use School facilities do not pose a threat or danger to other users. The School may also ask for information about particular health needs, such as allergies to particular forms of medication, or any medical condition such as asthma or diabetes.

The School will only use this information in the protection of the health and safety of the individual, but will need consent to process this data in the event of a medical emergency, for example.

### **Processing Sensitive Information**

Sometimes it is necessary to process information about a person's health, criminal convictions, or race. This may be to ensure that the School is a safe place for everyone, or to operate other School policies, such as the Sick Pay Policy or the Equal Opportunities Policy. Because this information is considered **sensitive** under the 1998 Act, staff will be asked to give their express consent for the School to process this data. An offer of employment may be withdrawn if an individual refuses to consent to this without good reason.

### **Publication of School Information**

Certain items of information relating to School staff will be made available via searchable directories on the public Web site, in order to meet the legitimate needs of researchers, visitors and enquirers seeking to make contact with the School.

### **Retention of Data**

The School has a duty to retain some staff and student personal data for a period of time following their departure from the school, mainly for legal reasons, but also for other purposes such as being able to provide references or academic transcripts. Different categories of data will be retained for different periods of time.

### **Conclusion**

Compliance with the 1998 Act is the responsibility of all members of the School. Any deliberate breach of the Data Protection Policy may lead to disciplinary action being taken, or even to a criminal prosecution.

## **Hoo St Werburgh Primary School and Marlborough Centre Closed Circuit Television (CCTV) and Data Policy**

### **1. Introduction**

Hoo St Werburgh Primary School and Marlborough Centre uses closed circuit television (CCTV) images to provide a safe and secure environment for students, staff and visitors and to protect school property.

This document sets out the accepted use and management of the CCTV equipment and images to ensure Hoo St Werburgh Primary School and Marlborough Centre complies with the Data Protection Act 1998, Human Rights Act 1998 and other legislation.

Hoo St Werburgh Primary School and Marlborough Centre has produced this policy in line with the Information Commissioner's CCTV Code of Practice 1.

### **2. Purpose of CCTV**

#### *Policy*

Hoo St Werburgh Primary School and Marlborough Centre has installed CCTV systems to:

- To deter crime
- To assist in prevention and detection of crime
- To assist with the identification, apprehension and prosecution of offenders
- To assist with the identification of actions that might result in disciplinary proceedings against staff and students
- To monitor security of the school buildings
- To identify vehicle movement problems around the campuses
- To ensure a safe and secure environment for pupils and staff whilst they are on site.

### **3. Covert recording**

#### *Policy*

Hoo St Werburgh Primary School and Marlborough Centre may only undertake covert recording with the written authorisation of the Head Teacher of the Chair of Governors where:

- Informing the individual(s) concerned that the recording is taking place would seriously prejudice the reason for making the recording;
- There is good cause to suspect that an illegal or unauthorised action(s) is/are taking place or about to take place.

#### *Guidance*

Any such monitoring will only be carried out for a limited and reasonable amount of time consistent with the objectives of the monitoring, and only for a specific unauthorised activity.

All such occasions will be full documented showing who made the decision to use covert monitoring and why.

## **4. Cameras**

### *Policy*

Hoo St Werburgh Primary School and Marlborough Centre will make every effort to position cameras so that they only cover premises and grounds of the school. No cameras will focus on residential accommodation, public areas. Camera operators will receive training and written procedures for maintaining the privacy of the occupants of such accommodation.

Hoo St Werburgh Primary School and Marlborough Centre will clearly display signs so that staff, students and visitors are aware they are entering an area covered by CCTV.

### *Guidance*

If, for any reason any neighbouring domestic areas that border the Hoo St Werburgh Primary School and Marlborough Centre property are included in the camera view, those areas will be disabled.

Signs will state:

- Hoo St Werburgh Primary School and Marlborough Centre is responsible for the CCTV scheme.
- The purpose(s) of the scheme
- Whom to contact regarding the scheme.

## **5. Images**

### **5.1 Quality**

#### *Policy*

Images produced by the equipment must be as clear as possible so that they are effective for the purpose(s) for which they are intended,

#### *Guidance*

The following standards must be adhered to:

1. After installation, make an initial check of the equipment to ensure it works properly.
2. Recording media no longer in use will be securely destroyed by being overwritten on a 31 day cycle by the software and the system set up.

### **5.2 Retention**

#### *Policy*

Images and recording logs will be held in accordance with Hoo St Werburgh Primary School and Marlborough Centre's and Medway Council Records Retention and Disposal Policy and associated schedules.

#### *Guidance*

Refer to the Medway Council Records Retention and Disposal Policy and the Records Retention and Disposal Schedules for information on analogue recording systems and recording logbooks.

For digital recording systems, CCTV images held on the hard drive of a recorder this will be overwritten on a recycling basis once the drive is full, and in any event, will not be held for more than 31 days. Images stored on removable media such as CFs will be erased or destroyed once the purpose of the recording is no longer relevant. All digital recordings will be digitally watermarked to maintain integrity.

2. Ensure that tapes, where used, are of good quality.
3. Do not continue to use media once it becomes clear that the quality of the images has begun to deteriorate.
4. Where the location of the camera and time/date are recorded, these should be accurate. Document the system for ensuring accuracy.
5. Site the cameras so they will capture images relevant to the purpose(s) for which the scheme has been established.
6. Cameras should be properly maintained and serviced and maintenance logs kept.
7. Protect cameras from vandalism so that they are kept in working order at all times.
8. In the event that cameras break down or are damaged, there should be clear responsibility for getting them repaired and working within a specific time period.

## **6. Access to and disclosure of images to third parties**

Access to, and disclosure of, images recorded on CCTV will be restricted and carefully controlled. This will ensure that the rights of individuals are retained, and also ensure that the images can be used as evidence if required. Images can only be disclosed in accordance with the purposes for which they were originally collected.

### **6.1 Access to Images**

#### *Policy*

Access to recorded images will be restricted to those staff authorised to view them, and will not be made more widely available.

Monitors displaying images from areas in which individuals would have an expectancy of privacy should only be seen by staff authorised to use the equipment.

Viewing of recorded images should take place in a restricted area to which other employees will not have access while viewing is occurring.

If media on which images are recorded are removed for viewing purposes, this should be documented.

Images retained for evidence should be securely store.

#### *Guidance*

Document the following information when media are removed for viewing:

- Data and time they were removed
- The name of the person removing the media

- The name(s) of the person(s) viewing the images
- The name of the company to which the person viewing the images belongs, or the person's organisation if they are outside Hoo St Werburgh Primary School and Marlborough Centre.
- The reason for viewing the images
- The date and time the media were returned to the system or the secure storage.

## 6.2 Disclosure of Images

### *Policy*

Disclosures to third parties will only be made in accordance with the purpose(s) for which the system is used and will be limited to:

- Police and other law enforcement agencies, where the images recorded could assist in a specific criminal enquiry and/or the prevention of terrorism and disorder \*
- Prosecution agencies
- Relevant legal representatives
- People whose images have been recorded and retained (unless disclosure to the individual would prejudice criminal enquiries or criminal proceedings)
- In exceptional cases, to others to assist in identification of a victim, witness or perpetrator in relation to a criminal incident.
- Members of staff involved with any disciplinary processes.
- **The Head teacher his/her designated agent or the Chair of Governors are the only people who can authorise disclosure of information to the police or other law enforcement agencies.**

All requests for disclosure should be documented.

If disclosure is denied, the reason should also be recorded.

### *Guidance*

In addition to the information required in Section 6.1 above, the following should be documented:

1. If the images are being removed from the CCTV system or secure storage to another area, the location to which they are being transferred.
2. Any crime incident number, if applicable
3. The signature of the person to whom the images have been transferred must be obtained and logged.

## **7. Individuals' access rights**

### *Policy*

The Data Protection Act 1998 gives individuals the right to access personal information about themselves, including CCTV images.

All requests for access to images by individuals (when they are asking for access to images of themselves) should be made in writing to the Head Teacher.

The Business Manager is responsible for the system will liaise with the Head Teacher whether disclosure of the images will reveal third-party information.

Under the Freedom of Information Act 2000, a copy of this policy will be provided to anyone making a written request for it.

### *Guidance*

Requests for access to CCTV images must include:

- The date and time when the images were recorded
- The location of the CCTV camera
- Further information to identify the individual, if necessary

Staff responsible for CCTV systems will refer all such requests to the Head Teacher. If Hoo St Werburgh Primary School and Marlborough Centre cannot comply with the request, the reasons must be documented.

The requester will be advised of these in writing, where possible.

If there is any doubt about what information must be provided to enquirers, please contact the Business Manager or the Head Teacher.

## **8. Responsibility for CCTV systems**

For systems operated by, Hoo St Werburgh Primary School and Marlborough Centre the overall responsibility lies with the Head Teacher and the Medway bunker.

Day to day responsibility within Hoo St Werburgh Primary School and Marlborough Centre is as follows:

Hoo St Werburgh Primary School and Marlborough Centre during school hours and this contact is the Business Manager

Outside of school hours asset out in the contract Medway bunker Manager

## **9. Staff Training**

The Head teacher will ensure that staff handling CCTV images or recordings receive training on the operation and administration of the CCTV systems. In addition, they will liaise with the Business manager to ensure training is provided on the impact of the Data Protection Act 1998 with regard to those systems.

## **10. Complaints**

Complaints and enquiries about the operation of the Hoo St Werburgh Primary School and Marlborough Centre should be addressed to the Head Teacher or those having day to day responsibility, as listed in Section 8 above.

Enquiries relating to the Data Protection Act should be addressed to the Head Teacher.

If a complainant or enquirer is not satisfied with the response received, they should write to Hoo St Werburgh Primary School and Marlborough Centre and ask for a copy of the complaints procedure to be forwarded to them by return.

## **11. Monitoring Compliance**

Head teacher and Business manager will undertake occasional reviews with the view to ensure updating of knowledge and compliance with this policy and relevant legislation is undertaken.