



# **Montgomery High School**

## **Data Protection Policy: Students**

Approved by Student Welfare Committee: 13/11/13

Agreed review period 3 years

## 1. Introduction

- 1.1. The Governing Body, as Data Controller of Montgomery High School, complies fully with the following Data Protection Act principles, which state that personal data must be:
  - Fairly and lawfully processed
  - Processed for limited, necessary and lawful purposes
  - Adequate, relevant and not excessive
  - Accurate
  - Not kept longer than is necessary
  - Processed in accordance with an individual's rights
  - Processed and kept in a secure manner
  - Not transferred without adequate protection
- 1.2. Such principles shall be reflected in records and information kept with respect to both electronic and manual systems.
- 1.3. The Governing Body of Montgomery High School have adopted DFE guidelines on the disclosure of pupil records under the Data Protection Act.
- 1.4. Provide all principal parents and all students in Years 7-13 with a paper copy of the summary version of the Privacy Notice (Appendix 1) and draw attention to this through notices to students and other home/school communications.
- 1.5. Place a copy of the full Privacy Notice (Appendix 2) on the non password protected, 'parents' area of the school website, with a notice explaining that a paper copy is available on request.

## 2. Legislative Framework

- The Data Protection Act 1998;
- The Education (Pupil Information)(England) Regulations 2000;
- Data Protection (Subject Access Modification)(Education) Order 2000.
- The Children's Act 1989.
- Education Act 2005
- Learning and Skills Act - 2000
- Children Act 2004 and subsequent orders
- Every Child Matters: Change For Children – 2004

## 3. Disclosing Pupils' Educational Records

- 3.1. Under the Data Protection Act 1998 all pupils are entitled to have their educational records disclosed to them within 15 school days of making a written request. A fee may be charged to pupils who request hard copies of educational records under the provisions of the 1998 Act. The Data Protection Commissioner provides information about a sliding scale of fees. Where a young pupil seeks access to his or her records the school should

establish whether the pupil understands the nature of the request. If the school forms the view that the pupil does not know or understand owing to youth or immaturity then the request to supply data to the child direct need not be complied with.

3.2. Under the Education (Pupil Information) (England) 2000 Regulations parents are entitled to have their child's educational records disclosed to them, free of charge, within 15 school days of making a written request. A parent, who requests it in writing, will be supplied with a copy of their child's educational record, within 15 school days of making a written request, free of charge or at no greater cost than that of supplying it. The school's standard charge is 10p per sheet. This cost may be waived at the discretion of the Headteacher.

3.3. Further information can be found in the booklet "Seeing your Personal Education Records" (November 2005), available from the LA and in Montgomery High School Data Protection Procedure (May 2004).

#### 4. Material Exempt From Disclosure

4.1. Under the Data Protection Act 1998 certain information is exempt from disclosure:

- material whose disclosure would be likely to cause serious harm to the physical or mental health or emotional condition of the pupil or someone else
- material consisting of information as to whether the child is or has been subjected to or may be at risk of suspected child abuse
- references supplied to potential employers of the pupil, any national body concerned with student admissions, another school, an institution of further or higher education, or any other place of education and training
- information which may form part of a court report.

4.2. Regulations made under the Data Protection Act 1998 allow for this information to be transferred to another educational establishment. They also allow, in some cases, for a record about a pupil from a third party, such as a letter from a parent or another pupil or a local shopkeeper, to be disclosed. Disclosure is permissible if the record does not allow for identification of the third party. If the record does allow the third party to be identified, it may still be disclosed if the third party gives consent or, in the circumstances, it is reasonable to allow disclosure without seeking that consent.

## APPENDIX 1

**Montgomery High School** processes personal data about its pupils and is a "data controller" in respect of this for the purposes of the Data Protection Act 1998. It processes this data to:

- support its pupils' teaching and learning;
- monitor and report on their progress;
- provide appropriate pastoral care, and
- assess how well the school as a whole is doing.

This information includes contact details, national curriculum assessment results, attendance information, characteristics such as ethnic group, special educational needs and any relevant medical information.

From time to time the school is required to pass on some of this data to local authorities, and other agencies prescribed by law and organisations that require access to data in the Learner Registration System as part of the MIAP (Managing Information Across Partners) programme. All these are data controllers for the information they receive. The data must only be used for specific purposes allowed by law.

The Children Act 2004 Information Database (England) Regulations 2007 requires maintained schools to supply basic contact information to ContactPoint. ContactPoint is a directory that will help people who work with children and young people to quickly find out who else is working with the same child, making it easier to delivery more coordinated support.

The **Local Authority (LA)** uses information about children for whom it provides services to carry out specific functions for which it is responsible, such as the assessment of any special educational needs the child may have. It also uses the information to derive statistics to inform decisions on (for example) the funding of schools, and to assess the performance of schools and set targets for them. The statistics are used in such a way that individual children cannot be identified from them. The LA is also required to maintain the accuracy of the information held on ContactPoint about children and young people in their area and handles information in accordance with the Freedom of Information Act 2000 and the Data Protection Act 1998 and is the data controller for the purposes of the Data Protection Act 1998.

**PRIVACY NOTICE – How we use your information.**  
**Data Protection Act 1998**

Montgomery High School is a Data Controller for the purposes of the Data Protection Act. We collect information about our pupils and may receive information about them from their previous school and the Learning Records Service. We hold this personal data and use it to:

- Support the teaching and learning of our pupils;
- Monitor and report on their progress;
- Provide appropriate pastoral care, and
- Assess how well the school is doing.

This information includes your contact details, national curriculum assessment results, attendance information <sup>1</sup> and personal characteristics such as ethnic group, any special educational needs and relevant medical information.

If a pupil is enrolling for post 14 qualifications we will be provided with their unique learner number by the Learning Records Service and may also obtain from them details of any learning or qualifications they have undertaken.

In addition, the school will from time to time wish to publish photographs celebrating and publicising student success via school publications, the school website and in the local press unless otherwise advised by parents.

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

We are required by law to pass some pupil information to the Local Authority and the Department for Education (DfE).

Pupils, as data subjects, have certain rights under the Data Protection Act, including a general right to be given access to personal data held about them by any data controller. The presumption is that by the age of 12 a child has sufficient maturity to understand their rights and to make an access request themselves if they wish. A parent would normally be expected to make a request on a child's behalf if the child is younger. If you want to see a copy of the information we hold and share about you/your child, then please contact Montgomery High School, All Hallows Road, Bispham, FY2 0AZ .

If you require more information about how the Local Authority (LA) and/or DfE store and use pupil information, then please go to the following websites:

<http://www.blackpool.gov.uk/Services/M-R/PrivacyNotice/> and

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<sup>1</sup> Attendance is not collected for pupils under 5 at Early Years Settings or Maintained Schools

<http://www.education.gov.uk/schools/adminandfinance/schooladmin/ims>

If you are unable to access these websites, please contact the LA or DfE as follows:

- Blackpool Council  
Customer First Centre  
Municipal Building,  
Corporation Street  
Blackpool  
FY1 1NF  
Website: [www.blackpool.gov.uk](http://www.blackpool.gov.uk)  
email: [customer.first@blackpool.gov.uk](mailto:customer.first@blackpool.gov.uk)  
Telephone: 01253 477477
  
- Public Communications Unit  
Department for Education  
Sanctuary Buildings  
Great Smith Street  
London  
SW1P 3BT  
Website: [www.education.gov.uk](http://www.education.gov.uk)  
Contact: [www.education.gov.uk/help/contactus](http://www.education.gov.uk/help/contactus)  
Telephone: 0370 000 2288

**The Via Partnership (website: <http://www.cxl-uk.com>)**

Once pupils are aged 13 or over, we are required to pass on certain information to providers of youth support services in your area. This is the local authority support service for young people aged 13 to 19 in England. We must provide both pupil and parent names and address, and any further information relevant to the support services' role. However, parents, or pupils (if aged 16 or over) can ask that no information beyond name, address and date of birth be passed to the support service. Please inform Montgomery High School if you wish to opt-out of this arrangement. For more information about young peoples' services, please go to the Directgov Young People page at [www.direct.gov.uk/en/YoungPeople/index.htm](http://www.direct.gov.uk/en/YoungPeople/index.htm)