



## Data Protection Policy

### **General Statement**

VLC collects and uses personal information about staff, volunteers, pupils, parents and other individuals with whom it has contact. This information is gathered in order to enable it to provide education and other associated functions. In addition, there may be a legal requirement to collect and use information to ensure that VLC complies with its statutory obligations, including safeguarding.

VLC will ensure that all processing is appropriately registered where necessary and notified with the Information Commissioner's Office (ICO), and will review and update notified entries. VLC is registered as the Data Controller with the Information Commissioner's Office (ICO); Registration Number: A8692674

### **Aim**

This policy seeks to ensure that personal information is dealt with correctly and securely and in accordance with legislation. The Principal and Governors of VLC intend to fully comply with the requirements and principles of the General Data Protection Regulations (GDPR) 2018, Data Protection Act 1998, Human Rights Act 1998, and Freedom of Information Act 2000, and other related legislation, in relation to the management of personal data in VLC.

This policy applies to information regardless of the way it is collected, used, recorded, stored and destroyed irrespective of whether data is held in paper files or electronically.

It is recognised that other legislation (for example the Crime and Disorder Act) may override Data Protection law and necessitate the otherwise unwarranted sharing of information.

All personnel involved with the collection, processing and disclosure of personal data will be made aware of their duties and responsibilities within these guidelines. Personnel deliberately acting outside their recognised authority may be subject to appropriate disciplinary proceedings.

### **Definitions**

#### **Data Subjects**

Data subjects may include not only individual pupils and/or their parents/guardians but also employees, volunteers and other professionals.

#### **Personal Information/Data**

Data which relates to a living individual who can be identified from that data, or other information held. For example, a staff member's name and address, pupils' attendance record(s), pupils' exam results, internet cookies.

#### **Data Controller**

Data controllers may be organisations or individuals who determine the purposes and means of processing the personal data. A company, in this case VLC, as a separate legal personality, is the data controller rather than any individual employee who is simply part of the company. The controller is responsible for ensuring that the processes abides by data protection law.

### **Data Processor**

A data processor may be an organisation or individual who actually processes data on behalf of a controller. This could include an outsourced service provider (eg. payroll provider). The GDPR do not consider employees of the controller to be processors.

### **Data Processing**

Data processing refers to any activity relating to personal data. This includes initial collection through organising, altering, consulting, using, disclosing or combining data, as well as its final destruction. This includes holding data either electronically or manually.

NB. Throughout this policy, 'parent' refers to a parent or legal guardian. Parental consent includes the consent of a guardian.

### **The Principles**

VLC shall, so far as is reasonably practicable, comply with the Data Protection Principles contained in the GDPR and Data Protection Act to ensure all data is:

- processed fairly and lawfully in a transparent manner;
- obtained and processed for a specific lawful purpose;
- adequate, relevant and limited to what is necessary;
- accurate and, where necessary, kept up to date;
- not kept for longer than necessary;
- processed in a manner to ensure appropriate security.

In accordance with the GDPR VLC, as the controller, is responsible for and will be able to demonstrate compliance with the principles.

### **Data Uses**

Personal data (including sensitive personal data, where appropriate) is processed by VLC strictly in accordance with the Data Protection Act in order to:

- support its teaching and learning;
- monitor and report on pupils' progress;
- publish examination results;
- provide appropriate pastoral care;
- assess how well VLC as a whole is doing;
- communicate with former pupils;
- where appropriate, promote VLC to prospective pupils (including through the VLC's prospectus and website);
- other reasonable purposes relating to the operation of VLC.

VLC will not use or process personal information that contravenes its statutory or registered/notified purposes.

Any new purposes for data processing introduced will, where appropriate, be notified to the individual and, if required by law, their consent will be sought. A copy of the up to date notification/registration will be kept at the VLC office for inspection purposes.

In general VLC will only process data with the subject data's consent (or with the consent of parents/guardian acting on behalf of their child). There may be exceptions as outlined below.

Data shall only be shared with others when it is legally appropriate to do so eg. if there is a safeguarding concern about a child. Only authorised and properly instructed staff are allowed to make external disclosures of personal data.

Data used within VLC should be made available to staff only if they need to know for their work in VLC.

### **Exemptions**

Certain data is exempted from the provisions of the Data Protection Act which includes, but is not restricted to the following:

- national security and the prevention or detection of crime;
- the assessment of any tax or duty;
- where the processing is necessary to exercise a right or obligation conferred or imposed by law upon VLC, including safeguarding and prevention of terrorism and/or radicalisation.

### **Fair Obtaining**

VLC undertakes to obtain information fairly and lawfully by informing all data subjects of:

- the reason for its collection
- the purposes for which the data will be held
- when their information will be shared, why, and with whom it was shared with
- the data subject's rights of access.

Personal data will usually be obtained through the sharing from third parties (pupils' school/referring agency) when a pupil starts at VLC. This will include details of a pupils' name, address, DOB, and educational record and other such information.

We may also seek to collect data directly from parents or pupils.

### **Data Integrity**

VLC will not collect data from individuals that is excessive or irrelevant in relation to the registered/notified purpose(s). Details collected will be adequate and no more.

Data held will be as accurate and as up-to-date as is reasonably possible. We request that all data subjects inform VLC of any changes to information held (eg. change of address). If VLC is informed of a change of circumstances records will be updated as soon as possible. Where a pupil themselves informs VLC of a change in their information, VLC will seek to confirm this with the pupils' parent/carer and/or school/referring agency as soon as possible.

Where a data subject challenges the accuracy of their data and it cannot be updated immediately, or where the new information needs to be checked for accuracy and validity, a note will be made of the "challenged" record indicating the nature of the dispute or delay. VLC will try to resolve the issue(s) informally but if this is not possible any dispute will be referred in accordance with VLC's Complaints Procedure, which can be downloaded from VLC's website.

Information will only be held for as long as is necessary for the registered/notified period. After this time period details will be deleted and/or destroyed. Data subjects have the right in some circumstances to request that inaccurate information about them is erased. This does not apply in all cases, for example, where records of mistakes or corrections are kept, or records which must be kept in the interests of all parties to which they apply.

### **Security**

VLC undertakes to ensure the security of personal data to prevent unauthorised individuals and staff from gaining access to personal information by:

Physical security:

- Ensuring that no pupil has access to electronic networks where personal data about other pupils (including themselves) is stored;

- Restricting access of pupils and other unauthorised personnel (including visitors) to offices and rooms where personal data systems are kept;
- Provision of secure storage and filing systems for paper records, including lockable filing cabinet(s);
- Provision of appropriate building security through the locking of doors and building alarms;
- Ensuring laptop computers are always stored in secure areas and not left unattended on site and off site;
- Safe storage of computer/laptop back up tapes and/or disks (risk of fire, theft, other damage or loss).

#### Logical security:

- Password protection for the WiFi network(s) to prevent use by any external parties;
- Password protection for VLC's laptops/computers;
- Password protection for VLC's electronic data storage network;
- Password protection for VLC's staff email system;
- Passwords only shared with appropriate personnel as and when necessary.

#### Procedures and protocols:

- Only permitting authorised personnel have access to personal data records;
- By implementing a controlled system to record the removal and transfer of personal data from its normal storage area, including transfer within VLC and removal off-site;
- Ensuring that all staff and volunteers are made aware of their responsibilities for confidentiality and data protection and for general security matters, and ensuring that staff's knowledge is updated as required;
- Destroying data securely in accordance with best practice at the time of destruction.

### **Subject Access and Subject Information Requests**

Any person whose details are held or processed by VLC (data subjects) have a general right to receive a copy of their own information. This may include pupils, staff, volunteers.

A subject access/information request should be submitted in written format, on the appropriate forms wherever possible, to ensure that VLC has the required information to be able to conduct a data search and fulfil the request. VLC will respond in writing to requests for access to pupil records within 15 school days and for all other types of record within the 40 [calendar] days allowed by the Data Protection Act 1998.

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

VLC's policy for dealing with requests for subject access in respect of a pupil is:

- Requests from pupils who demonstrate an understanding of the nature of their request (see note below) will be processed as any subject access request as outlined below.
- Requests from pupils who do not understand the nature of the request will be referred to the child's parents.
- Requests from parents in respect of their own child will, where the child is judged to not understand the nature of the subject access requests (see note below), be processed as requests made on behalf of the data subject (child).
- Requests from parents of children who are of an age whereby they can understand the nature of issues relating to their data will only be approved whereby the data subject (child) has also given their consent. Responses to such requests will involve the child.

*NB. The normal assumption will be that at the age of 13 a child is able to understand the issues concerning access to their data. The data controller will make the judgement about whether a child has the necessary level of understanding, and will seek guidance from the Information Commissioner and/or Council in the event of a dispute.*

The identity of the requestor must be established before the disclosure of any information, and checks should also be carried out regarding proof of relationship to the child. Evidence of identity can be established by the production of a passport, driving license, birth/marriage certificate, P45, or other suitable document.

Where information is not available from VLC but is processed by a pupil's school, the Local Authority, a Health Care professional or another professional or organisation (such as admissions and transfers) the requests will be directed to the appropriate officer.

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 should normally be obtained. This will still be provided within the 40 day statutory timescale.

In some cases, especially with requests not submitted on the appropriate forms, further information may need to be required from the requester which will delay the start of the 40 day maximum period for response.

Repeat requests will be fulfilled unless deemed unreasonable, such as a second request received so soon after the first that it would be impossible for the details to have changed.

### **Sharing Personal Information**

There are occasions where sharing personal data with local authorities, other schools, social services etc. cannot be avoided. It may be that without sharing the data, actions cannot be completed. For example, it may be necessary to pass on details about a child showing signs of harm to social services. In such cases, VLC will ensure that only necessary information is passed onto the appropriate parties.

### **Disclosures**

VLC will normally only disclose data to third parties about individuals with their consent. However, disclosure may be made without consent where:

- it is to authorised recipients related to VLC carrying out its statutory duties and obligations;
- it is to authorised recipients in respect of the pupils' health, safety and welfare;
- (for staff) it is to relevant authorities in respect to payroll, administration, safeguarding matters;
- It is unavoidable eg. during IT maintenance. In this case the relevant party would be expected to be bound to not disclose personal data.

### **Complaints and Appeals**

Complaints, disputes or challenges as described above should be first taken up with the Principal (Data controller) or an authorised person acting on his/her behalf. VLC's Complaints Procedure should be followed.

In certain cases the Leadership may deem it inappropriate for the complaint to be dealt with in accordance with VLC's Complaints Procedure. In such cases, or where the complainant feels that their complaint has not been resolved, the complaint can be dealt with by the Information Commissioner.