

## Data Protection and Confidentiality.



The governing body of Ysgol Borthyn aims to protect all staff's right to privacy in line with the Data Protection Act 1998, the European Directive on the Protection of Individuals with Regard to the Processing of Personal Data and on the Free Movement of such data (95/46/EC), and the Employment Practices Code and the Code of Practice.

(It takes into account any guidance issued by the local authority.)

### Responsible Person

The Head is the 'Data Controller' for the school. They are responsible for:

- implementing any policies issued by the LEA regarding data protection;
- ensuring safe and confidential systems are in place in the school;
- consultation with employees and their representatives with regard to putting data protection procedures in place and monitoring them.

### Staff Recruitment

#### Information provided

In advertising for posts the school will include a statement setting out the purposes for which personal information may be used, on the lines of:

*'Personal information provided by candidates will be kept on a secure file in the school and will not be released to third parties outside the school without the permission of the person concerned, except where there is a legal requirement so to do.'*

Within the school the Head will determine who may have limited access to information and will inform the person(s) concerned that this is being done.

### Checks

DBS checks will be carried out in line with the government guidance in *Safeguarding Children and Safer Recruitment in Education 2006*.

Other vetting which is required by law (e.g. for some jobs under the Protection of Children's Act 1999) will be carried out as necessary, and in line with current regulations and local authority policy.

Checks to verify the qualifications and fitness to teach will also be carried out. Other checks may be carried out to verify information provided by candidates for posts.

### **References**

Candidates do not have the right to obtain access to a confidential reference from the school/organisation giving it, but no such exemption exists for the prospective employer.

This school will destroy all confidential references immediately after the recruitment process is over.

This school will not provide confidential references to other institutions/organisations about an employee at this school, unless the employee requests one in writing for good reason.

### **Shortlisting**

Candidates will be informed that the selection panel will have access to the information provided in the application and any references/testimonials received.

### **Interviews**

Only the information relevant to the recruitment process (and information that may be required in defence against any discrimination claims) will be retained after the interview. Candidates will be told which information will be retained. They will also be told that they can obtain (from the Head/Clerk to the Governing Body) copies of any panel interview notes concerning them personally that are retained by the school.

All other interview material will be destroyed immediately after the interview.

### **Retention of Information**

Information obtained for recruitment purposes will not be retained beyond six months

Information obtained on criminal convictions once verified by the DBS will be deleted, unless the information is clearly relevant to the person's employment in the school.

All candidates will, where possible, be asked whether they want their information kept on file for possible future vacancies.

Information about unsuccessful candidates will otherwise be deleted at the end of the recruitment process.

### **Employment Records**

This is covered by Part 2 of the Employment Practices Code. The school aims to balance the school's need to keep records and the employee's right to a private life.

### **Access to Information**

All employees have a right to know the nature and source of information kept about them. Each member of the school staff will be provided with personal details to check regularly - at times determined by the Head.

Employees may request at any other time to see the information kept about them in order to verify their accuracy. Employees can make representations to the Head, and if not satisfied, to the governing body, about information being retained that is inaccurate or is of a sensitive personal nature.

Employees have the right to apply for access to information required for a discipline, capability or grievance hearing (unless the provision of such information might prejudice criminal investigation). The records kept should only be sufficient to support conclusions drawn. Unsubstantiated allegations should normally be removed.

Spent discipline warnings will be removed after 3 years. The reason for the termination will be recorded.

The school must respond to any request within 40 calendar days. Although a fee up to £10 may be charged under the legislation, this school will not normally

charge for access to information, although the governing body reserves the right to charge up to £10 in exceptional circumstances.

### **Security**

The Head will take necessary precautions to ensure that both electronic and manual files are secure.

No manual or electronic files will be taken off the premises except in an emergency, or when expressly authorised by the Chair of the Governing Body, who will ensure that employees who are affected are notified and given an opportunity to make representations to him/her.

### **Pension and Insurance Schemes**

Information may be supplied to a third party for pensions and insurance schemes, where such information is necessary. The employees concerned must be informed about how the information will be dealt with.

### **Equal Opportunities Monitoring**

Information on both pupils and staff is periodically required by the government or LEA. This is sensitive personal data, and the information should be kept to a minimum, and as far as possible in an anonymous form.

### **Marketing Material**

No information about employees or pupils will be provided to marketing companies, unless the person(s) concerned have given explicit permission.

### **Fraud Detection**

Data matching for fraud detection (e.g. to detect whether the employee is receiving state benefits or not) are possible. Before the governing body consents to the school participating in such a scheme the staff will be consulted. New employees must then be told of this scheme, and all employees should be reminded of it periodically under arrangements made by the Head and approved by the governing body.

### **Disclosure Requests**

Members of staff who receive requests for references or other information about members of the current or previous employees at the school should

inform the Head before providing the information to ensure that they are acting within the law and official guidance.

### **Monitoring at Work**

The governing body aims to keep all monitoring at work within the provisions of the Data Protection Act 1998.

### **Performance Management Records**

Performance Reviews will be carried out on all teaching staff by the headteacher in accordance with the agreed scheme. Support staff also complete performance management with the assistant head teacher.

The reports on teaching staff performance obtained through the annual formal Performance Management system can only be retained by the Head (with a copy to the member of staff concerned). Only details about professional development needs/requests may be shared with other staff. In both schools the same arrangements will be in place for performance records of all staff.

### **Monitoring the Use of Electronic Communications**

Both schools aim not to intrude into the private lives of staff but reserve the right to monitor the use of school computers, video and audio machines and phones by pupils and staff and will keep appropriate records, which can be accessed by pupils and staff on request to the Head.

### **Information about Employees' Health**

Any data on an employee's state of physical or mental health is sensitive personal data and will only be kept when the employee has been told what information is involved and the use that will be made of it, and the arrangements for its security. The employee must give written consent to its retention.

### **Sickness and Ill-Health Records**

As far as possible the schools should only retain information that is necessary to establish an employee's fitness for work. The governing body has delegated to the Head the responsibility for determining what is necessary.

The schools recognises the difference between a 'sickness or injury record' and an 'absence record'. (ITrent system).

No information about any of the above records will be made available to other employees unless it is necessary in order that they can fulfil their managerial roles.

Requests for information from doctors and other medical practitioners will be in accordance with the Access to Medical Reports Act 1998.

### **Occupational Health Schemes**

The school belongs to the LEA scheme, and will operate within its rules. All staff will be informed about how health information will be used under the scheme and who will have access to it.

### **Medical Examinations**

There will be times when the school is made privy to medical details of children under its care. In these situations all details are kept in a locked file cabinet in the school office and staff are made aware on a need to know basis. If medical examinations take place in school this is completed in a private room away from other pupils although safeguarding procedures are followed e.g. glass in door etc.

### **Recruitment**

Job applicants must only be medically examined to ensure they are:

- fit for the role;
- to meet legal requirements;
- determine the terms on which they are eligible to join a pension or insurance scheme.

The schools will make clear during the recruitment process that tests might be necessary.

### **Current Employees**

Medical information will only be obtained through examination or testing if:

- the tests are part of a voluntary occupational health and safety programme;
- necessary to prevent a significant health risk;
- needed to determine an employee's continuing fitness for the role;

- needed to determine whether an employee is fit to return to work after a period of absence;
- needed to determine an employee's entitlement to health-related benefits;
- needed to prevent discrimination on the grounds of disability, or to assess the need to make reasonable adjustments, or to comply with other legal obligations.

### Internal transfer of data

All data is on the school server and accessed only in school. Teachers use encrypted Memory sticks when taking work home.

### Records Management

Please see the Records Management policy for information on the retention of data and documents.

### Monitoring and Review

This policy will be monitored by the governing body. The

Head will report on its operation.

Presented to staff \_\_\_\_\_ Date

\_\_\_\_\_ Signed

\_\_\_\_\_

Presented to Governors \_\_\_\_\_ Signed

\_\_\_\_\_ Next review

\_\_\_\_\_