



## Data Protection Policy

O you who believe, uphold justice and bear witness to Allah, even if it is against yourselves, your parents, or your close relatives. Whether the person is rich or poor, Allah can best take care of both. Refrain from following your own desire, so that you can act justly- if you distort or neglect justice, Allah is fully aware of what you do.

Quran 4:135

**Approved by:**

Governing Board

**Last reviewed:** Spring 2023

**Next review due by:**

Spring 2024

## Data Protection Policy

### 1 General Statement

- 1.1** The Governing Body of the school has overall responsibility for ensuring that records are maintained, including security and access arrangements, in accordance with Education Regulations and all other statutory provisions.
- 1.2** The Headteacher and Governors of this School intent to comply fully with the requirements and principles of the Data Protection Act 1984 and the Data Protection Act 1998. All staff involved with the collection, processing and disclosure of personal data are aware of their duties and responsibilities within these guidelines.

### 2. Introduction

- 2.1** The Data Protection Act 1998 commenced on 1 March 2000, with most of its provisions being effective from 24 October 2001. It replaced and broadened the Data Protection Act 1984. The purpose of the Act is to protect the rights and privacy of individuals, and to ensure that data about them are not processed without their knowledge and are processed with their consent wherever possible. The Act covers personal data relating to living individuals, and defines a category of sensitive personal data which are subject to more stringent conditions on their processing than other personal data.
- 2.2** The Data Protection Act covers data held in electronic formats, and also applies to manual data which are held in what the Act calls a relevant filing system. While this might appear to limit the categories of non-electronic data to which the Act applies, the definitions of personal data in the Data Protection Act have been broadened by the Freedom of Information Act 2000 in respect of public authorities like Noor UI Islam Primary School to which the Freedom of Information Act applies. The main effect of this is that since 1 January 2005 (when the Freedom of Information Act came into force), unstructured personal information held by Noor UI Islam Primary School in manual form - i.e. not in a relevant filing system - is covered by the Data Protection Act, except for unstructured data relating to appointments, removals, pay, discipline and other personnel matters, which remain outside the scope of the Act.
- 2.3** As a general rule, *any* personal data relating to an identifiable living individual which are held by Noor UI Islam Primary School in any form are covered by the Data Protection Act. However, unstructured manual data are exempt from many aspects of the Act, including the first, second, third, fifth, seventh and eighth Data Protection Principles, and from the sixth Data Protection Principle except in regard to the rights of data subjects to have access to their data and to require the rectification, blocking, erasure or destruction of inaccurate data. Further information about the Data Protection Principles is provided below.
- 2.4** Noor UI Islam Primary School is a data controller in respect of the data for which it is responsible. This means that Noor UI Islam Primary School is responsible under the Data Protection Act for decisions in regard to the processing of personal data, including the decisions and actions of external data processors acting on Noor UI Islam Primary School's behalf. The Data Protection Act requires that processing should be carried out according to eight

Data Protection Principles.

**2.5** Personal data shall be processed fairly and lawfully. The Data Protection Act requires bodies which record and use personal information to register with the Information Commissioner. Noor UI Islam Primary School's registration details are included in the Public Register of Data Controllers which is available on the website of the Information Commissioner. It records the purposes for which Noor UI Islam Primary School gathers personal data, the types of data subjects covered by each purpose, the classes of data gathered, recipients to whom the data will be disclosed, and countries or territories to which the data may be transferred. Any use by Noor UI Islam Primary School of personal data must be in accordance with the terms of Noor UI Islam Primary School's registration.

### **3. More information**

**3.1** General information about the Data Protection Act can be obtained from the Data Protection Commissioner (Information Line 01625 545 745, website [www.dataprotection.gov.uk](http://www.dataprotection.gov.uk)).

## **4. Fair Obtaining and Processing**

**4.1** Noor UI Islam Primary School undertakes to obtain and process data fairly and lawfully by informing all data subjects of the reasons for data collection, the purposes for which the data are held, the likely recipients of the data and the data subjects' right of access. Information about the use of personal data is printed on the appropriate collection form. If details are given verbally, the person collecting will explain the issues before obtaining the information.

- **“processing”** means obtaining, recording or holding the information or data or carrying out any or set of operations on the information or data.
- **“data subject”** means an individual who is the subject of personal data or the person to whom the information relates.
- **“personal data”** means data, which relates to a living individual who can be identified. Addresses and telephone numbers are particularly vulnerable to abuse, but so can names and photographs be, if published in the press, Internet or media.
- **“parent”** has the meaning given in the Education act 1996, and includes any person having parental responsibility or care of a child.

**4.2** Noor UI Islam Primary School will ensure that data are obtained fairly, and will make reasonable efforts to ensure that data subjects are told who the data controller is, what the data will be used for, for how long the data will be kept and any third parties to whom the data will be disclosed. In order for processing to be fair and lawful, data which is not sensitive personal data will only be processed by Noor UI Islam Primary School if at least one of the following conditions, set down in the Data Protection Act, has been met:

- The data subject has given his/her consent to the processing.
- The processing is necessary for the performance of a contract with the data subject, or for taking steps with a view towards entering into a contract.

- The processing is required under a legal obligation other than a contract.
- The processing is necessary to protect the vital interests of the data subject.
- The processing is necessary for the administration of justice, the exercise of functions under an enactment, the exercise of functions of the Crown or a government department, or any other functions of a public nature exercised in the public interest.
- The processing is necessary to pursue the legitimate interests of Noor UI Islam Primary School or of third parties, and does not prejudice the rights, freedoms or legitimate interests of the data subject.

**4.3** Processing of sensitive personal data is subject to more stringent restrictions under the Data Protection Act. Processing of sensitive personal data will only be carried out by Noor UI Islam Primary School if at least one of the above conditions, applicable to non-sensitive data, has been met. In addition, at least one of the following conditions, set down in the Data Protection Act, must *also* be met:

- The data subject has given his/her explicit consent.
- The processing is required by law for employment purposes.
- The processing is necessary to protect the vital interests of the data subject or another person.
- The information has been made public by the data subject.
- The processing is required for the administration of justice, legal proceedings, the defending of legal rights, the exercise of functions under an enactment, or the exercise of functions of the Crown or a government department.
- The processing is necessary for medical purposes, and is carried out by a health professional or a person with an equivalent duty of confidentiality.
- The processing is necessary for equal opportunities monitoring.

**4.4** Data relating to the disabilities of students, staff and other individuals are sensitive personal data under the Data Protection Act. Such data must be processed in accordance with Noor UI Islam Primary School's Disability Policy.

## **5 Registered Purposes**

**5.1** The Data Protection Registration entries for the School are available for inspection, by appointment. Explanation of any codes and categories entered is available from the Headteacher who is the person nominated to deal with Data protection issues in the School. Registered purposes covering the data held at the school are listed on the school's Registration and data collection documents. Information held for these stated purposes will not be used for any other purpose without the data subject's consent.

**5.2** The school will renew its registration annually.

**5.3** The school has a good CCTV system. The school will follow the guidance notes and Compliance Advice / CCTV Small User Checklist published by the Data Protection Registrar to ensure it stays within the law.

## **6 Data Integrity**

**6.1** The school undertakes to ensure data integrity by the following methods:

## 7 Data Accuracy

- 7.1 Data held will be as accurate and up to date as is reasonably possible. If a data subject informs the School of a change of circumstances their computer record will be updated as soon as is practicable.
- 7.2 Where a data subject challenges the accuracy of their data, the School will immediately mark the record as potentially inaccurate, or 'challenged'. In the case of any dispute, we shall try to resolve the issue informally, but if this proves impossible, disputes will be referred to the Governing Body for their judgement. If the problem cannot be resolved at this stage, either side may seek independent arbitration. Until resolved the 'challenged' marker will remain and all disclosures of the affected information will contain both versions of the information.

## 8 Data Adequacy and Relevance

- 8.1 Data held about people will be adequate, relevant and not excessive in relation to the purpose for which the data is being held. In order to ensure compliance with this principle, the School will check records regularly for missing, irrelevant or seemingly excessive information and may contact data subjects to verify certain items of data.
- 8.2 Data held about individuals will not be kept for longer than necessary for the purposes registered. It is the duty of the Headteacher to ensure that obsolete data are properly erased.

## 9 Subject Access

- 9.1 The Data Protection Acts extend to all data subjects a right of access to their own personal data. In order to ensure that people receive only information about themselves it is essential that a formal system of requests is in place. Where a request for subject access is received from a pupil, the school's policy is that:
- 9.2 Requests from pupils will be processed as any subject access request as outlined below and the copy will be given directly to the pupil, unless it is clear that the pupil does not understand the nature of the request. Requests from pupils who do not appear to understand the nature of the request will be referred to their parents or carers.
- 9.3 Requests from parents in respect of their own child will be processed as requests made on behalf of the data subject (the child) and the copy will be sent in a sealed envelope to the requesting parent.
- 9.4 Requests for access must be made in writing.
- 9.5 Pupils, parents or staff may ask for access to personal data. This should be submitted to the Headteacher. Provided that there is sufficient information to process the request, an entry will be made in the Subject Access log book, showing the date of receipt, the data subject's name, the name and address of requester (if different), the type of data required (eg Student Record, Personnel Record), and the planned date of supplying the information (normally not more than 40 days from the request date). Should more information be required to

establish either the identity of the data subject (or agent) or the type of data requested, the date of entry in the log will be date on which sufficient information has been provided. In the case of any written request from a parent regarding their own child's record, access to the record will be provided within 15 school dates in accordance with the current Education (Pupil Information) Regulations.

## 10 Authorised Disclosures

**10.1** The School will, in general, only disclose data about individuals with their consent. However there are circumstances under which the School's authorised officer may need to disclose data without explicit consent for that occasion. These circumstances are strictly limited to:

- Pupil data disclosed to authorised recipients related to education and administration necessary for the school to perform its statutory duties and obligations.
- Pupil data disclosed to authorised recipients in respect of their child's health, safety and welfare.
- Pupil data disclosed to parents in respect of their child's progress, achievements, attendance, attitude or general demeanour within or in the vicinity of the school.
- Staff data disclosed to relevant authorities eg in respect of payroll and administrative matters.
- Unavoidable disclosures, for example to an engineer during maintenance of the computer system. In such circumstances the engineer would be required to sign a form promising not to disclose the data outside the school.

**10.2** Only authorised and trained staff are allowed to make external disclosures of personal data. Data used within the school by administrative staff, teachers and welfare officers will only be made available where the person requesting the information is a professional legitimately working within the school who **need to know** the information in order to do their work. The school will not disclose anything on pupils' records which would be likely to cause serious harm to their physical or mental health or that of anyone else – including anything where suggests that they are, or have been, either the subject of or at risk of child abuse.

A “**legal disclosure**” is the release of personal information from the computer to someone who requires the information to do his or her job within or for the school, provided that the purpose of that information has been registered.

An “**illegal disclosure**” is the release of information to someone who does not need it, or has no right to it, or one which falls outside the School's registered purposes.

## 11 Data and Computer Security

**11.1** Noor UI Islam Primary School undertakes to ensure security of personal data by the following general methods (precise details cannot, of course, be revealed):

- 11.1.1 Physical Security** - Appropriate building security measures are in place, such as alarms, window bars, deadlocks and computer hardware cable locks. Visitors to the school are required to sign in and out, and are, where appropriate, accompanied.
- 11.1.2 Logical Security** - Security software is installed on all computers containing personal data. Only authorised users are allowed access to the computer files and password changes are regularly undertaken. Computer files are backed up (ie security copies are taken) regularly.
- 11.1.3 Procedural Security** - In order to be given authorised access to the computer, staff will have to undergo checks and will sign a confidentiality agreement. All staff aware of their Data Protection obligations and their knowledge updated as necessary. Computer printouts as well as source documents are shredded before disposal.
- 11.2** Overall security policy for data is determined by the Headteacher and is monitored and reviewed regularly, especially if a security loophole or breach becomes apparent.
- 11.3** Any queries or concerns about security of data in the school should in the first instance be referred to the Headteacher.
- 11.4** Individual members of staff can be personally liable in law under the terms of the Data Protection Acts. They may also be subject to claims for damages from persons who believe that they have been harmed as a result of inaccuracy, unauthorised use or disclosure of their data. A deliberate breach of this Data Protection Policy will be treated as disciplinary matter, and serious breaches could lead to dismissal.

## **12 Monitoring and review**

- 12.1** This policy will be monitored and reviewed at regular intervals by the Board of Governors and changes made, where necessary, to ensure the policy continues to be relevant and up to date.

**ACCESS TO PERSONAL DATA REQUEST (SUBJECT ACCESS REQUESTS)**

**DATA PROTECTION ACT 1998 Section 7.**

Enquirer's Surname.....Forenames.....  
Enquirer's Address

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Enquirer's Postcode .....

Telephone Number .....

Are you the person who is the subject of the records you are enquiring about?  
YES / NO

(i.e. the "Data Subject")?

If NO,

Do you have parental responsibility for a child who is the "Data Subject" of the records  
you are enquiring about? YES / NO

If YES,

Name of child or children about whose personal data records you are enquiring

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.....  
.....

Description of Concern / Area of Concern

Description of Information or Topic(s) Requested ( In your own words)

Additional information.



Please despatch Reply to: *(if different from enquirer's details as stated on this form)*

Name

Address

Postcode

**DATA SUBJECT DECLARATION**

I request that the School search its records based on the information supplied above under Section 7 (1) of the Data Protection Act 1998 and provide a description of the personal data found from the information described in the details outlined above relating to me (or my child/children) being processed by the School.

I agree that the reply period will commence when I have supplied sufficient information to enable the School to perform the search.

I consent to the reply being disclosed and sent to me at my stated address (or to the Despatch Name and Address above who I have authorised to receive such information).

Signature of "Data Subject" (or Subject's Parent)

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Name of "Data Subject" (or Subject's Parent)

(PRINTED).....

Dated

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