



Olive Academies

## **Freedom of Information & Data Protection Policy**

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### 1. Purpose

The purpose of this policy and procedure is to ensure compliance of Olive Academies with all of its obligations as set out in the Data Protection and Freedom of Information legislation.

### 2. Data Controller

The academy is the Data Controller as defined in the Data Protection Act 1998.

### 3. Notification with the Information Commissioner's Office (ICO)

The trust notified the ICO, when it was established, using the online form <https://ico.org.uk/registration/new/about>

The trust will renew the registration when due. In addition, if the trust introduces and new purposes for processing personal information, such as the installation of CCTV, then it will notify the ICO, requesting that the new purpose be included in the registration.

### 4. Definitions

**Personal data** is information that relates to an identifiable living individual that is processed as data. Processing means collecting, using, disclosing, retaining, or disposing of information. The data protection principles apply to all information held electronically or in structured files that tells you something about an identifiable living individual. The principles also extend to all information in education records. Examples would be names of staff and pupils, dates of birth, addresses, national insurance numbers, school marks, medical information, exam results, SEN assessments and staff development reviews.

**Sensitive personal data** is information that relates to race and ethnicity, political opinions, religious beliefs, membership of trade unions, physical or mental health, sexuality and criminal offences.

There are greater legal restrictions on processing sensitive personal data than there are on personal data.

## **5. Data protection principles**

The eight core principles of the Data Protection Act (DPA) are enshrined in this policy in OA's commitment that personal data:

- is processed fairly and lawfully;
- is obtained only for lawful purposes, and is not further used in any manner incompatible with those original purposes;
- is accurate and, where necessary, kept up to date;
- is adequate, relevant and not excessive in relation to the purposes for which it is processed;
- is not kept for longer than is necessary for those purposes;
- is processed in accordance with the rights of data subjects under the DPA;
- is protected by appropriate technical and organisational measures against unauthorised or unlawful processing and against accidental loss, destruction or damage; and
- is not transferred to a country or territory outside the EU unless that country or territory ensures an adequate level of protection of the personal information.

## **6. Fair processing**

OA is committed to being clear and transparent about what type of personal information we hold and how it is used. The following 'Privacy notice for pupils and their parents and guardians' will be published on each academy website.

## **7. Privacy notice for pupils and their parents and guardians**

### **Why do we collect information?**

The academy collects information about our pupils and holds this personal data so that we can:

- support each pupil's learning;
- monitor and report on each pupil's progress;
- provide appropriate pastoral care and other support to each of our pupils; and
- assess how well each pupil is doing and report on that to the parents.

### **What type of information do we collect?**

The information will include: personal data such as name and date of birth as well as contact details; educational performance assessments; attendance information; pastoral information. It will also include sensitive personal data such as: ethnicity; special educational needs; behavioural incidents; and medical information that will help us to support each pupil's education and wider welfare needs at the academy.

We will also hold personal contact information about parents and carers so that we can get hold of you routinely or in an emergency.

Where CCTV is used by the academy this will only be for general security purposes in order to protect the pupils and staff of the academy.

Pupil photographs may be included, as part of their personal data and this will be treated with the same level of confidentiality as all other personal data. Photographic images of pupils used in

publically available media such as web sites, newsletters or the academy prospectus will not identify pupils unless parental permission has been given in advance.

### **Do we share this information with anyone else?**

We do not share any of this data with any other organisation without your permission except where the law requires it. We are required to provide pupil data to central government through the Department for Education and the Education Funding Agency. Where it is necessary to protect a child, the academy will also share data with the Local Authority Children's Social Services and/or the Police.

### **Can we see the personal data that you hold about our child?**

All pupils have a right to have a copy of the personal information held about them. Where pupils are of primary school age, a request for a copy of the personal information has to be made by a parent or guardian in writing. The only circumstances under which the information would be withheld would be if there was a child protection risk, specifically:

- The information might cause serious harm to the physical or mental health of the pupil or another individual;
- Where disclosure would reveal a child is at risk of abuse;
- Information contained in adoption or parental order records;
- Information given to a court in proceedings under the Magistrate's Courts (Children and Young Persons) Rules 1992; and
- Copies of examination scripts.

If you want a printed copy of the personal data then the academy will charge the actual cost of providing the copy up to a maximum of a £10 charge. To protect each child's right of confidentiality under law the academy reserves the right to check the identity of a person making a request for information on a child's behalf. Once any identity check has been completed and any fee due paid, the information will be collected and provided within 40 calendar days.

### **Can we see our child's educational record?**

All parents are also entitled to a copy of their child's educational record. A request must be made in writing to the headteacher. The educational record includes curriculum, assessment, pastoral and behavioural information that is stored by the academy. Only information that has come from a teacher or employee of the academy trust or an educational professional contracted by the Trust can be considered to form part of the educational record.

The academy will charge a fee to provide an actual copy of the educational record but this will not be greater than the actual cost of reproducing the information. Once any fee has been received the academy will respond to the request within 15 academy days (21 calendar days excluding any public or academy holidays).

## **8. Information security**

### **Objective**

The information security objective is to ensure that the academy's information base is protected against identified risks so that it may continue to deliver its services and obligations to the community. It also seeks to ensure that any security incidents have a minimal effect on its

business and academic operations.

### **Responsibilities**

The headteacher has direct responsibility for maintaining this Information Security policy and for ensuring that the staff of the academy adheres to it.

### **General security**

It is important that unauthorised people are not permitted access to academy information and that we protect against theft of both equipment and information. This means that we must pay attention to protecting our buildings against unauthorised access. Staff must:

- Not reveal pin numbers or building entry codes to people that you do not know or who cannot prove themselves to be employees;
- Beware of people tailgating you into the building or through a security door;
- If you don't know who someone is and they are not wearing some form of identification, ask them why they are in the building;
- Not position screens on reception desks where members of the public could see them;
- Lock secure areas when you are not in the office;
- Not let anyone remove equipment or records unless you are certain who they are;
- Visitors and contractors in academy buildings should always sign in a visitor's book.

### **Security of paper records**

- Paper documents should always be filed with care in the correct files and placed in the correct place in the storage facility.
- Records that contain personal data, particularly if the information is sensitive should be locked away when not in use and should not be left open or on desks overnight or when you are not in the office;
- Always keep track of files and who has them;
- Do not leave files out where others may find them;
- Where a file contains confidential or sensitive information, do not give it to someone else to look after.

### **Security of electronic data**

Most of our data and information is collected, processed, stored, analyzed and reported electronically. It is essential that our systems, hardware, software and data files are kept secure from damage and unauthorised access. Academy staff must:

- Prevent access to unauthorised people and to those who don't know how to use an item of software properly. It could result in loss of information;
- Keep suppliers CDs containing software safe and locked away. Always label the CDs so you do not lose them in case they need to be re-loaded;
- When we buy a license for software, it usually only covers a certain number of machines. Make sure that you do not exceed this number, as you will be breaking the terms of the contract.
- Passwords are a critical element of electronic information security. All staff must manage their passwords in a responsible fashion:

- Never write it down.
- Never give anyone your password.
- Your password should be a combination of at least 6 letters and numbers.
- The essential rules governing the creation of your password are:
  - something that you can remember but not anything obvious (such as *password*); or
  - anything that people could guess easily such as your name/date of birth/child's name.
- You can be held personally responsible for any malicious acts by anyone to whom you have given your password.
- Take care that no-one can see you type in your password
- Change your password regularly, and certainly when prompted, also change it if you think that someone may know what it is.
- Lock your computer keyboard when you are away from it for any length of time.

Many database systems, particularly those containing personal data, should only allow a level of access appropriate to each staff member. The level may change over time.

### **Use of Email and Internet**

- To avoid a computer virus arriving over the Internet, do not open any flashing boxes or visit personal websites.
- Do not send highly confidential or sensitive personal information via email.
- Save important emails straight away.
- Unimportant emails should be deleted straight away.
- Do not send information by email that breaches the Data Protection Act.
- Do not write anything in an email which could be considered inaccurate or offensive, and cannot be substantiated

### **Electronic hardware**

- All hardware held within the academy should be included on the asset register.
- When an item is replaced, the register should be updated with the old equipment removed or replaced.
- Do not let anyone remove equipment unless you are sure that they are authorised to do so.
- In non-secure areas, consider using clamps or other security devices to secure laptops and other portable equipment to desktops.

### *Disposing of hardware.*

Computers to be disposed of must be completely 'cleaned' before disposal. It is not enough just to delete all the files.

### **Homeworking guidance**

If you work outside the academy or at home, the guidance is the same as given above. However, you may need to consider these extra points. Information is more liable to be lost or stolen outside the academy. Follow these common sense rules.

- Do not access confidential information when you are in a public place, such as a train and may be overlooked.

- Do not have conversations about personal or confidential information on your mobile when in a public place.
- If you do need to have an urgent conversation that involves personal or confidential information ensure that you have your conversation in a separate room or away from other people.
- If you use a laptop:
  - ensure that it is locked and password protected to prevent unauthorised access;
  - make sure that you do not leave your laptop anywhere it could be stolen (keep it with you at all times and secure it when you are not working);
  - when working on confidential documents at home do not leave them lying around where others may see them; and
  - dispose of documents you may have printed using a shredder;

You should not use your personal or family computer / iPad / iPhone to work on any matter that could be deemed sensitive Trust or academy business.

#### **Audit of data access**

Where possible our software specifications will include the function to audit access to confidential data and attribute access, including breaches of security, to specific users.

#### **Data backup**

The academy will arrange that all critical and personal data is backed up to secure on-line (off physical site) storage. If the academy is physically damaged critical data backups will allow the Trust to continue its business at another location with secure data. Data backup should routinely be managed on a rolling daily process to secure off-site areas.

#### **9. Disposal of information**

Paper records should be disposed of with care. If papers contain confidential or sensitive information shred them before disposing of them. Particular care must be taken when selecting papers to be placed in a recycling bin.

Computers and hardware to be disposed of must be completely 'cleaned' before disposal. It is not enough just to delete all the files.

It cannot be assumed that simply deleting a file will prevent it being recovered from electronic media. Electronic memory containing personal information or sensitive personal information must be electronically scrubbed or physically destroyed.

Where a third party contractor holds personal information on behalf of the academy, for example a payroll provider, the academy will seek reassurance from the contractor regarding their data protection policies and procedures.

#### **10. Subject access requests**

Requests from parents or pupils for access to personal data or educational records will be dealt with as described in the Privacy Notice for pupils and their parents and guardians.

OA staff may have access to their personal data within 40 calendar days of a request and at no charge.

OA will maintain a documented record of all requests for personal information with details of who dealt with the request, what information was provided and when, and any outcomes. The record will be used if there is a subsequent complaint in relation to the request.

### **11. Sharing personal information**

The academy only shares personal information with other organisations where there is a legal requirement to do so or the organisation has been contracted by the trust to carry out a function of the academy.

The academy is required, for example, to share information with the Department for Education and the Education Funding Agency. Under certain circumstances, such as child protection, we may also be required to share information with Children's Social Services or the police.

Where our pupils are of primary school age, their own right to access their own personal information held by the academy will be exercised through their parents or guardians.

The headteacher will be responsible for authorising the sharing of data with another organisation. The principle, in authorising the sharing of data will take account of:

- Whether it is lawful to share it;
- Whether there is adequate security in place to protect the information while it is being transferred and then held by the other organisation;
- Include in the Privacy Notice a simple explanation of who the information is being shared with and why.

Considerations regarding the method of transferring data should include:

- If personal data is sent by email then security will be threatened. You may need to check that the recipient's arrangements are secure enough before sending the message. The data may also need to be password protected and the password sent separately. You should also check that it is going to the correct e-mail address.
- Circular e-mails sent to parents should be sent **bcc** (blind carbon copy) so that the e-mail addresses are not disclosed to everyone.
- Similar considerations apply to the use of fax machines. Ensure that the recipient will be present to collect a fax when it is sent and that it will not be left unattended on their equipment.
- If confidential personal data is provided by paper copy it is equally important to ensure that it reaches the intended recipient.

### **12. Websites**

The academy website will be used to provide important information for parents and pupils including our Privacy Notice and our Freedom of Information publication scheme.



Where personal information, including images, are placed on the website the following principles will apply:

- We will not disclose personal information (including photos) on a website without the consent of the pupil, parent, member of staff as appropriate;
- We will comply with regulations regarding cookies and consent for their use;
- Our website design specifications will take account of the principles of data protection.

### **13. CCTV**

If the academy uses CCTV this will be notified to the Information Commissioners Office along with the purpose of capturing images using CCTV. The academy appreciates that images captured on CCTV constitute personal information under the Data Protection Act.

### **14. Photographs**

The academy may use photographs of pupils or staff taken for inclusion in the printed prospectus or other school publications without further specific consent being sought.

Images recorded by parents using their own personal equipment of their child in a school play or activity for their own family use are not covered by data protection law.

All other uses by the academy of photographic images are subject to data protection.

### **15. Processing by others**

The academy remains responsible for the protection of data that is processed by another organisation on its behalf. As part of a contract of engagement other organisations that process data on behalf of the academy will have to specify how they will ensure compliance with data protection law.

### **16. Training**

The headteacher will ensure that all staff are adequately trained to understand their responsibilities in relation to this policy and procedures.

### **17. Glossary of relevant legislation**

- The Data Protection Act 1998
- The Freedom of Information Act 2000
- The Environmental Information Regulations 1992
- The Human Rights Act 1998
- The Regulation of Investigatory Powers Act
- Copyright and Intellectual Property rights
- The Computer Misuse Act

## **18. Freedom of Information Publication Scheme**

*Olive Academies Multi Academy Trust Board is responsible for maintenance of this scheme.*

### **1. Introduction: what a publication scheme is and why it has been developed**

One of the aims of the Freedom of Information Act 2000 (which is referred to as FOIA in the rest of this document) is that public authorities, including academies, should be clear and proactive about the information they will make public.

The scheme covers information already published and information which is to be published in the future. All information in our publication scheme is either available for you on our website to download and print off or available in paper form.

Some information which we hold may not be made public, for example personal information.

This publication scheme conforms to the model scheme for schools approved by the Information Commissioner.

### **2. Categories of information published**

The publication scheme guides you to information which we currently publish (or have recently published) or which we will publish in the future. This is split into categories of information known as 'classes'. The classes of information that we undertake to make available are:

#### **Who we are and what we do**

Organisational information, locations and contacts, constitutional and legal governance.

#### **What we spend and how we spend it**

Financial information relating to projected and actual income and expenditure, tendering, procurement and contracts.

#### **What our priorities are and how we are doing**

Strategy and performance information, plans, assessments, inspections and reviews.

#### **How we make decisions**

Policy proposals and decisions. Decision making processes, internal criteria and procedures, consultations.

#### **Our policies and procedures**

Current written protocols for delivering our functions and responsibilities.

#### **Lists and registers**

Information held in registers required by law and other lists and registers relating to the functions of the authority.

#### **The services we offer**

Advice and guidance, booklets and leaflets, transactions and media releases. A description of the services offered.

The classes of information will not generally include:

- Information the disclosure of which is prevented by law, or exempt under the Freedom of Information Act, or is otherwise properly considered to be protected from disclosure.
- Information in draft form.
- Information that is no longer readily available as it is contained in files that have been placed in archive storage, or is difficult to access for similar reasons.

### **3. How information published under this scheme will be made available**

Olive Academies will indicate clearly to the public what information is covered by this scheme and how it can be obtained. Where it is within the capability of Olive Academies, information will be provided on our website(s). Where it is impracticable to make information available on a website or when an individual does not wish to access the information by the website, we will indicate how information can be obtained by other means and provide it by those means. In exceptional circumstances, some information may be available only by viewing in person. Where this manner is specified, contact details will be provided. An appointment to view the information will be arranged within a reasonable timescale

Information will be provided in the language in which it is held or in such other language that is legally required. Where an authority is legally required to translate any information, it will do so.

Obligations under disability and discrimination legislation and any other legislation to provide information in other forms and formats will be adhered to when providing information in accordance with this scheme

### **4. Charges which may be made for information published under this scheme**

The purpose of this scheme is to make the maximum amount of information readily available at minimum inconvenience and cost to the public. Charges made by the school for routinely published material will be justified and transparent and kept to a minimum. Material which is published and accessed on a website will be provided free of charge. Charges may be made for information subject to a charging regime specified by Parliament.

Charges may be made for actual disbursements incurred such as:

- photocopying
- postage and packaging
- the costs directly incurred as a result of viewing information

Charges may also be made for information provided under this scheme where they are legally authorised and they are in all the circumstances, including the general principles of the right of access to information held by public authorities, justified and are in accordance with a published schedule or schedules of fees which is readily available to the public.

If a charge is to be made, confirmation of the payment due will be given before the information is provided. Payment may be requested prior to provision of the information.

#### **5. Written requests**

Information held by a public authority that is not published under this scheme can be requested in writing, when its provision will be considered in accordance with the provisions of the Freedom of Information Act.

#### **6. How to request information**

If you require a paper version of any of the documents within the scheme, please contact the school by telephone, email or letter. Contact details are set out below, or you can visit our website [www.oliveacademies.org.uk](http://www.oliveacademies.org.uk) or each academy website. To help us process your request quickly, please clearly make any correspondence "Publication Scheme Request".

Email: **[jenny.wingate@oliveacademies.org.uk](mailto:jenny.wingate@oliveacademies.org.uk)**

Tel: 01273 573834

Address: 95 Ditchling Road, Brighton, BN1 4ST

#### **7. Feedback and Complaints**

We welcome any comments or suggestions you may have about the scheme. If you want to make any comments about this publication scheme or if you require further assistance or wish to make a complaint then initially this should be addressed to Chief Executive, Olive Academies, 95 Ditchling Road, Brighton, BN1 4ST

If you are not satisfied with the assistance that you get or if we have not been able to resolve your complaint and you feel that a formal complaint needs to be made to the Information Commissioner's Office. This is the organisation that ensures compliance with the Freedom of Information Act 2000 and that deals with formal complaints. They can be contacted at:

***Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF***

*Or*

**Enquiry/Information Line: 01625 545 700**

**E Mail: [publications@ic-foi.demon.co.uk](mailto:publications@ic-foi.demon.co.uk)**

**Website: [www.ico.gov.uk](http://www.ico.gov.uk)**

## Freedom of Information

### Guide to information available from Olive Academies under the publication scheme

Information to be published	How to obtain the information	Charge *
<b>Who we are and what we do</b> This will be current information only	(hard copy and/ or website)	
MAT board - names, role, register of interest, attendance, date of appointment	MAT website	
School staff and structure – names of key personnel	Academy website	Free
Local Governing Body – names, role, register of interest, attendance, date of appointment	Academy website	Free
School session times, term dates and holidays	Academy website	Free
Location and contact information – address, telephone number and website	Academy website	Free
Contact details for the headteacher and the LGB	Academy website	Free
School prospectus	Academy website/hard copy	Free
<b>What we spend and how we spend it</b>		
Annual budget plan and financial statements	Hard copy	10p a sheet
Capital funding – details of capital funding allocated to the school along with information on related building projects and other capital projects	Hard copy	10p a sheet
Additional funding – Income generation schemes and other sources of funding.	Hard copy	10p a sheet
Procurement and contracts – details of procedures used for the acquisition of goods and services. Details of contracts that have gone through a formal tendering process.	Hard copy	10p a sheet
Staffing structure	Hard copy	10p a sheet
Trustee and LGB member allowances – details of allowances and expenses that can be claimed or incurred.	Hard copy	10p a sheet

<b>What our priorities are and how we are doing</b>		
Academy profile <ul style="list-style-type: none"> <li>• Government supplied performance data</li> <li>• OFSTED report – summary and full report</li> </ul>	Academy website	Free
Child protection – policies and procedures on safeguarding and promoting the welfare of children.	Academy website	Free
<b>How we make decisions</b>		
MAT board and LGB meeting agendas, papers and minutes – information that is properly considered to be private should be excluded.	Hard copy	Free
<b>Our policies and procedures</b>		
Academy policies, e.g. equality and diversity, complaints, discipline and grievance, code of conduct	Hard copy and academy website	Free
Pupil and curriculum policies, e.g. SEND, accessibility	Academy website	Free
Records management and personal data policies	Hard copy and academy website	10p a sheet or free
<b>Lists and Registers</b>		
Currently maintained lists and registers only		
Curriculum circulars and statutory instruments	Hard copy	10p a sheet
Disclosure logs	Hard copy	10p a sheet
Asset register	Hard copy	10p a sheet
Any information the academy is currently legally required to hold in publicly available registers	Hard copy	10p a sheet
<b>The services we offer</b>		
Extra-curricular activities, after school clubs etc	Academy website	Free
Any school publications	Academy website	Free

\*any copying is charged at cost of a black and white photocopy, and any postage required at second class