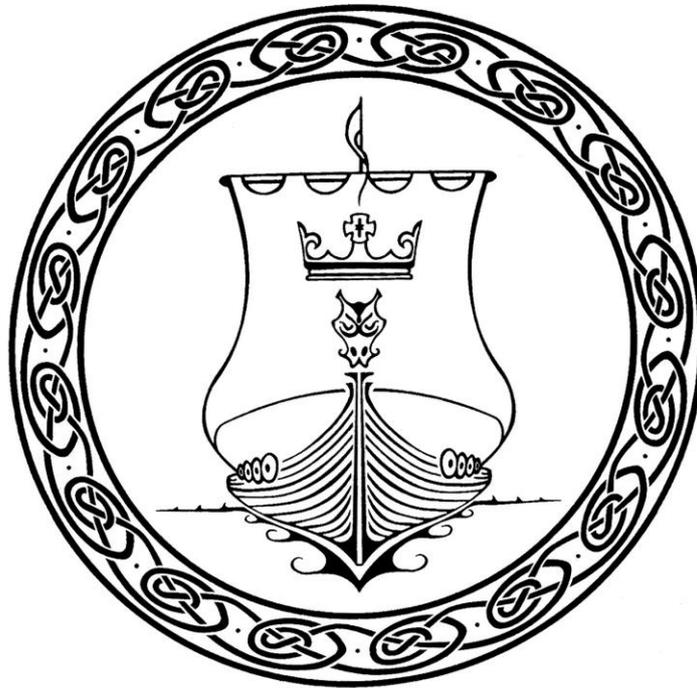




## Queen Elizabeth II High School

### Data Protection Policy



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## Scope of Policy

This policy is intended to provide information about how the school will use (or "process") personal data about individuals including current, past and prospective staff, students; and their parents, carers or guardians (referred to in this policy as "parents"). During the course of the school's activities it collects, stores and processes personal data about staff, students; their parents, suppliers and other third parties, and it is recognised that the correct and lawful treatment of this data will maintain confidence in the organisation and will provide for successful business operations.

Anyone who works for, or acts on behalf of, the school (including staff, volunteers, governors and service providers) should be aware of and comply with the school's data protection policy and any breach of this policy may result in disciplinary action. The Policy should also comply with the Isle of Man legislation on Data Protection and DEC and IOM government policies.

This policy sets out the basis on which the school will process any personal data we collect from data subjects, or that is provided to us by data subjects or other sources. It does not form part of any worker's contract of employment and may be amended at any time. The school is required to process relevant personal data regarding employees as part of its operation and shall take all reasonable steps to do so in accordance with this policy.

For the purpose of this policy 'The School' is defined as The Queen Elizabeth II High School.

## Data Protection Controller

The Headteacher is the Data Protection Controller (DPC) who will endeavour to ensure that all personal data is processed in compliance with this policy and the principles of the Isle of Man Data Protection Act 2002. Any questions about the operation of this policy or any concerns that the policy has not been followed should be referred in the first instance to the DPC.

## The Principles

Anyone processing personal data must comply with the eight enforceable principles of good practice as detailed within the Data Protection Act. These provide that personal data must be: -

- Fairly and lawfully processed
- Processed for a lawful purpose
- Adequate, relevant and not excessive
- Accurate and up to date
- Not kept for longer than necessary
- Processed in accordance with the data subject's rights
- Secure
- Not transferred to other countries without adequate protection



## **Personal Data**

Personal data covers information relating to identifiable individuals, such as job applicants, current and former employees, agency, contract and other staff, students and their parents, suppliers and marketing and business contacts.

## **Processing of Personal Data**

The school's policy is to process personal data in accordance with the applicable data protection laws as set out above. All staff have a responsibility for the practical application of this policy. When gathering personal data or establishing new data protection activities, staff should ensure that individuals whose data is being processed receive appropriate data protection notices to inform them how the data will be used. There are limited exceptions to this notice requirement. In any case of uncertainty as to whether a notification should be given, staff should contact the DPC.

## **Sensitive Personal Data**

The school may, from time to time, need to process "sensitive personal data" regarding individuals. Sensitive personal data includes inter alia information about an individual's physical or mental health, race or ethnic origin, political or religious beliefs, and criminal records and proceedings. Sensitive personal data is entitled to special protection under the Act, and will only be processed by the school with the explicit consent of the appropriate individual, or as otherwise permitted by the Act.

The consent should be informed, which means it needs to identify the relevant data, why it is being processed and to whom it will be disclosed. Staff should contact the DPC for more information on obtaining consent to process sensitive personal data.

## **Rights of Individuals**

Individuals have the right under the Data Protection Act to access personal data about them held by the school, subject to certain exemptions and limitations set out in the Act. Any individual wishing to access their personal data should put their request in writing to the DPC.

The school will endeavour to respond to any such written requests (known as "subject access requests") as soon as is reasonably practicable and in any event within statutory time-limits. The school may charge an administration fee of up to £10 for providing this information.

Certain data is exempt from the right of access under the Act. This may include information which identifies other individuals, or information which is subject to legal professional privilege. The school is also not required to disclose any student examination scripts (though examiners' comments may fall to be disclosed), nor any reference given by the school for the purposes of the education, training or employment of any individual.

Students can make subject access requests for their own personal data, provided that, in the reasonable opinion of the school, they have sufficient maturity to understand the request they are making. Students aged 12 or over are generally assumed to have this level of maturity, although this



will depend on both the child and the personal data requested. All subject access requests from students will therefore be considered on a case by case basis.

A person with parental responsibility will generally be expected to make a subject access request on behalf of younger students. A student of any age may ask a parent or other representative to make a subject access request on his/her behalf.

The rights under the Act belong to the individual to whom the data relates. However, the school will in most cases rely on parental consent to process personal data relating to students (if consent is required under the Act) unless, given the nature of the processing in question, and the student's age and understanding, it is more appropriate to rely on the student's consent. Parents should be aware that in such situations they may not be consulted.

Students are required to respect the personal data and privacy of others, and to comply with the school's policies and the school rules.

## **Exemptions**

Certain data is exempt from the provisions of the Data Protection Act which includes that which contributes to the following:-

- 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 the school.

The above are examples only of some of the exemptions under the Act. Any further information on exemptions should be sought from the DPC.

## **Data Security**

The school must ensure that appropriate security measures are taken against unlawful or unauthorised processing of personal data, and against the accidental loss of, or damage to, personal data. The school will endeavour to ensure that all personal data held in relation to an individual is as up to date and accurate as possible. Individuals must notify the DPC of any changes to information held about them.

An individual has the right to request that inaccurate information about them is erased or corrected (subject to certain exemptions and limitations under the Act) and may do so by contacting the DPC in writing.

## **Enforcement**

If an individual believes that the school has not complied with this Policy or the Data Protection Act, they should utilise the School complaints procedure and should also notify the DPC.