Clovelly House

# Data Protection and Access to Records Policy

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## Data Protection and Access to Records Policy

### 1. Data Protection and Access to Records (Fair Processing Notice)

We, Clovelly House, Merrylees Road, Leicester, LE67 1AP, are the Data Controller for the purposes of the Data protection Act. This document is intended to offer transparency around how we collect and use personal information during and after the employment relationship. Clovelly House is fully committed to compliance with the requirements of the GDPR, (Data Protection Act/General Data Protection Regulations 2018). This does not form any part of any contract of employment or contract to provide services. This notice is subject to change, any such changes will be communicated to all staff.
The company will therefore follow procedures that aim to ensure that all employees, contractors, agents, consultants, partners or other employees of the company who have access to any personal data held by or on behalf of the company, are fully aware of and abide by their duties and responsibilities under the Act.

### 2. Statement of Intent

In addition, order to operate efficiently, Clovelly House has to collect and use information about people with whom it works. These may include current, past and prospective employees, young people and their families and customers, and other professionals and agencies.
Clovelly House regards the lawful and correct treatment of personal information as very important to its successful operations and to maintaining confidence between the company and those with whom it carries out business. The company will ensure that it treats personal information lawfully and correctly.
To this end the company fully endorses and adheres to the Principles of the Data Protection Act/ General Data Protection Regulations 2018.

### 3. Why we collect and use workforce information, (Fair processing Notice)

Data protection law allows us to process your information within certain conditions. In this case the information is needed for the performance of a contract. We also need an appropriate lawful reason to process sensitive data. In this case we are processing your sensitive personal data because this is necessary as part of your employment or social security and protection law.
Personal information is held by the organisation about those employed or otherwise engaged to work at Clovelly. However, the organisation utilises Human Resources and Payroll support services which are provided by the Local Authority and Mayfield and Co. Accountancy services. This is to assist in the smooth running of the organisation and/or enable individual to be paid.
The collection of this information will benefit both national and local uses by:
* improving the management of school workforce data across the sector,
* enabling a comprehensive picture of the workforce and how it is deployed to be built up,
* informing the development of recruitment and retention policies,
* allowing better financial modelling and planning, and,
* enabling ethnicity and disability monitoring.

The data includes some or all of the following – identifiers such as name and National Insurance Number and characteristics such as ethnic group, employment contract and renumeration details, qualifications and absence information. We will not give information about staff members to anyone outside the DfE, Local Authority and Accountancy services without consent unless the law and the organisational policies allow us to. We will only keep this information for as long as necessary or as the law requires.

We are required by law to pass on some of this data to:
* The Local Authority
* The Department for education

If you require more information about how the LA and/or DfE store and use this data, please go to the following websites: http://www/leicestershire.gov.uk/data_protection.htm
http://www.education.gov.uk/schools/adminand finance/schooladmin/a0077963/what-the-department-does-with-school-workforce-data

If you are unable to access these websites, please contact the LA or DfE as follows:
EMSS ESC Service Desk on 0300 0303222 or email: escservcedesk@eastmidlandssharedservices.org

Public Communications Unit
Department for Education
Sanctuary Buildings
Great Smith Street
London SW1P 3BT
Website: www.gov.uk Email: info@education.gsi.gov.uk tel: 03700002288

**4. The Principles of Data Protection**

The Act stipulates that anyone processing personal data must comply with **Eight Principles** of good practice. These Principles are legally enforceable.
The Principles require that personal information:

1. Shall be processed fairly and lawfully and in particular, shall not be processed unless specific conditions are met;

2. Shall be obtained only for one or more specified and lawful purposes and shall not be further processed in any manner incompatible with that purpose or those purposes;

3. Shall be adequate, relevant and not excessive in relation to the purpose or purposes for which it is processed;

4. Shall be accurate and where necessary, kept up to date;

5. Shall not be kept for longer than is necessary for that purpose or those purposes;

6. Shall be processed in accordance with the rights of data subjects under the Act;

7. Shall be kept secure i.e. protected by an appropriate degree of security;

8. Shall not be transferred to a country or territory outside the European Economic Area, unless that country or territory ensures an adequate level of data protection.

The Act provides conditions for the processing of any personal data. It also makes a distinction between personal data and 'sensitive' personal data.

**Personal data** is defined as, data relating to a living individual who can be identified from:

- That data and other information which is in the possession of, or is likely to come into the possession of, the data controller and includes an expression of opinion about the individual and any indication of the intentions of the data controller, or any other person in respect of the individual.

**Sensitive personal data** is defined as personal data consisting of information as to:

- Racial or ethnic origin;
- Political opinion;
- Religious or other beliefs;
- Trade union membership;
- Physical or mental health or condition;
- Sexual life;
- Criminal proceedings or convictions.

**5. Handling of Personal / Sensitive Information**

Clovelly House will, through appropriate management and the use of strict criteria and controls:-

- Observe fully conditions regarding the fair collection and use of personal information;
- Meet its legal obligations to specify the purpose for which information is used;
- Collect and process appropriate information and only to the extent that it is needed to fulfil operational needs or to comply with any legal requirements;
- Ensure the quality of information used;
- Apply strict checks to determine the length of time information is held;
- Take appropriate technical and organisational security measures to safeguard personal information;
- Ensure that the rights of people about whom the information is held can be fully exercised under the Act.

These include:

- The right to be informed that processing is being undertaken;
- The right of access to one's personal information within the statutory 40 days or sooner if required;
- The right to prevent processing in certain circumstances;
- The right to correct, rectify, block or erase information regarded as wrong information.

In addition, Clovelly House will ensure that:

- There is someone with specific responsibility for data protection in the organisation;
- All external memory storage devices will be stored in a secure place;
- Mobile storage devices will only be used by managers and will be password protected and where necessary, encrypted;
- On request from external agencies, information transmitted electronically will be password protected and encrypted as mutually agreed;
- Everyone managing and handling personal information understands that they are contractually responsible for following the good data protection practice;
- Everyone managing and handling personal information is appropriately trained to do so;
- Everyone managing and handling personal information is appropriately supervised;
- Anyone wanting to make enquiries about handling personal information, whether a member of staff or a member of the public, knows what to do;
- Queries about handling personal information are promptly and courteously dealt with;
- Methods of handling personal information are regularly assessed and evaluated;
- Performance with handling personal information is regularly assessed and evaluated;
- Data sharing is carried out under a written agreement, setting out the scope and limits of the sharing. Any disclosure of personal data will be in compliance with approved procedures.

All managers and staff within the company will take steps to ensure that personal data is kept secure at all times against unauthorised or unlawful loss or disclosure and in particular will ensure that:

- Paper files and other records or documents containing personal/sensitive data are kept in a secure environment and will not be removed without permission from the Home Manager or the Principal, with full reasons given and security measures taken.
- Personal data held on computers and computer systems is protected by the use of secure passwords, which where possible have forced changes periodically;
- Individual passwords should be such that they are not easily compromised and should not be passed on to anyone else.

All contractors, consultants, partners or other servants or agents of the company must:

- Ensure that they and all of their staff who have access to personal data held or processed for or on behalf of the company, are aware of this policy and are fully trained in and are aware of their duties and responsibilities under the Act.

**6. What are your rights?**

You may request to see a copy of the personal information we hold about you. The law also provides you with other rights regarding your information including some around, correction of inaccurate data, objection to processing, moving your information to somewhere else, and, in some cases, getting your information deleted. If you are unhappy with the way your data is being handled contact Clovelly and you may submit a complaint to Jennifer Collighan, (Proprietor). If you are not happy with the response you may receive from us based on a complaint or concern about your personal information, then you have the option of contacting the Information Commissioners Office to take that complaint further. The Information Commissioner's Office does like to see that you have raised a complaint with the organisation first and received a response before contacting them. If you do wish to contact them, the address can be found below.

**Further Information:**

Information Commissioners Office, Wycliffe House, Water lane, Wilmslow, Cheshire, SK9 5AF
Telephone: 08081231113 (local rate) or 01625 545 745 (national rate)
Website: www.ico.org.uk
Email: casework@ico.org.uk

http://www.leicestershire.gov.uk/data_protection.htm

http://www.education.gov.uk/school/administrationandfinance/schooladmin/a0077963/what-the-department-does-with-school-workforce-data

Public Communications Unit,
Department for Education
Sanctuary Buildings
Great Smith Street
London SW1P 3BT
Website: www.gov.uk Email: info@education.gsi.gov.uk Telephone: 03700002288

**7.Data protection and Generative AI**

Our school promotes the use of AI to benefit the systems we have in place. The AI used across the school must be formally recorded via a Data Protection Impact Assessment (DPIA) and stored in the Data Protection folder. All AI related information, resources or documents must be thoroughly checked by staff members before using these within the school. No one within Clovelly House School can share personal information, that can breach data protection laws, within any AI system. Failure to do so will be classed as a formal data breach and be dealt with appropriate actions. Please refer to Generative Artificial Intelligence Policy for further information.