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| Data Protection Policy | Abstract  This Data Protection Policy is based on the ECC model policy which is available on the EPHA website. We thank the original authors for sharing.  Kingfishers Swim School (with Denise) |

POLICY WRITTEN: Spring 2018

**Vision Statement:**

We endeavour to provide an environment which is caring and stimulating in which each child is challenged to achieve his or her full potential.

We aim to give every child a personalised program of development in their swimming journey.

At the Kingfishers Swim School, we support Essex LEAs opposition to racism and its commitment to equal opportunities and treating people fairly regardless of race, ethnicity and culture.

The ***Kingfishers Swim School*** collects and uses personal information about children and their carers at the swim school. This information is gathered in order to enable it to provide swimming lessons and other associated functions.

**Purpose**

This policy is intended to ensure that personal information is dealt with correctly and securely and in accordance with the Data Protection Act 1998, and other related legislation. It will apply to information regardless of the way it is collected, used, recorded, stored and destroyed, and irrespective of whether it is held in paper files or electronically.

All staff involved with the collection, processing and disclosure of personal data will be aware of their duties and responsibilities by adhering to these guidelines.

**What is Personal Information?**

Personal information or data is defined as data which relates to a living individual who can be identified from that data, or other information held.

**Data Protection Principles**

The Data Protection Act 1998 establishes eight enforceable principles that must be adhered to at all times:

1. Personal data shall be processed fairly and lawfully;

2. Personal data shall be obtained only for one or more specified and lawful purposes;

3. Personal data shall be adequate, relevant and not excessive;

4. Personal data shall be accurate and where necessary, kept up to date;

5. Personal data processed for any purpose shall not be kept for longer than is necessary for that purpose or

those purposes;

6. Personal data shall be processed in accordance with the rights of data subjects under the Data Protection

Act 1998;

7. Personal data shall be kept secure i.e. protected by an appropriate degree of security;

8. Personal data 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.

**General Statement**

The swim school is committed to maintaining the above principles at all times. Therefore the swim school will:

* Inform individuals why the information is being collected when it is collected
* Inform individuals when their information is shared, and why and with whom it was shared
* Check the quality and the accuracy of the information it holds
* Ensure that information is not retained for longer than is necessary
* Ensure that when obsolete information is destroyed that it is done so appropriately and securely
* Ensure that clear and robust safeguards are in place to protect personal information from loss, theft and unauthorised disclosure, irrespective of the format in which it is recorded
* Share information with others only when it is legally appropriate to do so
* Set out procedures to ensure compliance with the duty to respond to requests for access to personal information, known as Subject Access Requests
* Ensure our staff are aware of and understand our policies and procedures

**Complaints**

Complaints relating to information handling may be referred to the Information Commissioner (the statutory regulator).

**Review**

This policy will be reviewed as it is deemed appropriate, but no less frequently than every 2 years. The policy review will be undertaken by Denise Kemp, or nominated representative.

**Contacts**

If you have any enquires in relation to this policy, please contact **Denise Kemp**who will also act as the contact point for any subject access requests.

Further advice and information is available from the Information Commissioner’s Office, www.ico.gov.uk or telephone 01625 545745 3

**Appendix 1**

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***Kingfishers Swim School***

Procedures for responding to subject access requests made under the Data Protection Act 1998

**Rights of access to information**

There is one distinct right of access to information held by swim schools about pupils.

1. Under the Data Protection Act 1998 any individual has the right to make a request to access the personal information held about them.

These procedures relate to subject access requests made under the Data Protection Act 1998.

**Actioning a subject access request**

1. Requests for information must be made in writing; which includes email, and be addressed to Denise Kemp, Swim School Owner. If the initial request does not clearly identify the information required, then further enquiries will be made.
2. The identity of the requestor must be established before the disclosure of any information, and checks should also be carried out regarding proof of relationship to the child. Evidence of identity can be established by requesting production of:

* passport
* driving licence
* utility bills with the current address
* Birth / Marriage certificate
* P45/P60
* Credit Card or Mortgage statement

*This list is not exhaustive*.

3. Any individual has the right of access to information held about them. However with children, this is dependent upon their capacity to understand (normally age 12 or above) and the nature of the request. The Executive Headteacher should discuss the request with the child and take their views into account when making a decision. A child with competency to understand can refuse to consent to the request for their records. Where the child is not deemed to be competent an individual with parental responsibility or guardian shall make the decision on behalf of the child.

4. The response time for access requests, once officially received, is 40 days **(calendar days, irrespective of school holiday periods)**.

5. The Data Protection Act 1998 allows exemptions as to the provision of some information; **therefore all information will be reviewed prior to disclosure**.

6. If there are concerns over the disclosure of information then additional advice should be sought.

7. Where redaction (information blacked out/removed) has taken place then a full copy of the information provided should be retained in order to establish, if a complaint is made, what was redacted and why.

8. Information disclosed should be clear, thus any codes or technical terms will need to be clarified and explained. If information contained within the disclosure is difficult to read or illegible, then it should be retyped.

9. Information can be provided at the swim school with a member of staff on hand to help and explain matters if requested, or provided at face to face handover. The views of the applicant should be taken into account when considering the method of delivery. If postal systems have to be used then registered/recorded mail must be used.

**Complaints**

Complaints about the above procedures should be made to Denise Kemp who will decide whether it is appropriate for the complaint to be dealt with in house.

Complaints which are not appropriate to be dealt with in house can be dealt with by the Information Commissioner.

**Contacts**

Further advice and information can be obtained from the Information Commissioner’s Office, www.ico.gov.uk