



## **DATA PROTECTION POLICY**

**This policy applies to all the academies in  
The Lionheart Academies Trust**

<b>Version</b>	<b>Document History</b>	<b>Date</b>
Version 1.0	Initial Document	01/07/2014
Version 1.1	Revised by Director IT	18/04/2016
Version 1.2	Draft issued for review	06/05/2016
Version 2.0	Approved by Board and issued to all schools	17/05/2016

Signed by Chair of Board: \_\_\_\_\_



## **1. Purpose**

1.1 The Data Protection Act 1998 ('the Act') has two principal purposes:

- i) to regulate the use by those (known as data controllers) who obtain, hold and process personal data on living individuals, of those personal data; and
- ii) to provide certain rights (for example, of accessing personal information) to those living individuals (known as data subjects) whose data is held.

1.2 The cornerstones of the Act are the eight data protection principles, which prescribe:

- i) guidelines on the information life-cycle (creation/acquisition; holding; processing; querying, amending, editing; disclosure or transfer to third parties; and destruction ('the life-cycle');
- ii) the purpose for which data are gathered and held; and
- iii) enshrine rights for data subjects.

## **2. Policy**

2.1 This policy applies to all members of Staff within the Lionheart Academies Trust ("the LAT"). For the purposes of this policy, the term "Staff" means all members of LAT staff including permanent, fixed term, and temporary staff, governors, secondees, any third party representatives, agency workers, volunteers, interns, agents and sponsors engaged with the LAT in the UK or overseas. This policy also applies to all members of staff employed by any of the LAT's subsidiary companies.

2.2 The LAT is fully committed to abiding, not only by the letter, but also by the spirit of the Act, and, in particular, is committed to the observation, wherever possible, of the highest standard of conduct mandated by the Act. This policy has been written to acquaint staff with the duties under the Act and to set out the standards expected by the LAT in relation to processing of personal data and safeguarding individuals' rights and freedoms.

2.3 All contractors and agents acting for or on behalf of the LAT should be made aware of this policy.

2.4 This policy applies to all personal and sensitive personal data processed on computers and stored in manual (paper based) files. It aims to protect and promote the rights of individuals and the LAT.

(i) Personal Data: Any information which relates to a living individual who can be identified from the information. It also extends to any information which may identify the individual. Examples of personal data:

- A person's name and address (postal and email)
- Date of birth
- Statement of fact
- Any expression or opinion communicated about an individual
- Minutes of meetings, reports
- Emails, file notes, handwritten notes, sticky notes
- CCTV footage if an individual can be identified by the footage
- Employment and student applications



- Spreadsheets and/or databases with any list of people set up by code or student/staff number
- Employment or education history

(ii) Sensitive Personal Data: Any information relating to an individual's:

- Ethnicity
- Gender
- Religious or other beliefs
- Political opinions
- Membership of a trade union
- Sexual orientation
- Medical history
- Offences committed or alleged to have been committed by that individual

2.4 Employees of the LAT are expected to:

- acquaint themselves with and abide by, the Data Protection Principles;
- read and understand this policy document;
- understand how to conform to the standard expected at any stage in the life-cycle;
- understand how to conform to the standard expected in relation to safeguarding data subjects' rights (e.g. the right to inspect personal data) under the Act;
- understand what is meant by 'sensitive personal data', and know how to handle such data;
- contact the Data Controller if in any doubt, and not to jeopardise individuals' rights or risk a contravention of the Act.

### 3. Definition

3.1 The Data Protection Act 1998 is designed to protect individuals and personal data, which is held and processed on their behalf. The Act defines the individual as the 'data subject' and their personal information as 'data'. These are further defined as:

(i) **Data Subject:** Any living individual who is the subject of personal data whether in a personal or business capacity

(ii) **Data:** Any personal information which relates to a living individual who can be identified. This includes any expression of opinion about the individual.

(iii) Data is information stored electronically i.e. on computer, including word processing documents, emails, computer records, CCTV images, microfilmed documents, backed up files or databases, faxes and information recorded on telephone logging systems

(iv) Manual records which are structured, accessible and form part of a 'relevant filing systems' (filed by subject, reference, dividers or content), where individuals can be identified and personal data easily accessed without the need to trawl through a file.

#### 4. The Data Protection Principles

4.1 The Data Protection Act 1998 sets legislative requirements for organisations processing personal data (referred to under the Act as 'Data Controllers'). The LAT will be open and transparent when processing and using private and confidential information by ensuring we follow the eight Data Protection Principles of good data handling:

The Data Protection Principles are:

- i) **Principle 1:** Personal data shall be obtained and processed fairly and lawfully.
- ii) **Principle 2:** Personal data shall be obtained only for the specified and lawful purposes and shall be processed for limited purposes.
- iii) **Principle 3:** Personal data shall be adequate, relevant and not excessive in relation to the purpose for which it is obtained.
- iv) **Principle 4:** Personal data shall be accurate and kept up to date.
- v) **Principle 5:** Personal data shall not be kept for longer than necessary.
- vi) **Principle 6:** Personal data shall be processed in accordance with the rights of the data subject under the Data Protection Act 1998.
- vii) **Principle 7:** Personal data (manual and electronic) must be kept secure.
- viii) **Principle 8:** Personal data shall not be transferred outside the European Union unless that country provides adequate levels of protection for the rights of the data subject.

4.2 The LAT recognises and understands the consequences of failure to comply with the requirements of the Data Protection Act 1998 may result in:

- Criminal and civil action;
- Fines and damages;
- Personal accountability and liability;
- Suspension/withdrawal of the right to process personal data by the Information Commissioners Office (ICO);
- Loss of confidence in the integrity of the LAT's systems and procedures;
- Irreparable damage to the LAT's reputation.

4.3 The LAT may also consider taking action, in accordance with the LAT's Disciplinary Procedure, where staff do not comply with the Data Protection Act 1998.

#### 5.0 Roles and Responsibilities

5.1 Staff will not attempt to gain access to information that is not necessary to hold, know or process. All information which is held will be relevant and accurate for the purpose for which it is required. The information will not be kept for longer than is necessary and will be kept secure at all times.

5.2 The LAT will ensure that all personal or sensitive personal information is anonymised as part of any evaluation of assets and liability assessments except as required by law.

5.3 Staff who manage and process personal or sensitive personal information will ensure that it is kept secure and where necessary confidential. Sensitive personal information will only be processed fairly and lawfully and in line with the provisions set out in the Data Protection Act



1998 and only processed in accordance with instructions set out by the respective Data Controllers.

5.4 The LAT will ensure that all staff are made aware of the reasons why personal and sensitive personal data is being processed:

- how it will be processed
- who will process it
- how it will be stored and
- how it will be disposed of when no longer required.

## **6.0 Data Subjects Rights**

6.1 The LAT acknowledges individuals (data subjects) rights under the Data Protection Act to access any personal data held on our systems and in our files upon their request, or to delete and/or correct this information if it is proven to be inaccurate, excessive or out of date.

The LAT is fully committed to facilitating access by data subjects ('applicants') to their personal data, while bearing in mind the need to protect other individuals' rights of privacy.

6.2 All applicants will be expected to fill in a Subject Access Request form, available from the LAT if needed. Applicants who are not members of the LAT must submit supporting documentation which establishes that they are the data subject (or where the application is made by a third party on behalf of the data subject, which establishes the third party's identity, that of the data subject and a form of authority signed by the data subject is produced).

6.3 The LAT recognises that individuals have the right to make a request in writing and upon payment of a fee, obtain a copy of their personal information, if held on our systems and files.

6.4 The LAT recognises that individuals have the right to prevent data processing where it is causing them damage or distress, or to opt out of automated decision making and stop direct marketing.

6.5 The fee for a Subject Access Request is £5. All Subject Access Requests are to be forwarded to the Data Controller, if they have not already been addresses to him or her.

## **7.0 LAT Obligations (Data Controllers)**

7.1 The LAT will follow the Code of Practice issued by the ICO when developing policies and procedures in relation to data protection.

7.2 The LAT will ensure that Data Processing Agreements are applied to all contracts and management agreements where the LAT is the data controller contracting out services and processing of personal data to third parties (data processors). The LAT will ensure this agreement clearly outlines the roles and responsibilities of both the data controller and the data processor.

7.3 The LAT will adhere to and follow the eight principles of data protection when conducting surveys, marketing activities etc., where the LAT collects, processes, stores and records all types of personal data.

7.4 The LAT will not transfer or share personal information with countries outside of the European Economic Area (EEA) unless that country has a recognised adequate level of protection in place in line with the recommendations outlined in the Data Protection Act.

7.5 The LAT will ensure all staff are provided with data protection training and promote the awareness of the LAT's data protection and information security policies, procedures and processes.



## **8.0 Complaints**

- 8.1 Complaints relating to breaches of the Data Protection Act 1998 and/or complaints that an individual's personal information is not being processed in line with the eight principles of data protection will be managed and processed by the LAT's HR Team.
- 8.2 Complaints will be dealt with in accordance with the LAT's complaints policy. Complaints relating to information handling may be referred to the Information Commissioner (the statutory regulator).
- 8.2 All complaints of dissatisfaction should be addressed to:

HR TEAM  
Lionheart Academies Trust,  
C/O Beauchamp College,  
Ridge Way,  
Oadby  
LE2 5TP

Telephone: 0116 2729117

E-mail: [HRINBOX@beauchamp.org.uk](mailto:HRINBOX@beauchamp.org.uk)

## **9.0 Confidentiality and Information Sharing**

- 9.1 The LAT will only share information in accordance with the provisions set out in the Data Protection Act 1998.
- 9.2 Where applicable the LAT will inform individuals of the identity of third parties to whom we may share, disclose or be required to pass on information to, whilst accounting for any exemptions which may apply under the Data Protection Act 1998.

## **10. Review**

- 10.1 This policy will be reviewed periodically as it is deemed appropriate, to take account of changes in the law and guidance issued by the Information Commissioner. These reviews will be no less frequently than every two years. The policy review will be undertaken by the Director of IT for the LAT and ratified by the LAT Board.