

Northampton Teacher Training Partnership Data Protection and Freedom of Information Policy

Aims & Objectives

The aim of this policy is to provide a set of guidelines to enable NTTP employees (LSMs and centre-based staff), Partnership School staff (SBTs, PTs and HTs) and trainees to understand:

- The law regarding personal data
- How personal data should be processed, stored, archived and deleted/destroyed
- How NTTP employees, Partnership School staff and trainees can access personal data

The objective of the policy is to ensure that NTTP acts within the requirements of the Data Protection Act 1998 when retaining and storing personal data, when making it available to individuals, and that the process of responding to enquiries for other information is also legal under the Freedom of Information Act 2000 (in force from 1st January 2005).

Data Protection – The law

- Under the Data Protection Act 1998, and other regulating acts, access to their own personal information is a statutory right for trainees.
- NTTP employees have a right of access to personal data on themselves held by Northampton School *for Boys*.
- Anyone has the right to question and correct inaccurate information, but this must be matters of fact, not opinions.
- Personal data should always be kept securely and protected by passwords if it is electronic, and access to it should only be by those authorised to see it – confidentiality should be respected. The law also provides that personal data should not be kept longer than is required.
- Third party data (information about someone other than the requesting individual) should, in general, only be provided with their permission;
- There should be a named person with overall responsibility for personal data within an organisation. For NTTP, this is the Principal Officer, the Headmaster of Northampton School *for Boys*.

Processing, storing, archiving and deleting personal data: Guidance

- Personal data and NTTP records about trainees are confidential to the trainee. The information can be shared appropriately within the professional working of the partnership to enable the partnership to make the best training provision for the trainee.
- NTTP will keep some forms of information for longer than others.
- NTTP records for a trainee will be kept for 10 years after the trainee leaves the training programme, but a skeletal record will be retained to include a full transcript of academic achievements.
- Data on NTTP employees is sensitive information and confidential to the individual and is shared, where appropriate, at the discretion of the

Principal Officer and with the knowledge, and if possible the agreement of, the staff member concerned.

- Employment records form part of a NTTP employee's permanent record. Because there are specific legislative issues connected with these (salary and pension details etc.) these records should be retained by Northampton School *for Boys*.
- Interview records, CVs and application forms for unsuccessful trainee applicants are kept for 18 months.
- All formal complaints made to the Principal Officer will be kept for at least seven years in confidential files, with any documents on the outcome of such complaints. Individuals concerned in such complaints may have access to such files subject to data protection and to legal professional privilege in the event of a court case.

Accessing personal data: Guidance

- A trainee can request access to his/her own data. The request is not charged but must be in writing. The NTTP Programme Facilitators will judge whether the request is in the trainee's best interests, and that the trainee will understand the information provided.
- There is no charge for such requests, but there may be a charge for photocopying records. This is at the discretion of the Principal Officer.
- NTTP employees can request access to their own records from NSB, but the request must be made in writing.
- The law requires that all requests for personal information are dealt with within 40 days of receipt. All requests will be acknowledged in writing on receipt, and access to records will be arranged as soon as possible. If awaiting third party consents, NTTP will arrange access to those documents already available, and notify the trainee that other documents may be made available later.
- In all cases, should third party information (information about another individual) be included in the information, NTTP will try to obtain permission to show this information to the applicant, with the exception of information provided by another member of school staff which is exempt from a requirement for third party consents. If third party permission is not obtained the person with overall responsibility should consider whether the information can still be released.
- Personal data should always be of direct relevance to the person requesting the information. A document discussing more general concerns may not be defined as personal data.
- From 1st January 2005, when the Freedom of Information Act came into force, a request for personal information can include unstructured as well as structured records – for example, letters, emails etc. not kept within an individual's personal files, or filed by their name, but still directly relevant to them. If these would form part of a wider record it is advisable to file these within structured records as a matter of course and to avoid excessive administrative work. These can be requested if sufficient information is provided to identify them.
- Anyone who requests to see their personal data has the right to question the accuracy of matters of fact within the data, and to ask to have inaccurate information deleted or changed. They may also question opinions, and their comments will be recorded, but opinions do not need to be deleted or changed as a part of this process.

- The school will document all requests for personal information with details of who dealt with the request, what information was provided and when, and any outcomes (letter requesting changes etc.) This will enable staff to deal with a complaint if one is made in relation to the request.

Fair processing of personal data: Data which may be shared

NTTP, Partnership Schools and various government bodies (eg Student Finance, the Department for Education (DfE) and National College for Teaching and Leadership (NCTL)) all hold information on trainees in order to run effective Initial Teacher Education training programmes, and in doing so have to follow the Data Protection Act 1998. This means that, among other things, the data held about trainees must only be used for specific purposes allowed by law. NTTP has a Fair Processing Notice which explains how personal data is used and with whom it will be shared. This Notice is provided to trainees when signing their trainee contract. It is also available on the NTTP website.

The DfE/NCTL uses information about trainees to carry out specific functions for which it is responsible. It also uses the information to derive statistics relating to trainee recruitment, retention and employment to inform decisions on the funding of ITE and the Teacher Supply Model. The statistics are used in such a way that individual trainees cannot be identified from them.

Trainees, as data subjects, have certain rights under the Data Protection Act, including a general right of access to personal data held on them.

If a trainee wishes to access their personal data they should contact NTTP in the first instance. If a data request relates to another school or government body, then the trainee will need to contact them separately.

Access to other school information – Guidance on Freedom of Information Publication Schemes

- Under the Freedom of Information Act 2000, organisations should have a publication scheme, essentially a formal list of the types of non-personal information which the organisation produces or holds, and which is readily accessible to staff, pupils and parents or other enquirers.
- The publication scheme is available as a hard copy and is also posted on the NTTP website
- There should be a named person with overall responsibility for published information within an organisation. For NTTP, this is the Principal Officer.

Requests for information

- The Freedom of Information Act came into force on 1st January 2005. Under this Act, there is a requirement to respond to a written or emailed request within 20 working days.
- NTTP will provide details on where to access the information required e.g. the website link or send any free information. If the item is to be charged for, NTTP does not need to provide it until the payment is received.
- A refusal of any information requested must state the relevant exemption which has been applied or that NTTP does not hold the information, and must explain what public interest test has been made if this applies.

- If the information is published by another organisation, NTTP can direct the enquirer to the organisation which supplied the information or publication unless it is legal and possible to provide the information directly.
- It will not be legal to photocopy a publication in its entirety and supply this to an enquirer unless NTTP owns the copyright;
- NTTP will keep the original request and note against this who dealt with the request and when the information was provided.
- Any complaint about the provision of information will be handled by the Principal Officer or the Director of Teaching School. All complaints should be in writing and documented. The Publication Scheme includes information on who to contact for both enquiries and complaints.
- All enquirers should be advised that they may complain to the Information Commissioner if they are unhappy with the way their request has been handled.

Reviewing:

This guide and policy will be reviewed, and updated if necessary every two years. The Freedom of Information publication scheme will be reviewed annually, with staff checking if they add a new piece of recorded information to the portfolio that this is covered within the scheme.

Publications:

DBS: Code of Practice and explanatory guide. Please click on the link below:
<https://www.gov.uk/government/publications/dbs-code-of-practice>

Data Protection Act 1998: All personal data which is held must be processed and retained in accordance with the eight principles of the Act and with the rights of the individual. Personal data must not be kept longer than is necessary (this may be affected by the requirements of other Acts in relation to financial data or personal data disclosed to Government departments). Retention of personal data must take account of the Act, and personal data must be disposed of as confidential waste. The Data Protection Act covers both personal data relating to employees and to members of the public.

Data Protection Act 1998: Compliance Advice. Subject access – Right of access to education records in England: General information note from the Information Commissioner on access to education records. Includes timescale (15 days) and photocopy costs.

Health and Safety at Work Act 1974 & Health and Safety at Work Act 1972: Retention requirements for a range of health and safety documentation including accident books, H&S manuals etc.

Information Commissioner's Code of Practice Guidelines (ICC of P Guidelines): available on the internet www.ico.gov.uk Guidance on retention of interview and employment records

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