



# DATA PROTECTION POLICY

**July 2018**

DATE FOR REVIEW: September 2022

Signed: *aCBenban*

Chair of Governors ..... Date 08/07/2018

## **About this policy**

During the course of our activities the James Montgomery Academy Trust (JMAT) and its Academies, will process personal data (which may be held on paper, electronically, or otherwise) about our staff. We recognise the need to treat it in an appropriate and lawful manner, in accordance with the Data Protection Act 1998 (DPA). The purpose of this policy is to make you aware of how we will handle your personal data.

This policy does not form part of any employee's contract of employment and we may amend it at any time.

## **Data protection principles**

We will comply with the eight data protection principles in the DPA, which say that personal data must be:

1. Processed fairly and lawfully.
2. Processed for limited purposes and in an appropriate way.
3. Adequate, relevant and not excessive for the purpose.
4. Accurate.
5. Not kept longer than necessary for the purpose.
6. Processed in line with individuals' rights.
7. Secure.
8. Not transferred to people or organisations situated in countries without adequate protection.

"Personal data" means recorded information we hold about you from which you can be identified. It may include contact details, other personal information, photographs, expressions of opinion about you or indications as to our intentions about you. "Processing" means doing anything with the data, such as accessing, disclosing, destroying or using the data in any way.

## **Fair and lawful processing**

We will usually only process your personal data where you have given your consent or where the processing is necessary to comply with our legal obligations. In other cases, processing may be necessary for the protection of your vital interests, for our legitimate interests or the legitimate interests of others. The full list of conditions is set out in the DPA.

We will only process "sensitive personal data" about ethnic origin, political opinions, religious or similar beliefs, trade union membership, health, sex life, criminal proceedings or convictions, where a further condition is also met. Usually this will mean that you have given your explicit consent, or that the processing is legally required for employment purposes. The full list of conditions is set out in the DPA.

## **How we are likely to use your personal data**

We will process data about staff for legal, personnel, administrative and management purposes in order to enable us to meet our legal obligations as an employer, for example to

compensate you, monitor your performance and to confer benefits in connection with your employment.

We may process sensitive personal data relating to staff including, as appropriate:

- Information about an employee's physical or mental health or condition in order to monitor sick leave and take decisions related to the employee's fitness for work;
- The employee's racial or ethnic origin or religion or similar information in order to monitor compliance with equal opportunities legislation;
- In order to comply with legal requirements and obligations to third parties.

### **Processing for limited purposes**

We will only process your personal data for the specific purpose or purposes notified to you or for any other purposes specifically permitted by the DPA.

### **Adequate, relevant and non-excessive processing**

Your personal data will only be processed to the extent that it is necessary for the specific purposes notified to you.

### **Accurate data**

We will keep the personal data we store about you accurate and up-to-date. Data that is inaccurate or out-of-date will be destroyed. Please notify us if your personal details change or if you become aware of any inaccuracies in the personal data we hold about you.

### **Data retention**

We will not keep your personal data for longer than is necessary for the purpose. This means that data will be destroyed or erased from our systems when it is no longer required. For guidance on how long certain data is likely to be kept before being destroyed, contact the Head of School/headteacher or the JMAT CEO.

### **Processing in line with your rights**

You have the right to:

- Request access to any personal data we hold about you.
- Prevent the processing of your data for direct-marketing purposes.
- Ask to have inaccurate data held about you amended.
- Prevent processing that is likely to cause unwarranted substantial damage or distress to you or anyone else.
- Object to any decision that significantly affects you, being taken solely by a computer or other automated process.

## **Revised Code of Practice for Disclosure and Barring Service Registered Persons (November 2015)**

The Code of Practice applies to all Registered Bodies with the Disclosure and Barring Service (DBS) under section 120 of the Police Act 1997 (Registered Bodies) and recipients of Update Service information under section 116A of the Police Act 1997. This includes those Registered Bodies that provide an umbrella function to non-registered organisations. The Code refers to any information exchanged between DBS and the Registered Body. We will comply with the provisions within the Revised Code.

The Code of Practice does not apply to other third parties.

All applicants for a DBS check should be made aware of this Code of Practice and provided with a copy on request.

### **Data security**

We will ensure that appropriate measures are taken against unlawful or unauthorised processing of personal data, and against the accidental loss of, or damage to, personal data.

We have in place procedures and technologies to maintain the security of all personal data from the point of collection to the point of destruction. We will only transfer personal data to a third party if the third party agrees to comply with those procedures and policies, or if they put in place adequate measures themselves.

Maintaining data security means guaranteeing the confidentiality, integrity and availability (for authorised purposes) of the personal data.

### **Providing information to third parties**

We will not disclose your personal data to a third party without your consent, unless we are satisfied that they are legally entitled to the data. Where we do disclose your personal data to a third party, we will have regard to the eight data protection principles.

### **Subject access requests**

If you wish to know what personal data we hold about you, you must make the request in writing. All such written requests should be forwarded to Head of School/headteacher.

### **Breaches of this policy**

If you consider that this policy has not been followed in respect of personal data about yourself or others, you should raise the matter with the Head of School/headteacher. Any breach of this policy will be taken seriously and may result in disciplinary action.