



**EDUCATION
CENTRAL**
MULTI ACADEMY TRUST

Education Central Multi Academy Trust

DATA PROTECTION POLICY

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| Author | ECMAT Policy Team |
| Approved | 16 th September 2013 |
| Date | September 2013 |
| Version | 1 |
| Review | By 31 st October 2014 |

Data Protection Policy

Policy

- 1.1 This policy applies to Education Central Multi Academy Trust (“ECMAT”). For the purposes of this policy, the term “Staff” means all members of ECMAT staff irrespective of working location including permanent, fixed term, and temporary staff, governors, trustees, Local Advisory Board (LAB) members, secondees, any third party representatives, agency workers, volunteers, interns, agents consultants and sponsors engaged with ECMAT. This policy also applies to all members of staff employed by any of ECMAT’s subsidiary companies.
- 1.2 All contractors and agents acting for or on behalf of ECMAT should be made aware of this policy.
- 1.3 This policy applies to all personal and sensitive personal data processed and stored by or on behalf of ECMAT whether in manual (paper based) files or in electronic format. It aims to protect and promote the rights of individuals and ECMAT.

Definitions

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) 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 and records
- 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

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

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

- (i) 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
- (ii) 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.

General Principles

The Data Protection Act 1998 sets out the legislative requirements for organisations processing personal data (referred to under the Act as 'Data Controllers'). ECMAT will be open and transparent when processing and using private and confidential information by ensuring we follow the 8 Data Protection Principles of good data handling:

- (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.

ECMAT 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 ECMAT's systems and procedures;
- Irreparable damage to ECMAT's reputation.

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

Roles and Responsibilities

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.

ECMAT 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.

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 Data Controllers.

ECMAT 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.

Data Subjects Rights

ECMAT 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.

ECMAT 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.

ECMAT 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.

MAT (Data Controllers) Obligations

ECMAT will follow Code of Practice issued by the ICO when developing policies and procedure in relation to data protection, including any specific advice guidance or regulation concerning education organisations.

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

ECMAT will adhere to and follow the 8 principles of data protection when conducting surveys, marketing activities etc., where ECMAT collects, processes, stores and records all types of personal data.

ECMAT 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.

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

Complaints

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 8 principles of data protection will be managed and processed.

All complaints of dissatisfaction will also be processed in accordance with ECMAT's Complaints Process and should be sent to:

**The Chief Executive
Education Central Multi Academy Trust
PA108
University of Wolverhampton Science Park
Glaisher Drive, Wolverhampton
WV10 9RU**

Confidentiality and Information Sharing

ECMAT will only share information in accordance with the provisions set out in the Data Protection Act 1998. Where applicable ECMAT 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