



YCAT

Yorkshire Collaborative
Academy Trust

SCHOOL INFORMATION POLICY

(Data Protection/Environmental Information
Regulations and Freedom of Information)

Statutory Policy: Yes No

School Level Appendix attached: Yes No

Policy to be published on the YCAT website: Yes No


Policy to be published on school website Yes No

SCHOOL INFORMATION POLICY

(Data Protection/Environmental Information Regulations and Freedom of Information)


This Policy was produced for schools by North Yorkshire County Council and adopted by:

**Yorkshire Collaborative Academy Trust
on 18/05/2018**

Chair of Trustees: Mr Ian Moore	
Signature:	 <small>IAN MOORE</small>
Frequency of review:	2 years
To be reviewed by:	FRAR
Date of next review:	May 2020


REVIEW RECORD

Date of review	Reason for review	Date of next review
Oct 17	Formation of YCAT	OCT 2019

Name :	Ian Moore	Signature:	 <small>IAN MOORE</small>
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on behalf of YCAT Full Board

Date of review	Reason for review	Date of next review
May 2018	Introduction of GDPR	May 2021

Name :	Ian Moore	Signature:	 <small>IAN MOORE</small>
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on behalf of YCAT Full Board

Date of review	Reason for review	Date of next review
May 2021	Policy review schedule	May 2024

Name :	Ian Moore	Signature:	 <small>IAN MOORE</small>
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on behalf of YCAT Full Board

School Information Policy

(please note that any reference to GDPR may be subject to change as the Data Protection Bill progresses)

Introduction

This policy is to ensure that Yorkshire Collaborative Academy Trust (YCAT) and all schools within the Trust comply with the requirements of the General Data Protection Regulation, Environmental Information Regulations 2004 (EIR) and Freedom of Information Act 2000 (FOIA), associated guidance and Codes of Practice issued under the legislation.

Scope

The Information Policy applies to information in all forms including, but not limited to:

- Hard copy or documents printed or written on paper;
- Information or data stored electronically, including scanned images;
- Communications sent by post/courier or using electronic means such as email, fax or electronic file transfer;
- Information or data stored on or transferred to removable media such as tape, CD, DVD, USB storage device or memory card;
- Information stored on portable computing devices including mobile phones, tablets, cameras and laptops;
- Speech, voice recordings and verbal communications, including voicemail;
- Published web content, for example intranet and internet;
- Photographs and other digital images.

Information Security and Security Incident Reporting will be addressed in separate policies.

Data Protection

Personal data will be processed in accordance with the requirements of GDPR and in compliance with the data protection principles specified in the legislation.

The Trust has notified the Information Commissioner's Office that it is a Data Controller and has appointed a Data Protection Officer (DPO). Details of the DPO can be found here:

Information Governance
Veritau Ltd
County Hall
Racecourse Lane
Northallerton
DL7 8AL
schoolsDPO@veritau.co.uk
01609 53 2526



The DPO is a statutory position and will operate in an advisory capacity. Duties will include:

- Acting as the point of contact for the Information Commissioner's Office (ICO) and data subjects;
- Facilitating a periodic review of the corporate information asset register and information governance policies;
- Assisting with the reporting and investigation of information security breaches
- Providing advice on all aspects of data protection as required, including information requests, information sharing and Data Protection Impact Assessments; and
- Reporting to governors on the above matters

Information Asset Register

The DPO will advise the school in developing and maintaining an Information Asset Register (IAR). The register will include the following information for each asset:

- An individual information asset identification number;
- The owner of that asset;
- Description and purpose of the asset;
- Whether there is a privacy notice published for that asset;
- Format and location of the asset;
- Which officers (job titles/teams) have routine access to the information;
- Whether there are any data sharing agreements relating to the information and the name of that agreement,
- Conditions of data processing;
- Details of any third parties contracted to process the information;
- Retention period for the asset

The IAR will be reviewed annually and the CFO will inform the DPO of any significant changes to their information assets as soon as possible.

Information Asset Owners

An Information Asset Owner (IAO) is the individual responsible for an information asset, understands the value of that information and the potential risks associated with it. The school will ensure that IAO's are appointed based on sufficient seniority and level of responsibility.

IAO's are responsible for the security and maintenance of their information assets. This includes ensuring that other members of staff are using the information safely and responsibly. The role also includes determining the retention period for the asset, and when destroyed, ensuring this is done so securely.

Training

The Trust will ensure that appropriate guidance and training is given to the relevant staff, governors and other authorised school users on access to information procedures, records management and data breach procedures. Individuals will also be made aware and given training in relation to information security including using email and the internet.

The DPO will be consulted in relation to training where necessary; to ensure training resources and their implementation are effective.

The Trust will ensure that any third party contractors have adequately trained their staff in information governance by carrying out the appropriate due diligence.

Privacy notices

All schools within YCAT will provide a privacy notice to data subjects each time it obtains personal information from or about that data subject. The main privacy notices will be displayed on the school's websites in an easily accessible area. These notices will also be provided in a hard copy to pupils and parents at the start of the year as part of their information pack. A privacy notice for employees will be provided at commencement of their employment with the Trust. Specific privacy notices will be issued where the data subject requires more information about specific processing (e.g. school trips, projects).

Privacy notices will be cleared by the DPO prior to being published or issued. A record of privacy notices shall be kept on the school's Information Asset Register.

Information sharing

In order to efficiently fulfil our duty of education provision it is sometimes necessary for the Trust or the schools to share information with third parties. Routine and regular information sharing arrangements will be documented in our main privacy notices (as above). Any adhoc sharing of information will be done in compliance with our legislative requirements.

Data Protection Impact Assessments (DPIAs)

The Trust will conduct a Data Protection Impact Assessment (DPIA) for all new projects involving high risk data processing as defined by GDPR. This assessment will consider the privacy risks and implications of new projects as well as providing solutions to the identified risks.

The DPO will be consulted at the start of a project and will advise whether a DPIA is required. If it is agreed that a DPIA will be necessary, then the DPO will assist with the completion of the assessment, providing relevant advice.

Retention periods

Retention periods will be determined by any legal requirement, best practice or national guidance, and lastly the organisational necessity to retain the information. In addition IAOs will take into account the Limitation Act 1980, which provides timescales within which action may be taken for breaches of the law, when determining retention periods. YCAT schools will adopt the IRMS Information Management Toolkit for schools retention schedule.

Destruction of records

Retention periods for records are recorded in the school's IAR. When a record reaches the end of its retention period the IAO will arrange for the records, both electronic and paper to be destroyed securely. Provisions to destroy paper information securely include cross cutting shredders and confidential waste bins. Advice in regards to the secure destruction of electronic media will be sought from relevant IT support.

A record should be retained of all files destroyed including, where relevant:

- File reference number,
- Description of file,
- Date of disposal,
- Method of disposal,
- Officer who destroyed record

Third party Data Processors

All third party contractors who process data on behalf of the Trust or its schools must be able to provide assurances that they have adequate data protection controls in place to ensure that the data they process is afforded the appropriate safeguards. Where personal data is being processed, there will be a written contract in place with the necessary data protection clauses contained.

Relevant senior leadership may insist that any data processing by a third party, ceases immediately if it believes that that third party has not got adequate data protection safeguards in place. . If any data processing is going to take place outside of the EEA then the Data Protection Officer must be consulted prior to any contracts being agreed.

Access to information

Requests for information under the Freedom of Information Act 2000 and Environmental Information Regulations 2004

Requests under this legislation should be made to YCAT Central Office, c/o Bilton Grange Primary School, Bilton Lane, Harrogate, North Yorkshire, HG1 3BA

YCAT Central office is responsible for:

- Deciding whether the requested information is held;
- Locating, retrieving or extracting the information;
- Considering whether any exemption might apply, as per the balance of the public interest test;
- Preparing the material for disclosure and drafting the response;
- Seeking any necessary approval for the response; and
- Sending the response to the requester

FOIA requests should be made in writing. Please note that we will only consider requests which provide a valid name and address and we will not consider requests which ask us to click on electronic links. EIR requests can be made verbally, however we will endeavour to follow this up in writing with the requestor to ensure accuracy.

Each request received will be acknowledged **within 5 school days**. The Chair of the Board of Trustees and the CFO will jointly consider all requests where a public interest test is applied or where there is any doubt on whether an exemption should be applied. In applying the public interest test they will:

- Document clearly the benefits of both disclosing or withholding the requested information
- Where necessary seek guidance from previous case law in deciding where the balance lies
- Consult the DPO

Reasons for disclosing or not disclosing will be reported to the next governing body meeting.

We have adopted the Information Commissioner's model publication scheme for schools and will publish as much information as possible on our website in the interests of transparency and accountability.

We will charge for supplying information at our discretion, in line with current regulations. If a charge applies, written notice will be given to the applicant and payment must be received before the information is supplied. For **FOI** and **EIR** requests, the school will use the North Yorkshire County Council Charging Policy. See Appendix A. Once the individual has been notified that a fee is payable if this not received, within 3 months of the notification, the request will be deemed to have lapsed.

We will adhere to the required FOI/EIR timescales, and requests will be answered within **20 school days**.

Requests for information under the GDPR- Subject Access Requests

Requests under this legislation should be made to YCAT Central Office, c/o Bilton Grange Primary School, Bilton Lane, Harrogate, North Yorkshire, HG1 3BA

Any member of staff may receive a request for an individual's personal information. Whilst GDPR does not require such requests to be made in writing, applicants are encouraged where possible to do so; applicants who require assistance should seek help from the school. Requests will be logged with YCAT Central Office and acknowledged **within 5 days**.

We must be satisfied as to your identity and may have to ask for additional information such as:

- Valid Photo ID (driver's licence, passport etc);
- Proof of Address (Utility bill, council tax letter etc);
- further information for the school to be satisfied of the applicant's identity;

Only once the Trust is satisfied of the requestor's identity and has sufficient information on which to respond to the request will it be considered valid. We will then respond to your request within the statutory timescale of **30 calendar days**.

The Trust can apply a discretionary extension of up to 60 calendar days to comply with the request if the requested information would take a considerable amount of time to collate, redact, and prepare for disclosure due to either the complexity or voluminous nature of the records. If we wish to apply an extension we will firstly seek guidance from our DPO, and then inform the applicant of the extension within the first 30 days of receiving the request. This extension period will be kept to a minimum and will not be used as a way of managing workloads. In very limited cases we may also refuse a request outright as 'manifestly unreasonable' if we would have to spend an unjustified amount of time and resources to comply.

Should we think any exemptions are necessary to apply we will seek guidance from our DPO to discuss their application.

Requests received from parents asking for information held within the pupil's Education Record will be dealt with under the Education (Pupil Information)(England) Regulations 2005. Any charges which arise from this request will be applied at our discretion.

The Trust will offer advice and assistance to individuals to help them access information. For example if information is not held by the school but may be held by another public body, the school will advise the individual of this and provide contact details of the relevant public body.

Data Subject rights

As well as a right of access to information, data subjects have a series of other rights prescribed by the GDPR including:

- Right to rectification
- Right to erasure
- Right to restrict processing
- Rights in relation automated decision making and profiling

All requests exercising these rights must be in writing and forwarded to **YCAT Central Office, c/o Bilton Grange Primary School, Bilton Lane, Harrogate, North Yorkshire, HG1 3BA**, who will acknowledge the request and respond within **30 calendar days**. Advice regarding such requests will be sought from our DPO.

A record of decisions made in respect of the request will be retained, recording details of the request, whether any information has been changed, and the reasoning for the decision made.

Complaints

Complaints in relation to FOI/EIR and Subject Access will be handled through our existing procedures. Any individual who wishes to make a complaint about the way we have handled their personal data should contact the DPO on the address provided.

Copyright

YCAT and all schools within the Trust will take reasonable steps to inform enquirers if any third party might have a copyright or intellectual property interest in information provided in response to their requests. However it will be the enquirer's responsibility to ensure that any information provided by the school is not re-used in a way which infringes those interests, whether or not any such warning has been given.

General

The CFO will be responsible for periodically monitoring request received and action taken to ensure that the Trust is complying with information legislation and report annually to the YCAT Trust Board.

Appendix A

STANDARD COSTS TO BE USED IN THE CALCULATION OF FEES FOR REQUESTS UNDER THE FREEDOM OF INFORMATION ACT 2000

Staff time	£25.00 per hour
Photocopying	Costs 10p per copy
Printing	Costs 10p per copy
Postage	Costs 1st class at cost or original estimate, whichever is lesser
Other items such as relevant translation	At cost or original estimate, whichever is lesser

NYCC CHARGING REGIME

Fee is less than £5.00	No charge will be made
Cost of fee between £5.00 and £450.00	If the cost to service a request is estimated at between £5.00 and £450.00 (approximately 17 staff hours plus £25 disbursements) then a charge for non-staff costs as above will be made
Cost of fee is over £450.00 (*)	If the cost to service a request is estimated to cost in excess of £450.00 (more than 17 staff hours plus £25 disbursements) then the full cost, including staff time at the above rate, will need to be charged
Aggregation of Requests (**)	If two or more requests are received within 60 consecutive working days, for the same or similar information either from the same person or different persons who appear to be acting as part of a campaign, then the charges will be aggregated. Once the cost exceeds £450.00 then the full costs, including staff time, will need to be charged
Mixed Requests	If a request is received in which the information is covered by more than one access to information regime then, for the purposes of calculating fees, it is necessary to separate out the constituent parts of the request to determine what fee may be charged. The above charging regime is applicable to the FOI element.

*** Where the fee is calculated at over £450.00**

Section 16(1) requires the County Council to provide advice and assistance, “so far as it would be reasonable to expect the authority to do so, to persons who propose to make, or have made, requests for information”	<p>Stage 1 – If the request is particularly wide-ranging, and therefore likely to be expensive to answer, the County Council must discuss this with the applicant to see if the question could be refined to a more manageable level to bring it below the £450 limit.</p> <p>Stage 2 – If after providing advice and assistance, as required under Section 16, the request is still over the appropriate limit the County Council can either turn the request down or answer the request and charge a fee.</p> <p>Or where the County Council decides to provide the information and charge a fee, and does not have other powers to do so, the County Council can charge on the basis of the costs outlined above, as well as the cost of informing the applicant whether the information is held and communicating the information to the applicant.</p>
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**** Further detailed guidance is available on the Data Matters Intranet site.**