



DATA PROTECTION & RETENTION POLICY

Introduction

The Torch Academy Gateway Trust adopts the 8 principles of the Data Protection Act listed in Schedule 1 as follows:

1. Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless –
 - (a) at least one of the conditions in Schedule 2 is met, and
 - (b) in the case of sensitive personal data, at least one of the conditions in Schedule 3 is also met.
2. Personal data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes.
3. Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.
4. Personal data shall be accurate and, where necessary, kept up to date.
5. Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.
6. Personal data shall be processed in accordance with the rights of data subjects under this Act.
7. Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.
8. Personal data shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

The Torch Academy Gateway Trust recognises its duty towards students and employees under the Data Protection Act 1998. The organisation and its academies handle and store information about identifiable, living people and is legally obliged to protect that information. Under the Data Protection Act, the TAG Trust will:

- only collect information that is needed for a specific purpose;
- keep it secure;
- ensure it is relevant and up to date;
- only hold as much as required, and only for as long as required; and
- allow the subject of the information to see it on request.

It is the policy of the Trust to follow the guidance set out by the Information Commissioner's Office www.ico.org.uk in all matters pertaining to Data Protection and Freedom of Information.



Measures

The Trust takes security measures to protect personal data in the form of:

- centralised computer firewalls and virus-checking;
- automatic computer updating systems including downloading of latest patches or security updates;
- staff training on computer access, email procedures and use of passwords;
- regular back-ups of information on the computer system, stored in a separate place;
- secure disposal of old computers;
- shredding of confidential paper waste
- physical checks on premises security
- locked filing cabinets where paper staff and pupil records are held.

The Torch Academy Gateway Trust has a current Publication Policy detailing what information is published and how it can be accessed, available on request to the Secretary to the Directors at Toot Hill School.

The Trust recognises the rights to information held about students as follows:

The subject access right – under the Act a pupil has the right to a copy of their own information. In certain circumstances requests may be made by a parent on behalf of their child. Under this right, parents will only be able to see all the information about their child when the child is unable to act on their own behalf or gives consent.

Rights to the educational record – under the Education (Pupil Information) (England) Regulations 2005, referred to here as the Regulations, a parent has the right to access their child's educational record.

The Trust follows the current guidance set out by the Information Commissioner's Office when responding to requests under the above rights.

Access to Exam Results

Students may request information about examinations they have taken, including:

- examination marks;
- examination scripts;
- examiners' comments; and
- minutes of examination appeals panels.

Students may also request:

- policies and procedures relating to marks and appeals



The Trust follows the current guidance set out by the Information Commissioner's Office when responding to requests under the above rights.

The Trust will require academies to inform parents and students whether examination results will be made public and the information will be published. The Trust does not need consent to publish examination results but the academy Head of School will always consider any objections made by individuals before publication in the context of whether publication could cause distress or harm.

Duty to Employees

The Torch Academy Gateway Trust conducts all recruitment procedures according to the DfE Guidance on Safer Recruitment Practice.

The Trust stores personnel records securely on the appropriate academy site. General access is restricted to HR Staff and Senior Leadership. Those who have access receive training in the Data Protection rules that apply. Information is not disclosed to third parties except as a response to reference requests from prospective employers under the DfE Safer Recruitment Practice or where the Trust is legally obliged, such as disclosure to the Inland Revenue.

Information collected about workers to administer pension or other staff schemes is only used for the administration of the scheme.

The Trust stores monitoring information in accordance with its Absence Management and Capability policies. Staff are advised of all monitoring practices.

The Trust applies the guidance from the Information Commissioner's Office to all HR practices in the administration of HR record storage and disclosure.

Data Retention

The Trust academies holds a great deal of information, much of which is confidential. This may be information about:

- **our students**
- **our students' parents, or guardians**
- **our teachers and other staff**
- **our governors**

The following retention schedule is in operation. This lays down the length of time a record needs to be retained, after which it will be destroyed. Time scales are based on local Government guidelines.



Students	Students' academic records, reports and IEPs	DOB of pupil + 25 years
	Students attendance registers	Date of register + 3 years
	Students admissions registers	Date of last entry + 6 years
	Student files	Date of last entry + 6 years
	Statements of Special Needs	DOB + 30 years
	Students work	Current year + 1 year
Personnel	Staff Personnel Files	Termination of employment + 7 years
	Interview notes	Date of interview + 6 months
	Pre-employment vetting	Date of check + 6 months
	Disciplinary proceedings	As specified in Staff Handbook (contract)
	Appraisal	Current year + 5 years
Health and Safety	Accident reporting: Adults Children	Current year + 3 years DOB + 25 years
	Incident reports	Current year + 20 years
	Policy	Date of expiry + 1 year
	Fire Log Books	Current year + 6 years
	Risk Assessments	Current year + 3 years

Equality Duty

This policy has been reviewed in the context of The Equality Act 2010 and assessed as: Neutral

This policy was last reviewed on: October 2016

Name of Reviewer: Ms E Sims
