



# Engage MAT

## Data Protection Policy

**Date of ratification: October 2016....**

**Date of review: October 2019.....**



## **Data Protection Policy**

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Everyone within the Engage Trust has an important role to play in ensuring that personal information is processed lawfully and fairly. Personal information is information relating to a living individual who can be identified from that data. We hold personal information about all sorts of people we deal with, including employees.

All personal information must be dealt with properly no matter how it is collected, recorded and used, whether on paper, in a computer, or on other material. This is not just policy and good practice: it is the law – the Data Protection Act 1998.

At the Engage Trust we need to hold personal information in order to keep staff and pupils safe and to monitor and track their educational progress. As such we hold personal contact details for parents and other professionals, medical information such as allergies and information relating to special educational needs. Electronic information is securely stored on our management information system (MIS); paper-based personal information is stored in staff/pupil-specific files which are kept in locked cupboards/filing cabinets. When a member of staff/ pupil leaves the Engage Trust, sensitive personal data (e.g. that related to ethnic origin) is automatically deleted from our MIS. When a member of staff/pupil moves on from the Engage Trust their paper-based files are securely archived or handed over to the pupil's next school/college.

Every employee has a duty to be aware of the Act's principles in order to ensure that the Engage Trust complies with the law on data protection. The law is there to protect people's personal data; it should not be seen as a hindrance to the operation of the Engage Trust. The Engage Trust can achieve its objectives and abide by data protection law as long as we are all aware from the outset how we should handle personal data.

### **Data Protection Principles**

To meet the requirements of the Data Protection Act 1998, The Engage Trust fully endorses the eight principles stated therein, and all employees must adhere to them at all times.

These principles are as follows;

- Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless specific conditions are met.
- 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.

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- Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.
- Personal data shall be accurate and, where necessary, kept up to date.
- Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.
- Personal data shall be processed in accordance with the rights of data subjects under the Act.
- 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.
- 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 freedom of data subjects in relation to the processing of personal data.

### **The Engage Trust Commitment to the Data Protection Principles**

The Engage Trust will do the following to comply with the principles.

Observe fully the conditions regarding the fair collection and use of information ;

- Meet its legal obligations to specify the purposes for which information is used.
- Collect and process appropriate information, and only to the extent that it is needed to fulfil operational needs or to comply with any legal requirements.
- Ensure the quality of information used.
- Apply checks on the time that information is held to ensure that it is erased at the appropriate time.
- Ensure that the rights of people about whom we hold information are able to be exercised fully under the Act, including
  - the right to be informed that processing is being undertaken
  - the right of access to their personal information
  - the right to correct, rectify, block or erase information that is regarded as wrong.
- Take appropriate technical and organisational security measures to safeguard personal information.
- Ensure that personal information is not transferred abroad without suitable safeguards.
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### **The Engage Trust's Measures to Achieve its Commitment to Data Protection**

The Engage Trust will adhere to the principles of the Data Protection Act 1998 by ensuring the following;

- The Network Manager is the officer with specific responsibility for data protection in the Engage Trust. Overall responsibility, at chief officer level, for enforcing this policy and other data protection regulations rests with the Chief Executive Officer (CEO).
- Everyone at the Engage Trust managing and handling personal information is trained appropriately.
- Everyone at the Engage Trust managing and handling personal information is supervised appropriately.
- Anyone at the Engage Trust who does not normally handle personal information knows what to do if the occasion arises.
- Subject access requests and queries about personal information are dealt with promptly and courteously.
- Policy and guidelines on handling personal information are published, and are clear and up to date.
- Regular reviews are undertaken of the way personal information is managed and handled in the Engage Trust.
- Regular assessments are made of the Engage Trust's compliance with the Data Protection Act 1998.
- Incidents involving breaches of this policy are recorded and analysed, and disciplinary action taken as appropriate.
- This policy integrates with other Trust policies associated with data protection.
- This policy is reviewed regularly and updated when necessary.

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### Appendix A

#### How to Get Access to Your Personal Data

##### Your right to see the information we hold about you

The Engage Trust needs to collect and use certain types of information about people we deal with. The Data Protection Act 1998 says that all personal information must be dealt with properly however it is collected, recorded and used – whether on paper, in a computer, or on other material – and there are safeguards to ensure this. The Act gives anyone the right to find out about the information held about them, this is called a subject access request.

##### How to ask for your information

You need to put your request in writing by simply writing a letter to us. You need to provide enough information for us to identify you in our records – such as full name, address and date of birth and any information used by the Engage Trust to identify or distinguish you from others of the same name. You need to tell us whether you are interested in all the information we hold about you or just specific areas. You can send your request to the;

Trust Administrator  
Drayton Old Lodge,  
146 Drayton High Road,  
Drayton,  
Norwich  
NR8 6AN.  
Email; [trust@engage.norfolk.sch.uk](mailto:trust@engage.norfolk.sch.uk)

If you prefer, you can send an email with details of your request. Please bear in mind that this method of communication is not secure and there is a small risk that your email could be intercepted before it reaches us, with the consequence that your personal details could become known to others.

We may make a charge for providing this information to you, up to £10 per request.

##### Proof of identity

When we receive a request for information, we must make sure that you are who you say you are. Unless the staff handling your request know you and recognise you, we need to see

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proof of identity. This can be a copy of your passport, birth certificate, paper and card driving licence or other official document bearing your signature.

### **Acting on behalf of someone else**

The right to request personal information under the Data Protection Act 1998 applies only to the data subject (the person about whom the information is held). There is no automatic right, for example, for a family member to request personal information about an elderly relative, for a solicitor to request personal information about a client, or for parents to request personal information about their children.

Where data protection requests are made on behalf of adults, the Engage Trust needs to check that the person making the request has appropriate authority and that the request is made in the data subject's interest.

The Data Protection Act does not stop you making a request on someone else's behalf eg a solicitor acting on behalf of a client, or it could simply be that an individual wants someone else to act for them.

In these cases, the Engage Trust will need to satisfy itself that the third party making the request has the individual's permission to act on their behalf. It is the third party's responsibility to provide this evidence, which could be a written authority to make the request, or a power of attorney.

If a person does not have the mental capacity to manage their own affairs and you are their attorney, for example you have a Lasting Power of Attorney with authority to manage their property and affairs, you will have the right to access information about the person you represent to help you carry out your role. The same applies to a person appointed to make decisions about such matters:

- In England and Wales, by the Court of Protection;
- In Scotland, by the Sheriff Court; and
- In Northern Ireland, by the High Court (Office of Care and Protection).

Children have the right to request their own information themselves. People with parental responsibility can, however, apply on their child's behalf where the child is too young to understand. Where a child cannot understand, which usually means they are under the age of twelve, the Engage Trust must satisfy itself that the parents' request is made in the child's

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interest. There may be occasions when we decide not to give information to a parent or when we may ask a child to make a request on their own behalf.

Parents interested in their children's educational records have a separate right of access to these under the Education (Pupil Information) (England) Regulations 2005 regardless of their children's ages, and they should apply to the relevant school for these records. Requests for educational records should be fulfilled within fifteen school days, whether they are made under the Data Protection Act 1998 or under the Education (Pupil Information) (England) Regulations 2005.

The Act only applies to personal information about a living individual. You may access information about deceased individuals through other legislation, such as the Access to Health Records Act.

### **What the Engage Trust does to provide the information**

The Engage Trust is obliged by the Data Protection Act 1998 to comply with your request within forty calendar days of receipt (or of receiving proof of identity or clarification of what is required). We must tell you whether we hold the information requested, and, if we do, we should give you a description of the information, the purposes for which it is being processed, the types of people to whom the information may be disclosed, and the source of the information. We should give you a copy of the information, but there may be occasions when you agree to visit us to view the information instead.

We are obliged to check whether any of the information is exempt as defined in the Data Protection Act and cannot be provided after all.

The main exemption we must consider relates to other people's rights under data protection. If your information contains information about other living individuals, we must consider whether it would be lawful and fair to them to disclose it. We would normally seek their consent before making our decision.

Other exemptions we must consider relate to national security, crime, taxation, prejudice of regulatory activity, and legal professional privilege.

### **What to do if not satisfied**

If you are not satisfied with the way we have handled your request, you should write to the CEO at the same address as above. If you are still not satisfied, you can ask the Information Commissioner to carry out an assessment (contact details are at the end of this page). The

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Information Commissioner is an independent supervisory authority responsible for data protection and freedom of information.

### **Other rights under the Data Protection Act 1998**

If you find that some information we hold about you is incorrect, you can apply to us to have it corrected or deleted. This applies to inaccurate information or opinions based on inaccurate information.

If you consider that the way we handle your personal information, in whole or in part, is causing you or someone else substantial damage or substantial distress, you can write to us specifying the reasons why we should stop. We must comply with your request (known under the Act as a “data subject notice”) unless we consider that your request is unjustified. We must write to you within twenty-one days to let you know how we are complying with your request or why we are not complying.

The Act also gives you the right to prevent processing for the purpose of direct marketing and to prevent automatic decision-making that has no human involvement.

### **Addresses**

Information Commissioner,  
Wycliffe House,  
Water Lane,  
Wilmslow,  
Cheshire.  
SK9 5AF  
*Telephone: 0303-123-1113*  
*Email: [mail@ico.gsi.gov.uk](mailto:mail@ico.gsi.gov.uk)*