

Statement of policy on PERSONAL INFORMATION

[Reviewed at the Governors' Personnel Committee Meeting held on 13 October 2005, 1 March 2006, 22 May 2008 and at Management & Resources on 28 November 2011]

1. Introduction

- 1.1 This Policy complies with the requirements of the Data Protection Act 1998 and should be read in conjunction with the Data Protection and Freedom of Information policies. It is based on three principles:
 - to ensure respect for the privacy of the individual;
 - to enhance the quality of decisions which affect individuals; (by specifying standards for the management of personal information).
 - to facilitate the participation of people who wish to be involved in the making of decisions which affect them.
- 1.2 The Policy sets the standards that govern the collection, use, storage, disclosure, or disposal of all personal information on employees held by the Governors. The policy takes account of the guidance given by The Records Management Society on the retention of personnel records.
- 1.3 Documents will be held in accordance with the schedule set out in Appendix 1. Under the Freedom of Information Act 2000, schools are required to maintain a retention schedule listing the record series which the school creates in the course of its business. The retention schedule lays down the length of time which the record needs to be retained and the action which should be taken when it is of no further administrative use. The retention schedule lays down the basis for normal processing under both the Data Protection Act 1998 and the Freedom of Information Act 2000.

2. Obtaining Information

- 2.1 Information will be obtained fairly and lawfully and will only be processed with the explicit consent of the employee.
- 2.2 No employee, or other person acting on behalf of the Governing Body, will knowingly mislead or deceive any person about the purpose for which information is being collected.
- 2.3 Explanations will be available of the purpose for which information is required, either through a note on any form used, or from the person collecting the details.

3. Purposes of Information and Length of Time Retained

- 3.1 Personal Information will be held only for clearly specified purposes as indicated in Appendix 1.
- 3.2 The Governing Body will state the purposes for which it holds personal information, and will register with the Data Protection Commissioner all the purposes for which it processes personal data.
- 3.3 The College's Data Protection Index and Register entries will be kept as clear and comprehensive and up to date as possible.

4. Nature of Information

- 4.1 Every effort will be made to ensure that personal information gathered by the Governing Body is relevant to one of the specified purposes and is adequate, but not excessive, for it. Irrelevant or excessive data will be erased.
- 4.2 When a need for additional personal information is established, the Governing Body will ensure that the collection of each item of information can be justified.

5. Disclosure of Information

- 5.1 Personal information will be used only for the purpose for which it was gathered, unless the consent of the people concerned has been obtained to a new or varied use.
- 5.2 Routine disclosures will be specified on the Data Protection register and in the College's own Data Protection Index of Information and consent will be deemed to have been given to routine disclosures so included.
- 5.3 In other cases the explicit consent of the data subject will be obtained in writing. Confirmation of consent by telephone is acceptable if a written request has been received which implies the consent of the data subject.
- 5.4 Personal information will be disclosed only to those who, in the view of the Governing Body, have a demonstrable need to know the information.
- 5.5 The policy is available to all staff.
- 5.6 Access to personal information will be refused if the data user is uncertain whether the person requesting access, including another member of staff, is entitled to it.

6. Standards of Data Collection

- 6.1 Personal records will be accurate and kept up to date and checked on a regular basis. Where necessary the data subject will be asked to confirm that what has been recorded is accurate.
- 6.2 Information that is obtained from a third party will be marked to indicate its source.
- 6.3 Information that has not been verified will be marked "Unverified; not to be used for decision".
- 6.4 Personal information will be kept for as long as is required for the purpose for which it was originally collected. The period of retention will be determined by statutory requirements or specified in the school's procedures.

7. Access To Personal Files

- 7.1 Staff are entitled to know if the Governing Body holds information about them.
- 7.2 A person about whom the Governing Body holds information may, at reasonable intervals and without undue cost or delay, have access to his or her personal records.
- 7.3 Information which would disclose the identity of a third person is exempt from access, unless the consent of the source is available. Nor will information be disclosed that would otherwise infringe upon the privacy of a third party.
- 7.4 The Governing Body will make all possible information available. However, access to personal information will be restricted where its disclosure could entail harm either to a person on whom the Governing Body hold information or to the Governing Body's guardianship of the interests of the College.

- 7.5 The means of access to personal information will normally be by physical access to the file. Requests for access will be met within 40 days of receipt of sufficient information to process the request.
- 7.6 The Governing Body will establish a scale of fees for access to information. Where the nature of the information or other circumstances warrant it, the Governing Body will waive the fee.
- 7.7 The Governing Body will verify the identity of people requesting access to the College's records, but will require only the minimum information compatible with protection for the data subject.

8. Standards of Security

- 8.1 The College will determine and maintain an appropriate level of security for its premises, equipment, network, programs, data and documentation, and will ensure that access to them is restricted to appropriate staff.
- 8.2 Ease of access to premises or information will be related to the sensitivity of the information processed or stored.
- 8.3 Appropriate back-up procedures will be maintained.

9. Training

- 9.1 All new and existing employees who handle personal information will receive training on data protection procedures, which includes information about the standards the College expects its employees to observe in the use of personal information.

10. Recording Information

- 10.1 Nothing in this Policy is intended to limit the right of members of staff to record all the information needed to achieve stated and agreed objectives. Any relevant facts or observation may and should be recorded.
- 10.2 Employees will make every effort to ensure that the information they record is accurate.
- 10.3 Where possible, the information recorded will be restricted to the factual.
- 10.4 Employees, whose responsibilities require them to record their opinions and impressions, will do so by recording their observations, followed by the conclusions they have drawn.
- 10.5 No employee will be held personally liable for action taken against the College by a data subject as a result of information recorded by that employee if the employee has followed the College's policy.

11. References

- 11.1 The Governing Body shall request open references and shall provide open references except where an employee has specifically requested that a closed reference be supplied.
- 11.2 Referees will be advised that the Governing Body has an open policy on references.
- 11.3 The Governing Body will comply with guidance on references in *Safeguarding Children: Safer Recruitment in Education* DfES January 2007.

Appendix 1

Retention of Documents on Personnel Files

This schedule lists the principal documents held on an employee's file. The list is not, however, exhaustive and other documents relating to employment may be held. Personnel files will be held for the length of employment + 7 years at which time they will be shredded. Documents relating to child protection may be held indefinitely. In this case the employee will be advised that this is the case. All of the documents held on the employee's file are held for the purpose of managing the employment relationship.

Document	Period of retention
Original job application form	Termination + 7years
Two original references	Termination + 7years
Copy of Contract of employment and any variation letters	Termination + 7years
Original contract acceptance	Termination + 7years
Confirmation of pre-employment medical check clearance	Termination + 7years
Confirmation of CRB clearance	Indefinitely
List 99 Clearance	Indefinitely
Copies of documents used for identity authentication for CRB and Asylum and Immigration Act purposes	Termination + 7years
Copies of qualifications certificates relevant to employment	Termination + 7years
formal disciplinary warnings – child protection related	Indefinitely
formal disciplinary warnings – not child protection related	In accordance with the school's policy
Induction - NQTs Induction – other staff	Termination + 7years
Work permit	Termination + 7 years
Letter of resignation and acceptance of resignation or other documentation relating to the termination of employment.	Termination + 7 years
Exit interview notes	Termination + 7 years
Salary assessment forms - teachers	Current year + 6 years
Time sheets	Current year + 6 years
Performance management information – mandatory for teachers	Current year + 6 years
General Teaching Council registration – teachers	Current year + 6 years
NQT – Satisfactory completion of the 3 skills tests.	Termination + 7years
Medical certificates and sickness absence record	Current year + 6 years
Other special leave of absence including parental leave, maternity leave	Current year + 6 years
Records relating to accident/injury at work	12 years + 12 years In the case of serious accidents a further retention period will need to be applied