

**DATA PROTECTION  
AND  
FREEDOM OF INFORMATION  
POLICY**

<b>Date of last review:</b>	June 2017	<b>Review period:</b>	2 years
<b>Date of next review:</b>	June 2019	<b>Owner:</b>	HR Manager

# DATA PROTECTION

## 1. INTRODUCTION

- 1.1. The Cambridge Meridian Academies Trust (CMAT) collects and uses certain types of personal information about staff, pupils, parents and other individuals who come into contact with the Trust Schools in order to provide education and associated functions. The Trust may be required by law to collect and use certain types of information to comply with statutory obligations related to employment, education and safeguarding, and this policy is intended to ensure that personal information is dealt with properly and securely and in accordance with the Data Protection Act 1998 (“the DPA”) and other related legislation. It will apply to information regardless of the way it is used, recorded and applies for as long as the information is held.
- 1.2. This policy will be updated as necessary to reflect best practice, or amendments made to the DPA, and shall be reviewed every 2 years.

## 2. PERSONAL DATA

- 2.1. ‘Personal data’ is information that identifies an individual, and includes information that would identify an individual to the person to whom it is disclosed because of any special knowledge that they have or can obtain<sup>1</sup>. A sub-set of personal data is known as ‘sensitive personal data’. Sensitive personal data is information relating to race or ethnic origin, political opinions, religious beliefs or other beliefs of a similar nature, trade union membership, physical or mental health, sexual life or the commission of any offence. Sensitive personal data is given special protection.
- 2.2. The Trust does not intend to seek or hold sensitive personal data about employees or students except where the Trust/School has been notified of the information, or it comes to the Trusts / school attention via legitimate means (e.g. a grievance) or needs to be sought and held in compliance with a legal obligation or as a matter of good practice. Employees or students are under no obligation to disclose to the Trust their race or ethnic origin, political or religious beliefs, whether or not they are a trade union member or details of their sexual life (save to the extent that details of marital status and/or parenthood are needed for other purposes, e.g. pension entitlements).

## 3. THE DATA PROTECTION PRINCIPLES

- 3.1. The eight data protection principles as laid down in the DPA are followed at all times:
  - (1) Data must be processed fairly and lawfully, and only where one of the conditions in Schedule 2 DPA can be met. If sensitive personal data, a condition in Schedule 3 DPA must also be met;
  - (2) Personal data shall be obtained only for one or more specific and lawful purposes;
  - (3) Personal data shall be adequate, relevant and not excessive in relation to the purpose(s) for which they are processed;
  - (4) Personal data shall be accurate and where necessary kept up to date;

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<sup>1</sup> For example, if asked for the number of female employees, and you only have one female employee, this would be personal data if it was possible to obtain a list of employees from the website.

- (5) Personal data processed for any purpose(s) shall not be kept for longer than is necessary for that purpose/those purposes;
- (6) Personal data shall be processed in accordance with the rights of data subjects under the DPA;
- (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 outside the EEA, 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;

3.2 The Trust is committed to maintaining those principles at all times. This means that the Trust will:

- 3.2.1 Inform parents, employees and others as to the purpose of collecting any information from them, as and when we ask for it;
- 3.2.2 Be responsible for checking the quality and accuracy of the information;
- 3.2.3 Regularly review the records held to ensure that information is not held longer than is necessary
- 3.2.4 Ensure that when information is authorised for disposal it is done appropriately;
- 3.2.5 Ensure appropriate security measures to safeguard personal information whether it is held in paper files or on our computer system;
- 3.2.6 Share personal information with others only when it is necessary and legally appropriate to do so, ensuring that pupil names are replaced with unique pupil numbers in records before data is transferred where appropriate;
- 3.2.7 Set out clear procedures for responding to requests for access to personal information known as subject access in the DPA;
- 3.2.8 Report any breaches of the DPA as soon as they occur, or in any event within 24 hours of the breach coming to the Trust's attention. Breaches should be notified to the Director of IT in the first instance, who will then decide what action, if any, needs to be taken.

#### **4 BREACH OF ANY REQUIREMENT OF THE DPA**

- 4.1 Any and all breaches of the DPA, including a breach of any of the data protection principles, shall be reported as set out in paragraph 3.2.8 above.
- 4.2 Once notified, the Director of IT shall assess the extent of the breach, and the potential consequences, and decide whether notification to the Information Commissioner's Office (ICO) and/or the Charity Commission is necessary.
- 4.3 The Director of IT shall then be responsible for instigating an investigation into the breach, including how it happened, and whether it could have been prevented. Any recommendations for further training or a change in procedure shall be reviewed by the Trust and a decision made about implementation of those recommendations.

## 5 USE OF PERSONAL DATA BY THE ACADEMY

5.1 The Trust & schools within the Trust hold personal data on pupils, employees and other individuals such as visitors. In each case, the personal data must be treated in accordance with the data protection principles as outlined in paragraph 3.1 above.

### Pupils

5.2 The personal data held regarding pupils includes contact details, assessment/examination results, attendance information, characteristics such as ethnic group, special educational needs, any relevant medical information, and photographs.

5.3 The data is used in order to support the education of the pupils, to monitor and report on their progress, to provide appropriate pastoral care, and to assess how well the academy as a whole is doing, together with any other uses normally associated with this provision in an independent school environment.

5.4 The Trust and its schools may make use of limited personal data (such as contact details) relating to pupils, and their parents or guardians for fundraising, marketing or promotional purposes and to maintain relationships with pupils of the academy, but only where consent has been provided to this.

5.5 In particular, the CMAT schools may:

5.5.1 transfer information to any association society or club set up for the purpose of maintaining contact with pupils or for fundraising, marketing or promotional purposes relating to the school;

5.5.2 make use of photographs of pupils in its schools publications and on the school websites;

5.5.3 disclose photographs and names of pupils to the media (or allow the media to take photographs of pupils) for promotional and congratulatory purposes where a pupil may be identified by name when the photograph is published e.g. where a pupil has won an award or has otherwise excelled;

5.5.4 make personal data, including sensitive personal data, available to employees for planning curricular or extra-curricular activities;

5.5.5 keep the pupil's previous school informed of his/her academic progress and achievements e.g. sending a copy of the school reports for the pupil's first year at the school to their previous school.

5.6 Photographs with names identifying pupils will not be published on the CMAT schools website without the express permission of the appropriate individual.

5.7 Any wish to limit or object to any use of personal data should be notified to the Principal in writing, which notice will be acknowledged by the Principal in writing. If, in the view of the Principal the objection cannot be maintained, the individual will be given written reasons why the school cannot comply with their request. Parents who do not want their child's photograph or image to appear in any of the school's promotional material, or be otherwise published, must also make sure their child knows this.

5.8 Pupils, parents and guardians should be aware that where photographs or other image recordings are taken by family members or friends for personal use the DPA will not apply e.g. where a parent takes a photograph of their child and some friends taking part in the School sports day.

5.9 The CMAT schools may at its choosing retain permanently log books, admission registers, documents stored on IT systems, photos (and other media forms), presentations, open day documentation and other records that play an important part in the life of the school. Pupil record cards and assessment/attainment data will be retained for a minimum of 7 years after the pupil has left the school or until the pupil has reached the age of 25yrs, whichever is the later date.

## **Staff**

- 5.10 The personal data held about employees will include contact details, employment history, information relating to career progression, information relating to DBS checks, photographs, Appendix 1 provides full details of how the Academies' within the Trust will use, process and store personal data. All employees and staff processing HR data must read this and take action as necessary.
- 5.11 The data is used to comply with legal obligations placed on the Trust in relation to employment, and the education of children in a school environment. The Trust may pass information to other regulatory authorities where appropriate, and may use names and photographs of employees in publicity and promotional material. Personal data will also be used when giving references.
- 5.12 Employees should note that information about disciplinary action may be kept for longer than the duration of the sanction. Although treated as "spent" once the period of the sanction has expired, the details of the incident may need to be kept for a longer period.
- 5.13 The Trust / CMAT schools will comply with the workforce census returns as stipulated by the DfE.
- 5.14 Any wish to limit or object to the uses to which personal data is to be put should be notified to the Director of IT who will ensure that this is recorded, and adhered to if appropriate. If the Director of IT is of the view that it is not appropriate to limit the use of personal data in the way specified, the individual will be given written reasons why the Trust cannot comply with their request.

## **Other Individuals**

- 5.15 The CMAT schools may hold personal information in relation to other individuals who have contact with the school, such as volunteers and guests. Such information shall be held only in accordance with the data protection principles, and shall not be kept longer than necessary.

## **6 SECURITY OF PERSONAL DATA**

- 6.1 The Trust will take reasonable steps to ensure that members of staff will only have access to personal data relating to pupils, their parents or guardians where it is necessary for them to do so. All employees will be made aware of this Policy and their duties under the DPA. The Trust / CMAT schools will take all reasonable steps to ensure that all personal information is held securely and is not accessible to unauthorised persons.

## **7 DISCLOSURE OF PERSONAL DATA TO THIRD PARTIES**

7.1 The following list includes the most usual reasons that the Trust will authorise disclosure of personal data to a third party:

- 7.1.1 To give a confidential reference relating to a current or former employee, volunteer or pupil;
- 7.1.2 for the prevention or detection of crime;
- 7.1.3 for the assessment of any tax or duty;
- 7.1.4 where it is necessary to exercise a right or obligation conferred or imposed by law upon the Academy (other than an obligation imposed by contract);
- 7.1.5 for the purpose of, or in connection with, legal proceedings (including prospective legal proceedings);
- 7.1.6 for the purpose of obtaining legal advice;
- 7.1.7 for research, historical and statistical purposes (so long as this neither supports decisions in relation to individuals, nor causes substantial damage or distress);
- 7.1.8 to publish the results of public examinations or other achievements of pupils of the Academy;
- 7.1.9 to disclose details of a pupil's medical condition where it is in the pupil's interests to do so, for example for medical advice, insurance purposes or to organisers of school trips;
- 7.1.10 to provide information to another educational establishment to which a pupil is transferring;
- 7.1.11 to provide information to the Examination Authority as part of the examination process; and
- 7.1.12 to provide information to the relevant Government Department concerned with national education. At the time of the writing of this Policy, the Government Department concerned with national education is the Department for Education (DfE). The Examination Authority may also pass information to the DfE;
- 7.1.13 to provide information that enables the use of an external data engine or learning tool (such as basic student details and subject information to create learning spaces within tools such as, but not limited to; MyMaths, Office 365, Google Apps for Edu, Doodle, etc..)

7.2 The DfE uses information about pupils for statistical purposes, to evaluate and develop education policy and to monitor the performance of the nation's education service as a whole. The statistics are used in such a way that individual pupils cannot be identified from them. On occasion the DfE may share the personal data with other Government Departments or agencies strictly for statistical or research purposes.

7.3 The Trust / CMAT schools may receive requests from third parties (i.e. those other than the data subject, the Academy, and employees of the Academy) to disclose personal data it holds about pupils, their parents or guardians, employees or other individuals. This information will not generally be disclosed unless one of the specific exemptions under the DPA which allow disclosure applies; or where necessary for the legitimate interests of the individual concerned or the Trust.

7.4 All requests for the disclosure of personal data must be sent to Director of IT who will review and decide whether to make the disclosure, ensuring that reasonable steps are taken to verify the identity of that third party before making any disclosure.

## **8 CONFIDENTIALITY OF PUPIL CONCERNS**

8.1 Where a pupil seeks to raise concerns confidentially with a member of staff and expressly withholds their agreement to their personal data being disclosed to their parents or guardian, the school will maintain confidentiality unless it has reasonable grounds to believe that the pupil does not fully understand the consequences of withholding their consent, or where the school believes disclosure will be in the best interests of the pupil or other pupils.

## **9 DEALING WITH A SUBJECT ACCESS REQUEST**

9.1 Anybody who makes a request to see their file or their child's file or other personal data held on them is making a subject access request under the DPA. All information relating to the individual, including that held in day books, diaries and on electronic systems and email should be considered for disclosure.

9.2 All requests must be dealt with within 40 days of receipt – regardless of any school holidays.

9.3 Where a child or young person does not have sufficient understanding to make his or her own request (usually those under the age of 12, or over 12 but with a special educational need which makes understanding their information rights more difficult), a person with parental responsibility can make a request on their behalf. The Director of IT must, however, be satisfied that:

9.3.1 the child or young person lacks sufficient understanding; and

9.3.2 the request made on behalf of the child or young person is in their interests.

9.4 The school will only grant pupils' access to their personal data if, in the school's reasonable belief, the pupil understands the nature of the request.

9.5 Any individual, including a child or young person with ownership of their own information rights may appoint another person to request access to their records. In such circumstances the Trust / CMAT school must have written evidence that the individual has authorised the person to make the application and the Director of IT must be confident of the identity of the individual making the request and of the authorisation of the individual to whom the request relates.

9.6 Access to records will be refused in instances where an exemption in the DPA applies, for example, information sharing may place a child at risk of significant harm or jeopardise police investigations into any alleged offence(s).

9.7 A subject access request under the DPA must be made in writing and the school must respond within 40 days. The Academy may ask for any further information reasonably required to locate the information.

9.8 An individual only has the automatic right to access information about themselves, and care needs to be taken not to disclose the personal data of third parties where you do not have their consent, or where seeking consent would not be reasonable, and it would not be appropriate to release the information.

- 9.9 All files must be reviewed by Director of IT before any disclosure takes place. Access will not be granted before this review has taken place.
- 9.10 Where all the data in a document cannot be disclosed, a permanent copy should be made and the data obscured retyped if this is more sensible. A copy of the full document and the altered document should be retained, with the reason why the document was altered.
- 9.11 If an individual discovers that information which the Trust / CMAT School holds in relation to them is inaccurate or out of date, they should write to the Principal setting out the inaccuracy, and the accurate position. The principal will arrange for information to be corrected where the school is in agreement that the previous information was inaccurate. If the school disagrees that the information is inaccurate, it will discuss the matter with the individual, but the school has the right to maintain the original information. If the individual is unhappy with this outcome they have the right to instigate the complaints procedure/request a review of the decision by the Director of IT, as long as such review is requested with [30] days of the date of receipt of the letter, and this deadline has been notified to the individual in correspondence].

#### **Exemptions to Access by Data Subjects**

- 9.12 Confidential references given, or to be given by the schools, are exempt from subject access. The schools will therefore treat as exempt any reference given by them for the purpose of the education, training or employment, or prospective education, training or employment of any pupil, member of staff, or volunteer.
- 9.13 It should be noted that confidential references received from other parties may also be exempt from disclosure, under the common law of confidence. However, such a reference can be disclosed if such disclosure will not identify the source of the reference or where, notwithstanding this, the referee has given their consent, or where disclosure is reasonable in all the circumstances.
- 9.14 Examination scripts, i.e. information recorded by pupils during an examination, are exempt from disclosure. However, any comments recorded by the examiner in the margins of the script are not exempt even though they may not seem of much value without the script itself.
- 9.15 Examination marks do not fall within an exemption as such. However, the 40 day compliance period for responding to a request is extended in relation to examination marks to either five months from the day on which the Academy received the request or 40 days from the announcement of the examination results, whichever is the earlier.

9.16 Where a claim to legal professional privilege could be maintained in legal proceedings, the information is exempt from disclosure unless the privilege is waived.

#### **Repeated Requests for Access to Records**

9.17 Unless a reasonable period of time has lapsed between the compliance with one request and receipt of the next, the DPA allows for access to be refused when the applicant has made repeated requests for information already provided.

#### **Charging**

9.18 The maximum fee which can be charged is £10 and must not exceed the cost of supplying the information. The Academy Trust intends to charge this fee as a matter of course.

#### **Section 10 Notices**

9.19 Any request to stop dealing with personal data by the Trust because of damage or distress caused should be treated as a request under section 10 DPA. Any such request must be notified to the Principal who will deal with them as appropriate.

## **10 CONTACT**

10.1 If anyone has any concerns or questions in relation to this policy they should contact Director of IT.

# FREEDOM OF INFORMATION

## 1 INTRODUCTION

1.1 The Trust is subject to the Freedom of Information Act 2000 (FOI) as a public authority, and as such, must comply with any requests for information in accordance with the principles laid out in the Act.

## 2 WHAT IS A REQUEST UNDER FOI

2.1 Any request for any information from the Trust is technically a request under the FOI, whether or not the individual making the request mentions the FOI. However, the ICO has stated that routine requests for information (such as a parent requesting a copy of a policy) can be dealt with outside of the provisions of the Act.

2.2 In all non-routine cases, if the request is simple and the information is to be released, then the individual who received the request can release the information, but must ensure that this is done within the timescale set out below. A copy of the request and response should then be sent to the Director of IT.

2.3 All other requests should be referred in the first instance to the Principal (and logged with the Director of IT) who may allocate another individual to deal with the request. This must be done promptly, and in any event within 3 working days of receiving the request.

2.4 When considering a request under FOI, you must bear in mind that release under FOI is treated as release to the general public, and so once it has been released to an individual, anyone can then access it, and you cannot restrict access when releasing by marking the information “confidential” or “restricted”.

## 3 TIME LIMIT FOR COMPLIANCE

3.1 The Trust / CMAT School must respond as soon as possible, and in any event, within 20 working days of the date of receipt of the request. For an Academy, a “working day” is one in which pupils are in attendance, subject to an absolute maximum of 60 calendar days to respond.

## 4 PROCEDURE FOR DEALING WITH A REQUEST

4.1 When a request is received that cannot be dealt with by simply providing the information, it should be referred in the first instance to the Director of IT who may re-allocate to an individual with responsibility for the type of information requested.

4.2 The first stage in responding is to determine whether or not the Trust / CMAT School “holds” the information requested. The Trust / CMAT school will hold the information if it exists in computer or paper format. Some requests will require the Trust / CMAT School to take information from different sources and manipulate it in some way. Where this would take minimal effort, the Trust / CMAT School is considered to “hold” that information, but if the required manipulation would take a significant amount of time, the requestor should be contacted to explain that the information is not held in the manner requested, and offered the opportunity to refine their request. For example, if a request required the Trust / CMAT School to add up totals in a spreadsheet and release the total figures, this would be information “held”. If the school would have to go through a number of spread sheets and identify individual figures and provide a total, this is likely not to be information “held” by the Trust / CMAT school, depending on the time involved in extracting the information..

4.3 The second stage is to decide whether the information can be released, or whether one of the exemptions set out in the Act applies to the information. Common exemptions that might apply include:

- 4.3.1 Section 40 (1) – the request is for the applicants personal data. This must be dealt with under the subject access regime in the DPA, detailed in paragraph 9 of the DPA policy above;
- 4.3.2 Section 40 (2) – compliance with the request would involve releasing third party personal data, and this would be in breach of the DPA principles as set out in paragraph 3.1 of the DPA policy above;
- 4.3.3 Section 41 – information that has been sent to the Trust (but not the Trust's own information) which is confidential;
- 4.3.4 Section 21 – information that is already publicly available, even if payment of a fee is required to access that information;
- 4.3.5 *Section 22 – information that the Trust intends to publish at a future date;*
- 4.3.6 *Section 43 – information that would prejudice the commercial interests of the Trust and/or a third party;*
- 4.3.7 *Section 38 – information that could prejudice the physical health, mental health or safety of an individual (this may apply particularly to safeguarding information);*
- 4.3.8 *Section 31 – information which may prejudice the effective detection and prevention of crime – such as the location of CCTV cameras;*
- 4.3.9 *Section 36 – information which, in the opinion of the Trust, would prejudice the effective conduct of the Trust There is a special form for this on the ICO's website to assist with the obtaining of the chair's opinion.*

4.4 The sections mentioned in italics are qualified exemptions. This means that even if the exemption applies to the information, you also have to carry out a public interest weighting exercise, balancing the public interest in the information being released, as against the public interest in withholding the information.

## **5 RESPONDING TO A REQUEST**

5.1 When responding to a request where the Trust / CMAT School has withheld some or all of the information, the Trust/ CMAT school must explain why the information has been withheld, quoting the appropriate section number and explaining how the information requested fits within that exemption. If the public interest test has been applied, this also needs to be explained.

5.2 The letter should end by explaining to the requestor how they can complain – either by reference to an internal review or by writing to the ICO.

## **6 CONTACT**

6.1 Any questions about this policy should be directed in the first instance to Director of IT.

## APPENDIX 1

### Data Protection – Employees

#### **THIS MUST BE READ BY ALL STAFF MANAGING EMPLOYEE DATA.**

This appendix provides more detail in regards to:

1. Staff recruitment
2. Retention of Information
3. Employment records
4. Access to information
5. Security
6. Pension and insurance schemes
7. Equal opportunities monitoring
8. Marketing material
9. Fraud detection
10. Disclosure requests
11. Monitoring at work
12. Performance management records
13. Monitoring the use of electronic communications
14. Information about employees' health
15. Sickness and ill-health records
16. Occupational health
17. Medical examinations
18. Equal Opportunities
19. Monitoring and review

#### **1 Recruitment**

In advertising for posts the Academy will include a statement setting out the purposes for which personal information may be used, on the lines of:

*'Personal information provided by candidates will be kept in a secure file in the Academy and will not be released to third parties outside the Academy without the permission of the person concerned, except where there is a legal requirement so to do.'*

Within the Academy the Principal will determine who may have limited access to information and will inform the person(s) concerned that this is being done.

##### **1.1 DBS Checks**

DBS checks will be carried out in line with the government guidance in *Safeguarding Children and Safer Recruitment in Education 2016*

Other vetting which is required by law (e.g. for some jobs under the *Protection of Children's Act 1999*) will be carried out as necessary, and in line with current regulations and local authority policy.

Checks to verify the qualifications and fitness to teach will also be carried out. Other checks may be carried out to verify information provided by candidates for posts.

## **1.2 References**

The Academy will comply with Keeping children safe in education; Statutory guidance for schools and colleges 2016

## **1.3 Short listing**

Candidates will be informed that the selection panel will have access to the information provided in the application and any references/testimonials received.

## **1.4 Interviews**

Relevant to the recruitment process (and information that may be required in defence against any discrimination claims) will be retained after the interview. Candidates will be told which information will be retained. This will be retained for 6 months.

All other interview material will be destroyed immediately after the interview.

## **2. Retention of information**

Information obtained for recruitment purposes will not be retained beyond six months.

Information obtained on criminal convictions once verified by the DBS will be deleted, but noted on the single central record.

Information provided to confirm a person's identity and the right to work in the UK will be kept on file indefinitely.

Information about unsuccessful candidates will otherwise be deleted at the end of the recruitment process.

## **3. Employment records**

This is covered by Part 2 of the *Employment Practices Code*. The Academy aims to balance the Academy's need to keep records and the employee's right to a private life.

## **4. Access to information**

All employees have a right to know the nature and source of information kept about them. Employees will be able to check the personal data held through the Trust's HR System PANDA.

Employees may request at any other time to see the information kept about them in order to verify their accuracy. Employees can make representations to the Principal, and if not satisfied, to the Trust HR Manager, about information being retained that is inaccurate or is of a sensitive personal nature.

Employees have the right to apply for access to information required for a discipline, capability or grievance hearing (unless the provision of such information might prejudice criminal investigation). The records kept should only be sufficient to support conclusions drawn. Unsubstantiated allegations should normally be removed.

Spent discipline warnings will be removed. The reason for the any termination of contract will be recorded.

Personal data collected in regards to sick absence, disciplinary, capability and grievance matters will be identified as confidential and kept separate in an employee's record.

Principals, HR, and line Managers may have access to information contained in a personnel file. Information provided must only as specifically required and the receiver must confirm that the information will be stored securely. Any withdrawal of records must be signed for as an audit trail.

The Academy must respond to any request within 40 calendar days. Although a fee up to £10 may be charged under the legislation, this Academy will not normally charge for access to information, although the Trust reserves the right to charge up to £10 in exceptional circumstances.

## **5 Security**

The Principal or person delegated to, will take necessary precautions to ensure that both electronic and manual files are secure.

**Personal files will be kept in locked cabinets at all times. HR personnel must make sure that all cabinets are locked with the key removed if leaving the office. Personnel papers must not be left on desks overnight or in an unlocked office. PC screens must be locked down before leaving the desk and passwords must not be shared.**

IT personnel who may have access to sensitive data must be made aware of their responsibilities under the Data Protection Act.

Care must be taken not to divulge personal information relating to employees in conversations that can be overheard or to the wrong audience.

## **6. Pension and insurance schemes**

Information may be supplied to a third party for pensions and insurance schemes, where such information is necessary. The employees concerned must be informed about how the information will be dealt with.

## **7. Equal opportunities monitoring**

Information on both students and staff is periodically required by the government and other bodies authorised to request information. This is sensitive personal data, and the information should be kept to a minimum, and as far as possible in an anonymous form.

Information in regards to employees is required to enable the Trust to meet obligations under the Public service Equality Data and will request that employees provide this data. Trade Unions also request that the Trust provide equal opportunities data in regards to Pay outcomes on an annual basis.

## **8. Marketing material**

No information about employees or students will be provided to marketing companies, unless the person(s) concerned have given explicit permission.

## **9. Disclosure requests**

Members of staff who receive requests for references or other information about members of the current or previous employees at the Academy should inform the Principal before providing the information to ensure that they are acting within the law and official guidance. Only the Chief Executive Officer, Chief Operating Officer, Principal or Acting Principal can provide employment references.

## **10. Monitoring at work**

The Trust aims to keep all monitoring at work within the provisions of the *Data Protection Act 1998* and the *European Convention of Human Rights*.

## **11. Performance management records**

Performance reviews will be carried out on all employees in accordance with the agreed scheme. The reports on teaching staff performance obtained through the annual formal performance management system can only be retained by the Principal (with a copy to the member of staff concerned). Only details about professional development needs/requests may be shared with other staff. Objectives / Targets may be shared with appropriate line managers in regards to supporting the employee through appraisal / capability processes. Information may be shared with the Trust Pay Review committee to determine pay progression.

In this Trust the same arrangements will be in place for performance records of all staff. Core Trust records will be managed by the Trust HR Manager and the Chief Operating Officer.

## **12. Monitoring the use of electronic communications**

The Trust aims not to intrude into the private lives of staff but reserves the right to monitor the use of Academy computers, video and audio machines, phones and fax machines and will keep appropriate records, which can be accessed on request to the Principal of the relevant Academy.

Employees have a right to privacy under the human rights legislation and under the *Data Protection Act 1998*. The Academy is aware of its obligations. However, the Trust intend to use their powers under the *Telecommunications (Lawful Business Practice) (Interception of Communications) Regulations 2000 (LBP Regulations)* made under the *Regulation of Investigatory Powers Act 2000* which permits an employer to vet communications without the consent of the caller, writer or recipient where the intention is:

- a) to establish the existence of facts applicable to the business;
- b) to ascertain compliance with regulatory practices;
- c) for the purposes of quality control;
- d) to detect viruses or other dangers to the system; or
- e) to determine whether communications are relevant to the business.

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All staff are advised that such monitoring might take place at the Academy for these purposes including for the misuse of Academy equipment or its use for inappropriate purposes.

## **13. Information about employees' health**

This is covered by Part 4 of the Employment Practices Code.

Any data on an employee's state of physical or mental health is sensitive personal data and will only be kept when the employee has been told what information is involved and the use that will be made of it, and the arrangements for its security. The employee must give written consent to its retention.

## **14. Sickness and ill-health records**

14.1 As far as possible the Academy should only retain information that is necessary to establish an employee's fitness for work. The Trust has delegated to the Principal the responsibility for determining what is necessary.

The Trust recognises the difference between a 'sickness or injury record' and an 'absence record'.

14.2 Sickness or injury records contain sensitive personal information. Sickness records must be kept separately from the general personnel file and access restricted. They will only be kept for specific purposes with the signed written permission of the employee. (E.g. in the case of capability or absence through ill-health proceedings). However, this does not prevent the Academy from recording that sickness notes have been received, and the dates of the absence.

14.3 No information about any of the above records will be made available to other employees unless it is necessary in order that they can fulfil their managerial roles.

Employees who manage the schools sick absence telephone / notifying absence line must ensure that the information is treated as sensitive, not discussed in an open forum, not written down on pieces of paper and left on desks and only passed to the relevant person recording and managing the absence process.

14.4 Requests for information from doctors and other medical practitioners will be in accordance with the *Access to Medical Reports Act 1998*. Employees must give their consent for this information to be requested and for such information to be stored securely by the school.

## **15. Occupational Health**

The Academy has arrangements in place for access to occupational health information and consultation. All employees will be informed about how health information will be used under the scheme and who will have access to it.

## **16. Medical examinations**

### **16.1 Recruitment**

Job applicants must only be medically examined to ensure they are:

- fit for the role;
- to meet legal requirements;
- determine the terms on which they are eligible to join a pension or insurance scheme.

The Academy will make clear during the recruitment process that tests might be necessary.

### **16.2 Current employees**

Medical information will only be obtained through examination or testing if:

- the tests are part of a voluntary occupational health and safety programme;
- necessary to prevent a significant health risk;

- needed to determine an employee's continuing fitness for the role;
- needed to determine whether an employee is fit to return to work after a period of absence;
- needed to determine an employee's entitlement to health-related benefits;
- needed to prevent discrimination on the grounds of disability, or to assess the need to make reasonable adjustments, or to comply with other legal obligations.

## **17. Equal Opportunities**

In implementing and amending this policy the Trust will take into account the Trust's equal opportunities policies.