



# Information Policy (Data Protection and Freedom of Information)

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## 1.Purpose, Scope, Definitions & Principle

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### 1.1 PURPOSE

Pontefract Academies Trust (“The Trust”) is required to collect, hold, process and share information to enable it to operate. This policy is to ensure that the Trust complies with the requirements of the General Data Protection Regulation (GDPR), Environmental Information Regulations 2004 (EIR) and Freedom of Information Act (FOIA), associated guidance and Codes of Practice issued under legislation.

Where this policy refers to the Trust it will be referring to information held and processed by the following schools in addition to that of the central Trust headquarters:

- Carleton High School
- Carleton Park J&I School
- De Lacy Primary School
- Halfpenny Lane Junior Infant & Nursery School
- Larks Hill Junior & Infant School
- Orchard Head JI&N School
- The King's School
- The Rookeries Carleton J&I School

### 1.2 SCOPE

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

- Hard copy 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 internet and intranet; and
- Photographs and other digital images

### 1.3 DATA CONTROLLER

The Trust is the Data Controller as defined in the Data Protection Act 1998 and is registered with the Information Commissioners Officer (ICO) as registration number

## 1.Purpose, Scope and Definitions

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**ZA021300.** The details of this registration can be found on the following link to the Information Commissioners Office website:

<https://ico.org.uk/ESDWebPages/Entry/ZA021300>

The Trust will renew the registration annually in October of each year. If the Trust introduces any new purposes for processing personal information, then it will notify the ICO, requesting that the new purpose be included in the registration.

### 1.4 DATA PROTECTION OFFICER

The Trust has appointed a Data Protection Officer (DPO) and informed the Information Commissioners Office of this appointment:

Schools Data Protection Officer  
Veritau Ltd  
County Hall  
Racecourse Lane  
Northallerton  
DL7 8AL  
[schoolsDPO@veritau.co.uk](mailto:schoolsDPO@veritau.co.uk)  
01609 53 2526

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

- Acting as a 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 the information security breaches;
- Providing advice on all aspects of data protection as required, including information requires, information sharing and data protection impact assessments; and
- Reporting to the Trustees on the above matters.

### 1.5 DEFINITIONS

1.5.1 **Personal data** is any information relating to an identified or identifiable natural person (data subject); an identifiable person is one who can be identified directly or indirectly, in particular by reference to an identifier such as a name, an identification

## 1.Purpose, Scope and Definitions

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number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identify of that natural person.

In effect, this includes such things as IP addresses, biometric data, as well as genetic data.

The GDPR applies to both automated personal data and to manual filing systems where personal data are accessible according to specific criteria. This could include chronologically ordered sets of manual records containing personal data

- 1.5.2 **Sensitive personal data** is information that relates to race and ethnicity, political opinions, religious beliefs, trade union membership, genetic data, biometric data, health, sex life, sexual orientation. There are greater legal restrictions on processing sensitive personal data than there are on personal data. It must always be adequately protected.

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

### 1.6 GDPR PRINCIPLES

In accordance with the requirements outlined in the GDPR, anyone handling information in the Trust or on behalf of the Trust will have a responsibility to ensure that personal data will be:

- Processed lawfully, fairly and in a transparent manner in relation to individuals.
- Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes.
- Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.
- Accurate and, where necessary, kept up-to-date; every reasonable step must be taken to ensure that personal data that are inaccurate, having

## 1.Purpose, Scope and Definitions

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regard to the purposes for which they are processed, are erased or rectified without delay.

- Kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods, insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes, subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals.
- Processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

### 1.7 RELATED POLICIES OR PROCEDURES

The Information Policy will be read in conjunction with other policies and procedures that relate to conduct, system and procedures. This includes:

- Staff Code of Conduct, including safe working practice guidance
- Information Security Policy
- Information Security Incidents Reporting Policy
- Records Management Policy and Procedures
- Surveillance Policy (including CCTV)

### 1.8 COMPLAINTS

Any complaints about the way which personal data has been handled should contact the Data Protection Officer on the address set out in paragraph 1.4 of this policy.

Any complaints in relation to a Freedom of Information or Environmental Regulations Requests should be made in accordance with the Trust Complaints Policy.

## **2. Roles, Responsibilities & Training**

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### **2.0 CEO AND EXECUTIVE LEADERSHIP TEAM**

The CEO and Executive Leadership Team are responsible for ensuring that information risks are assessed and mitigated to an acceptable level. This includes ensuring that all individuals involved in governance, employees and any other authorised trust/school users are aware of their obligations under this policy and related procedures and are given the necessary support and training to meet their obligations.

### **2.1 HEADS OF SCHOOL**

Each Head of School is responsible for the management of information risk in their school and for any services/third party processors contracted for directly by the school. This includes

- ensuring the security and use of information assets;
- annual review of the Information Asset Register and informing the DPO of any significant changes to the information assets as soon as possible;
- ensure that data protection impact assessments undertaken in accordance with this policy;
- ensure that records are maintained and disposed of in accordance with the records management policy;
- ensure that all information security incidents are handled in accordance with the Information Security Incidents Reporting policy

### **2.2 RESPONSIBILITIES OF ALL EMPLOYEES**

All employees have responsibility for data protection and must read, understand, and adhere to any policies and procedures that relate to personal data that they may handle and undertake any associated training provided.

All employees must understand the main concepts of Data Protection legislation and report any risks to the security of personal data processed to their line manager immediately.

All employees must be aware of the Freedom of Information Act and what it means.

### **2.3 TRAINING**

The Trust will ensure that appropriate guidance and training is given to trustees, school governors, employees and other authorised trust/school users. This will

## **2. Roles, Responsibilities & Training**

include where appropriate access to information procedures, records management, data breach procedures, information security including using email and the internet.

The Data Protection Officer will be consulted and provide advice on training to ensure that training resources and their implementation are effective.

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

### 3. Information Asset Register

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3.1 The Data Protection Officer will advise the Trust in developing and maintaining an Information Asset Register (IAR). The register will include the following information for each asset:

- An individual information asset identification name or number;
- The owner of the asset (who is responsible for managing it)
- Description and purpose of the asset
- Format and location of the asset
- Whether there is a privacy notice published for that asset;
- Which employee roles/teams have routine access to the information
- Retention period for the asset.
- Lawful basis for processing
- Where any data has been shared with any other data controllers
- Where the data has been shared with any third-party data processors contracted to process information through a Data Processing Agreement;
- Existence of any automated decision-making, profiling or data matching (if applicable)

The IAR will be reviewed annually and the Head of School will be responsible for informing the DPO of any significant changes to their information assets as soon as possible.

## 4. Privacy Notices

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- 4.1 The Trust will provide a privacy notice to data subjects each time it obtains information from or about that data subject.

The privacy notice supplied to individuals in regard to the processing of their personal data will be written in clear, plain language which is concise and transparent.

- 4.2 The following privacy notices will be in place as a minimum:

- Privacy notice for pupils, parents, carers
- Privacy notice for applicants
- Privacy notice for staff
- Privacy notice for Members/Trustees/School Governors
- Privacy notice for volunteers

- 4.3 All privacy notices will be displayed on the Trust and each school's individual website in an easily accessible area.

This notice will also be provided in a hard copy to pupils and parents at the start of the year as part of their information pack.

All other privacy notices stated above will be provided on application, or appointment to the Trust.

Other specific privacy notices will be issued where the data subject requires more information about specific processing.

- 4.4 All Privacy Notices will be reviewed and approved by the Data Protection Officer prior to being published or issued. A record of privacy notices will be retained on the Trust Information Asset Register.

## 5. Consent

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- 5.1 The Trust will seek a positive indication of consent prior to processing any data which cannot be done so under any other lawful basis, such as complying with a regulatory requirement.
- 5.2 The Trust will retain records where consent is given.
- 5.3 The Trust will put in place arrangements for data subjects to withdraw their consent at any time.
- 5.4 Where a child is under the age of 16 [or younger if the law provides it (up to the age of 13)], the consent of parents will be sought prior to the processing of their data, except where the processing is related to preventative or counselling services offered directly to a child.
- 5.5 Consent will only be gained from pupils where they request it and it is deemed that the pupil has a sound understanding of what they are consenting to.

## 6. Information Sharing and Third-Party Processors

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### 6.1 INFORMATION SHARING

To fulfil its duty of education provision The Trust may be required share information with third parties. Routine and regular information sharing arrangements will be documented in the main privacy notices detailed in Section 4 of this Policy. Any ad-hoc sharing of information will be done in compliance with our legislative requirements.

### 6.2 THIRD PARTY PROCESSORS

All third-party contractors who process data on behalf of the Trust must be able to provide assurance 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 in contained.

The Executive Leadership Team may determine that any data processing by a third party ceases immediately if it considers that the third party has not got adequate data protection safeguards in place.

If any data processing is going to take place outside the European Economic Area (EEA) then the Data Protection Officer **must** be consulted prior to any contracts being agreed.

## 7. Requests for Information under GDPR - Subject Access Requests

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- 7.1 Individuals have the right to obtain confirmation that their data is being processed. They also have the right to submit a subject access request (SAR) to gain access to their personal data and verify the lawfulness of processing.
- 7.2 Any individual appointed by the Trust as a member/trustee/governor or employee may receive a request for an individual's personal information. In all instances these requests should be immediately forwarded to the Director of Finance Business and Operations (dpo@patrust.org.uk) who will manage the SAR response process and liaise with the DPO if required.
- 7.3 Whilst the GDPR does not require such requests to be made in writing, applicants are encouraged where possible to do so.
- 7.4 Requests will be logged on the Central Trust register and acknowledged within 5 working days.
- 7.5 The Trust will take the necessary measures to validate the identity of the requester through asking for additional information such as:
  - Valid Photo ID (driving licence, passport)
  - Proof of address (utility bill, council tax letter)
  - Further information for the Trust to be satisfied of the requester's identity

Once the Trust is satisfied of the requester's identity and has been provided enough information on which to respond to the request it will be considered valid. The request will then be responded to within the statutory timescale of one calendar month.

- 7.6 The Trust can apply a discretionary extension of up to a further two calendar months (ie three months in total) 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. The Trust will seek guidance from the DPO in these circumstances prior to informing the requester. The extension period will be kept to a minimum and will not be used as a way of managing workloads.
- 7.7 In very limited cases where a request is deemed manifestly unfounded or excessive, the Trust holds the right to refuse to respond to the request. This would be the case if responding would involve an unjustified amount of time and resource to comply. The individual will be informed of this decision and the reasoning behind it, as well as their right to complain to the supervisory authority and to a judicial remedy, within one month of the refusal. The Trust will seek guidance from the DPO where it

## 7. Requests for Information under GDPR - Subject Access Requests

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considers that any exemptions are necessary to apply.

- 7.8 If a subject access request is made by a parent of a child who is 12 years of age or over, the Trust may consult with the pupil/student or ask that they submit the request on their own behalf. This decision will be made based on the capacity and maturity of the pupil/student in question.
- 7.9 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.
- 7.10 A copy of the information following a subject access request will be supplied to the individual free of charge. A copy of information held within a pupil's education record may incur a charge at the Trust's discretion.

## 8. Data Subject Rights

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- 8.1 Data Subjects have a series of rights in addition to their right to access information. These include:
  - Right to rectification
  - Right to erasure
  - Right to restrict processing
  - Rights to data portability
  - Rights in relation to automated decision making and profiling
- 8.2 All requests exercising these rights must be in writing and forwarded to the individual school records email address ([schoolrecords@](mailto:schoolrecords@)) or where appropriate trust records email address ([trustrecords@](mailto:trustrecords@)) who will acknowledge the request and respond within one calendar month. Advice regarding such requests will be sought from the DPO.
- 8.3 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.

## 9. Privacy by Design & Privacy Impact Assessments

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- 9.1 The Trust will act in accordance with the GDPR by adopting a privacy by design approach and implementing technical and organisational measures which demonstrate how the Trust has considered and integrated data protection into processing activities
- 9.2 Data protection impact assessments (DPIAs) will be used to identify the most effective method of complying with the Trust's data protection obligations and meeting individuals' expectations of privacy.
- 9.3 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 the relevant advice.
- 9.4 A DPIA will usually be required in advance of introducing new technologies or when the processing is likely to result in a high risk to the rights and freedoms of individuals.
- 9.5 High risk processing includes, but is not limited to, the following:
  - Systematic and extensive processing activities, such as profiling
  - Large scale processing of special categories of data or personal data which is in relation to criminal convictions or offences
  - The use of CCTV.
- 9.6 Where a DPIA indicates high risk data processing, the DPO may be required to consult the Information Commissioners Office (ICO) to seek its opinion as to whether the processing operation complies with the GDPR

## 10. Requests for Information – Freedom of Information Act 2000 & Environmental Information Regulations 2004

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10.1 Requests for Information in accordance with the Freedom of Information Act 2000 or the Environmental Information Regulations should be made either by emailing [dpo@patrust.org.uk](mailto:dpo@patrust.org.uk) or in writing to FOI Request, Pontefract Academies Trust, c/o Barracks Business Centre, Wakefield Road, Pontefract. WF8 4HH. Responses to all requests will be managed by the Director of Finance Business and Operations who will be responsible for:

- Identifying whether the requested information is held
- Locating it, retrieving it or extracting the information;
- Considering whether any exemption might apply, and 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

The Trust will only accept a request for information which meets all the following criteria:

- It is in writing
- It states the name of the applicant and the address for correspondence
- It describes the information requested

The Trust will not consider requests which require it to click on electronic links.

Environmental Information Regulation requests can be made verbally, however, the Trust will endeavour to follow this up in writing with the requester to ensure accuracy.

10.2 Each request received will be acknowledged within 5 school working days. The DPO will be consulted on 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 document clearly:

- the benefits of both disclosing or withholding the requested information; and
- Where necessary seek guidance from previous case law in deciding where the balance lies.

The CEO will give final approval for the disclosure or non-disclosure of information where a public interest test has been applied.

## 10. Requests for Information – Freedom of Information Act 2000 & Environmental Information Regulations 2004

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- 10.3 The Trust will respond to the request within 20 school working days.
- 10.4 The Trust will not comply with section 10.3 of this policy where:
- The Trust reasonably requires further information to meet a freedom of information request, has informed the applicant of this requirement, but was not subsequently supplied with that further information
  - The information is no longer readily available as it is contained in files that have been placed in archive storage or is difficult to access for similar reasons
  - A request for information is exempt under Section 2 of the Freedom of Information Act 2000
  - The cost of providing the information exceeds the appropriate limit
  - The request is vexatious
  - The request is a repeated request from the same person made within 60 consecutive days of the initial one.
  - A fee notice was not honoured
- 10.5 The Trust will not comply with any freedom of information request that exceeds the statutorily imposed appropriate limit of £450. When determining whether the cost of complying with a freedom of information request is within the appropriate limit, the Trust will take account only of the costs it reasonably expects to incur in relation to:
- Determining whether it holds the information
  - Locating the information, or a document which may contain the information
  - Retrieving the information, or a document which may contain the information
  - Extracting the information from a document containing it
- 10.6 The Trust may, within 20 working days, give an applicant who has requested information from the Trust, a written notice stating that a fee is to be charged for the Trust's compliance.
- Charges may be made for disbursements, such as the following:
- Photocopying
  - Postage and packaging
  - Costs directly incurred as a result of viewing information

## **10. Requests for Information – Freedom of Information Act 2000 & Environmental Information Regulations 2004**

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Fees charged will not exceed the total cost to the school of:

- Informing the person making the request whether we hold the information.
- Communicating the information to the person making the request.

Where a fee is to be charged, the Trust will not comply with section 17.3 of this policy unless the requested fee is paid within a period of three months, beginning with the day on which the fees notice is given to the applicant.

The Trust will not take into account any costs which are attributable to the time spent by persons undertaking any of the activities mentioned above.

When calculating the 20th working day in which to respond to a freedom of information request, the period beginning the day on which the fee notice is given to the applicant and ending with the day on which the fee is received, will be disregarded.

### **10.7 Publication of Information**

The Trust publishes in accordance with the Publication Scheme attached as Annex 1 to this policy and publishes as much information as possible on the Trust and school websites as appropriate in the interests of transparency and accountability.

### **10.8 Copyright**

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 Trust is not re-used in a way which infringes those interests, whether or not any such warning was given.

### **10.9 Record Retention & Disposal**

Retention periods will be determined by any legal requirement, best practice or national guidance, and lastly by the organisational necessity to retain the information. The Trust Record Management Policy and Procedures set out the Trust's arrangements.

## Annex 1: Freedom of Information Publication Scheme

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<b>Information to be published.</b>	<b>How the information can be obtained (hard copy and/or website)</b>	<b>Cost</b>
<b>Class 1 - Who we are and what we do</b>		
Who's who in the Trust and its schools	Trust Website School Websites	Free
Who's who on the Members/ Trust Board / School Governance Committees	Trust Website School Websites	Free
Instrument of Government/Articles of Association/Funding Agreement	Trust Website	Free
Contact details for the CEO, Headteacher, Head of School and for the Trust Board, School Governance Committees via the Trust/schools (named contacts where possible).	Trust Website School Websites	Free
School prospectus (if any)	School Websites	Free
Staffing structure	Trust Website School Websites	Free
School session times and term dates	School Websites	Free
Address of school and contact details, including email address	Trust Website School Websites	Free
<b>Class 2 - What we spend and how we spend it</b>		
Annual budget plan	Hard Copy	Free
Annual Report and Financial statements	Trust Website	Free
Capital funding	Hard Copy	Free
Financial audit reports	Hard Copy	10p/sheet
Procurement and contracts the Trust has entered into, or information relating to/a link to information	Hard Copy	10p/sheet

## Annex 1: Freedom of Information Publication Scheme

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<b>Information to be published.</b>	<b>How the information can be obtained (hard copy and/or website)</b>	<b>Cost</b>
held by an organisation which has done so on its behalf (for example, a local authority or diocese).		
Pay policy	Trust Website	Free
<b>Class 3 – What our priorities are and how we are doing</b>		
School profile	School Website	Free
Performance data supplied to the English Government, or a direct link to the data	School Website	Free
The latest Ofsted report	School Website	Free
Post-inspection action plan	Hard Copy	Free
Performance management policy and procedures.	Trust Website	Free
Performance data or a direct link to it	Trust Website School Websites	Free Free
The school's future plans; for example, proposals for and any consultation on the future of the school, such as a change in status	Trust Website School Websites	Free Free
Safeguarding and child protection	School Websites	Free
<b>Class 4 – How we make decisions</b>		
Admissions policy/decisions (not individual admission decisions) – where applicable	Trust Website School Websites	Free
Agendas and minutes of meetings of the Trust Board and its committees. (NB this will exclude information that is properly regarded as private to the meetings).	Hard Copy	10p/sheet

## Annex 1: Freedom of Information Publication Scheme

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<b>Information to be published.</b>	<b>How the information can be obtained (hard copy and/or website)</b>	<b>Cost</b>
<b>Class 5 – Our policies and procedures</b>		
Governance Policies Finance Policies HR Policies Health and Safety at Work Policies Records management and personal data policies, including: <ul style="list-style-type: none"><li>• Information security policies</li><li>• Records retention, destruction and archive policies</li><li>• Data protection (including information sharing policies)</li></ul>	Trust Website School Websites	Free
Charging regimes and policies.	School Websites	Free
<b>Class 6 – Lists and Registers</b>		
Curriculum circulars and statutory instruments	Hard Copy	Free
Any information the school is currently legally required to hold in publicly available registers (THIS DOES NOT INCLUDE THE ATTENDANCE REGISTER)	Hard copy	10p/sheet
<b>Class 7 – The services we offer</b>		
Extra-curricular activities	School Websites	Free
Out of school clubs	School Websites	Free
Services for which the school is entitled to recover a fee, together with those fees	Hardcopy	10p/sheet
School publications, leaflets, books and newsletters	School Webiste or on request from school	Free
<b>Additional Information</b>		
Subject Access Requests	Hard Copy or Electronic	No Charge

## Annex 1: Freedom of Information Publication Scheme

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### SCHEDULE OF CHARGES -

This describes how the charges have been arrived at.

TYPE OF CHARGE	DESCRIPTION	BASIS OF CHARGE
<b>Disbursement cost</b>	Photocopying/printing @ 10p per sheet (black & white)	Actual cost *
	Postage	Actual cost of Royal Mail standard 2 <sup>nd</sup> class

\* the actual cost incurred by the Trust