



## DATA PROTECTION POLICY

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Authorisation by resolution of:	Governors	Date of next review:	As required

### General information

Blanchelande College collects and uses personal information about staff, pupils, parents and other individuals who come into contact with the College. This information is gathered to enable us to provide educational and associated functions. Information is also collected and used in order to comply with our statutory obligations. The relevant law in Guernsey is The Data Protection (Bailiwick of Guernsey) Law, 2017. This Law sets out what can and what cannot be done with personal data. The College has an obligation to comply with the provisions of that Law.

In order to operate effectively, the College needs to collect and use certain types of information about the people with whom we deal, including pupils, parents, guardians, staff, governors, trustees, suppliers, governmental bodies and others with whom we communicate. The Law requires that we deal with such information fairly, properly and securely in accordance with certain key principles. We are also required to register with the Data Protection Commissioner as a data controller, which we have done. This policy sets out how the College complies with these requirements.

### The 7 data protection principles

The Data Protection Law lays down the following principles:

1. **Lawfulness, Fairness and Transparency.** Processing of personal data is lawful only if a valid condition for processing can be relied upon. Personal data must be processed fairly. Transparency of processing is achieved by the provision of information to the individual at the time of collection explaining how the personal data is to be used including how long it is to be retained for, to whom it may be disclosed or transferred, together with reference to the rights individuals have over their data.
2. **Purpose Limitation** - Personal data must be collected for a specific, explicit and legitimate purpose and once collected must not be processed in a manner incompatible with that purpose or those purposes.
3. **Minimisation** - personal data processed must be adequate, relevant and limited to what is necessary in relation to the purpose for which it is processed.
4. **Accuracy** - Personal data must be accurate and where applicable, kept up to date, and reasonable steps must be taken to ensure that personal data that is inaccurate



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(having regard to the purpose for which it is processed) is erased or corrected without delay.

5. **Storage Limitation** - Personal data must not be kept in a form that permits the identification of a data subject any longer than is necessary for the purposes for which it is processed.
6. **Integrity and Confidentiality** - Personal data must be processed in a manner that appropriately ensures its security, including protecting it against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.
7. **Accountability** - Controllers are responsible for compliance with the data protection principles and must be able to demonstrate that compliance.

Further details can be found at the website of [Office of Data Protection](#).

## Data protection in practice

The College is committed to upholding the good data protection principles at all times. What that means in practice is that the College will:

1. Inform you when and why information will be collected.
2. Inform you about when your information will be shared, why and with whom it will be shared.
3. Undertake periodic checks to ensure that the information we hold on you is accurate.
4. Only keep your information for the minimum period we need to comply with our obligations.
5. Ensure that any obsolete information is destroyed appropriately and securely.
6. Ensure that effective safeguards are in place to protect personal information from loss, theft and unauthorised disclosure.
7. Share information with others only when it is legally appropriate to do so.
8. Ensure that effective procedures are in place to allow us to comply with your rights to request access to the personal information which we store about you (see below).
9. Ensure that our staff, trustees and governors are aware of and understand our policies and procedures and follow the good data protection principles at all times. To achieve that commitment, we will ensure that everyone who handles personal



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information on behalf of the College is given guidance on good data protection practice, including appropriate training and supervision.

10. Place specific responsibility for data protection issues within the College on the Principal and a designated governor.

The Privacy Notice can be found in the appendix of this policy. The privacy notice summarises the information which we collect and hold about pupils, why it is held and the other parties to whom it may be passed on.

## **Lawful processing**

When the College processes personal data, it may do so under one of the conditions for lawful processing. These conditions include:-

- The processing is necessary for the performance of a contract to which the data subject is a party or that is in the interests of the data subject
- The processing is necessary to protect the vital interests of the data subject or other individual
- The processing is necessary for the purposes of legitimate interests (not applicable for public authorities)
- The processing is necessary for the exercise or performance of a public function or task carried out in the public interest by a public authority
- The processing is necessary for the exercise of a right, power or duty imposed by law
- The information contained in the personal data has been deliberately made public by the data subject
- The processing is necessary for the exercise of a right or power imposed by enactment
- The processing is necessary in order to comply with a court order or judgement
- The processing is necessary for a health or social care purpose



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- The processing is necessary for reasons of public health
- The processing is necessary for the purpose of, or in connection with legal proceedings (including prospective legal proceedings), discharging any court or tribunal functions, obtaining legal advice or otherwise for the purposes of establishing, exercising or defending legal rights
- The processing is necessary for the administration of justice or the exercise of any function of the Crown, a Law Officer of the Crown, the States or a public committee
- The processing is necessary for a law enforcement purpose
- The data subject has requested or given consent to the processing of the personal data for the purpose for which it is processed

## Complaints

If you have a complaint about how we have dealt with personal information you may ask for this to be dealt with in accordance with the College's Complaints Policy. However, depending on the nature of the complaint in some cases the complaint may be referred to and handled by Guernsey's Data Protection Commissioner.

## Your right of access to information

The Law gives individuals the right to request access to personal information held about them. The term used for such requests in the Law is 'Data Subject Access Requests' or DSARs. The College has set up procedures for responding to DSARs which are summarised below:

1. *Requests for information must be made in writing (including by email) and addressed to the Principal.*

It will help us in processing your request if you identify any specific information you wish to see, although you are not obliged to do so. If it isn't clear what you are looking for, we may make further enquiries of you. In order to ensure we are only providing information to people who are entitled to that information, we may ask you to prove your identity before we give disclosure. Evidence of identity could include showing us a passport, driving licence, recent utility bill with your current address, birth / marriage certificate, or credit card, bank or mortgage statement. We also reserve the right to carry out checks to confirm proof of relationship to the child, if your request relates to a pupil.



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2. Any individual has a right to access information held about them. However, where access is sought in relation to a child, the Principal will consider whether or not that child has the capacity to understand the request being made. Where the Principal considers that the child does have capacity, the Principal will discuss the request with the child and take their views into account when responding to the request, and may refuse the request for access to information about the child. Where the child does not have the capacity to understand the request, an individual with parental responsibility or a guardian shall make the decision on behalf of the child.
3. The College may not charge for the initial provision of information, but may charge for follow up queries.
4. The response time for subject access requests will be within one month of receipt of the subject access request.
5. The Law sets out various exemptions from the provision of information, and all subject access requests will be reviewed prior to disclosure with those exemptions in mind. For example, where information (if disclosed) would risk serious harm to the physical, mental or emotional well-being of a person it may be withheld, or if information would reveal that the person is at risk of abuse.
6. Where the information includes information about a third party, the information may be disclosed in redacted form (so that the information is blacked out/removed).

## **Contacts**

If you have any queries or concerns regarding this policy please contact the Principal.

Further advice and information can be obtained from the Office of Data Protection (ODPA) or by telephone 01481 742074.



## APPENDIX 1

### PRIVACY NOTICE

We collect and hold personal information relating to our pupils, their families and our staff. We may also receive information about pupils from their previous school, and/or the Committee for Education, Sport and Culture. This privacy notice deals with information about pupils and their families.

We use personal data about our pupils to:

- support our pupils' learning,
- monitor and report on their progress,
- provide appropriate pastoral care; and
- assess the quality of our services.

The information we use may include their contact details, assessment results, attendance information, behavioural information, disciplinary and exclusion information, information about which educational establishments they have come from or go to and information about personal characteristics such as their religious beliefs or ethnic group, information about any relevant family circumstances, as well as any special educational needs or relevant medical information.

Personal information can also include photographs and/or video or audio recordings of our pupils. These will be used for the purposes outlined above and in addition we may use them to promote the College in marketing and advertisement materials (including both printed and electronic formats).

We will not give information about our pupils to anyone without your consent unless the law and our policies allow us to do so. If you want to receive a copy of the information about your son/daughter that we hold, or if you have any concerns over the nature and use of information, please contact the Principal's office.