



# NORTH BIRMINGHAM ACADEMY

## ACCESS TO STUDENT RECORDS POLICY

### Statement of Principle

The EACT Academy at [ ] recognises the importance of storing and monitoring access of the personal data that is held on students, either on paper or in electronic form. This policy outlines specifically the data that is held on students, how it is processed and the other parties that this data can or is transmitted to. The policy is drawn up in compliance with the Data Protection Act (DPA) 1998.

### Modelling the Process

For the purposes of the Data Protection Act 1998, the Principal of the Academy will be known as the "Data Controller" and will have overall responsibility for ensuring that the relevant legislation regarding the storage, process and transfer of student data from within the Academy is adhered to. The named Data Protection Officer for the Academy is the Data Manager.

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Personal Data held on Students - held electronically and in paper format.

Data is processed and transmitted in a variety of ways, both internally and externally:

Internally for example:

- Attendance data and reports
- Academic performance data
- SEN/ Intervention data
- FSM data

External, for example:

- LEA
- DCSF
- The QCA
- OFSTED
- Dept Health/PTCs
- Awarding bodies
- LSC
- Connexions
- Parents
- Other external agencies

## **Objectives**

### **1. For students**

- Understand and support how the Academy uses the personal data that is stored about them;
- For students aged 16 and over, to support the Academy in passing on person information as required to the Connexions service in order for them to assist students with careers and employment opportunities.

### **2. For Parents and Carers**

- To sign the Home-Academy agreement giving permission for the Academy to store and process data regarding their son/daughter;
- To read the “Fair Processing Notice” (Appendix 1) issued to parents on an annual basis and thereby understand how the Academy uses data on their son/daughter and who the data is transmitted to;
- To follow the ICT protocols regarding access and security, for example, to keep their passwords to the “E-portal” secure and not to disclose their password to any other third party;
- To give the Academy reasonable notice should they require access to the personal data that is stored in relation to their son/daughter.

### **3. For Teachers and Support Staff**

- To ensure that they do not disclose any confidential student information to third parties without the consent of the ALG;
- To ensure that they follow ICT protocols regarding access and security of information held on the Academy CMIS system, for example, not disclosing passwords which have certain access rights to other members of Academy staff;
- To take care when entering, processing and/or transmitting student data onto CMIS and thereby assisting in ensuring that all data held is accurate and fit for purpose;
- That all Academy teaching, Faculty Administration and Student Information Centre staff pass on to the identified Support Staff copies of all relevant information, for example, letters home, reports, PSPs etc, so that the student’s file is up-to-date.

### **4. For the Academy Leadership Team**

- To ensure that, through the role of the Principal as Data Controller, that the legislation governing the use of student personal data is adhered to;

- To ensure that there are published systems and processes controlling access to personal student records and ensuring that students records are secure;
- To ensure that student records are accurate and up-to-date;
- To ensure that ICT systems for the transfer of data to third parties, for example, the DCSF the QCA and the LSC are robust and secure.

## 5. For the Governors

- To annually review and agree the Access to Student Records policy.

### Student Data held by the Academy

This section outlines the information that is held on the Academy CMIS system regarding student data. The Academy will also keep a manual file which will contain a hard copy of the student's records and will be stored in a central location and be maintained by designated administration staff.

The data held by the Academy can be grouped into the following headings:

| Headings                                 | Examples of student data held   |
|--|---|
| Personal                                 | UPN, name, address, ethnicity, travel   |
| Attendance/Punctuality                   | Attendance and punctuality information for each student including exclusions  |
| Baseline academic data on entry AEN data | KS2 results, NFER results, Reading ages, SEN, EAL, G&T  |
| Ongoing assessment data                  | Intervention information, end of year assessments, reading age updates, AEN updates, reports to parents, Key Stage 3/4/5 summative assessments. |
| Behaviour Log                            | Any log of events regards praise/rewards and intervention such as detentions, letters home.   |

Student data is held on the CMIS/E-Portal system where security is controlled through allocated passwords which have different access rights.

### Access to student data

#### Academy Staff

Designated administration staff will have administration rights to the CMIS system so that the personal student information in the table above can be entered and amended. All other

teaching and non-teaching staff has access to view the personal data but not to enter or amend it.

Teaching staff and SIC staff have access to the student's manual files. Access to the student's manual files will be controlled through the SIC/Faculty Admin staff who have the task of maintaining and updating the files as required. Other non-teaching staff do not have access to these files. These files are stored securely within the Administration area of the Academy.

### **The need for accuracy and clear communication**

Staff should also ensure that any information is logged on CMIS/E-portal as relevant. It is vital that any events such as instances of poor behaviour, phone calls with parents and so on are stored so the information kept in the student's file is accurate - see below. It is imperative that all staff ensure that any written information relating to a student, for example:

When a colleague has a meeting or a phone call with parents, a summary sheet should be completed and placed in the student's file (given to Faculty Admin for filing). A copy of the document to be completed is in the staff common folder.

### **Accessing and updating student records**

Teaching and non-teaching staff, through CMIS/E-portal, dependent on their job role will be able to access certain aspects of student's academic data and update it, for example:

Attendance and Punctuality  
Baseline assessment data  
Ongoing assessment data  
AEN  
Behaviour Log

Parents/carers have a right to access any data that the Academy stores on their son/daughter. We ask that parents give reasonable notice if they wish to inspect their son/daughter's hard copy of their file or request the data that we have stored on CMIS. The Fair Processing Notice (Appendix 1) gives further details.

### **External Agencies**

#### **DCSF**

In accordance with the Education (Information about Pupils) (England) Regulations, a range of student data will be submitted to the DCSF three times a year through the School Census. The data that the Academy will submit to the DCSF includes:

- student personal data including name, address, date of birth, UPN and gender
- student characteristics including ethnicity, FSM, and in care information
- student SEN data such as SEN type

- student home information including address and postcode
- student attendance and exclusion information.

This information will be used by the DCSF for research and statistical purposes, to inform, influence and improve education policy and to monitor the performance of the education service as a whole.

### **The QCA**

The Academy will provide personal student information to the QCA in the administration of KS3 national curriculum tests. This includes the ordering and processing of test papers and results. The QCA will use this data to compile statistics on trends and patterns of achievements.

### **The LSC**

Under the Learning and Skills Act 2000, the Academy will submit data to the LSC, for example, the number of particular courses being followed. Individual students cannot be identified from the data submitted.

### **Connexions**

The Academy will work with the Connexions Service to support students in accessing employment and training. Under the Learning and Skills Act 2000, the Academy will transfer the name and address of students and parents/carers to the Connexions service. Before, the Academy submits further information other than the name and address to Connexions, parents/carers of students aged 13-15 will have the option of opting out of the transfer of further personal data. The Fair Processing Notice (Appendix 1) issued in September of each year will make this clear. Wider personal data will not be transferred to Connexions until 28 days has lapsed from when the Fair Processing Notice is issued.

For students over 16 years of age, the Academy will issue them with, at the beginning of the term when they turn 16, one copy of the Fair Processing Notice which, unless a written instruction is received, will act as their permission for the Academy to transfer their personal data to Connexions. Only one Fair Processing Notice will be issued to Post-16 students in this respect.

### **LEA**

In line with the Attendance and Punctuality policy, it may be necessary to pass on student personal data as well as attendance data to the LEA if the Academy needs to pursue further action against parents in respect of poor attendance.

### **Awarding Bodies**

For the purpose of registering and certificating students for public examinations, the Academy will liaise with the awarding bodies and transfer personal data such as name and UPN.

## **Other agencies**

The Fair Processing Notice stipulates other areas where data held by the Academy may be shared either directly or indirectly with other agencies such as Primary Care Trusts. This information is not held at individual student level and therefore, no individual student can be identified from this information.

If a member of the Academy staff is required to write a reference for a student or for example, act as referee for a passport application, then personal data as well as attendance, punctuality and achievement data will be shared as appropriate.

## **Use of photographs**

A student photograph will be electronically stored on the CMIS system. The photo can be accessed by teaching and non-teaching staff in the administration of their duties.

### **General use of photographs for publicity purposes:**

- We will not use the personal details or names (which means first name and surname) of any student in a photograph on our website, in our school prospectus or in any of our other printed publications;
- We will not include personal e-mail or postal addresses, or telephone or fax numbers on our website, in our school prospectus or in other printed publications;
- If we use photographs of individual students, we will not use the name of that student in the accompanying text or photo caption;
- If we name a student in the text, it will be by first name only;
- We may include pictures of students and teachers that have been drawn by the students;
- We may use group or class photographs or footage with very general labels, such as “a science lesson” or “making Christmas decorations”;
- We will only use images of students who are suitably dressed, to reduce the risk of such images being used inappropriately;
- If images are taken by local press/media, or parents/guests, the Academy will not have control of these images but will ensure that we do not issue the first name and surname of students.

A disclaimer letter will be sent to parents at the beginning of the Academic year and this will act as permission to use student photos for publicity purposes unless the parent returns the tear off slip in the letter denying this permission. This permission will last for the entire time the student spends in the Academy unless the parent writes to the Academy to confirm otherwise. All parents of casual admissions will receive a copy of this letter.

This letter is shown in **Appendix 2**.

The Data Manager will process a list of those students whose images cannot be used for publicity purposes and all media releases, internal publicity materials and so on must be checked by all Academy staff against this list before any photos are used/ issued in for any publicity purposes.

### **Monitoring evaluation and review**

Administration and Teaching staff will liaise with the Vice Principal as necessary over issues relating to the access, processing and security of student data. This policy will be monitored by the Vice Principal on behalf of the ALT and it will be reviewed by the ALT and Local Governing Body on an annual basis, for example, it will be updated when there are any changes to relevant legislation.

## **Appendix one – text of fair processing notice**

Academies, Local Authorities (LAs), the Department for Children, Schools and Families (DCSF), the Qualifications and Curriculum Authority (QCA), Ofsted, the Learning and Skills Council (LSC) and organisations that require access to data in the Learner Registration Scheme as part of the MIAP (Managing Information Across Partners) Programme all process information on pupils in order to run the education system; and Department of Health (DH) and Primary Care Trusts (PCTs) process information on pupils in order to tackle the year on year rise in obesity among children, and in doing so have to comply with the Data Protection Act 1998. This means, among other things, that the data held about pupils must only be used for specific purposes allowed by law. We are therefore writing to tell you about the types of data held, why that data is held, and to whom it may be passed on.

The Academy holds information on pupils in order to support their teaching and learning, to monitor and report on their progress, to provide appropriate pastoral care, and to assess how well the school as a whole is doing. This information includes contact details, national curriculum assessment results, attendance information, characteristics such as ethnic group, special educational needs and any relevant medical information. From time to time schools are required to pass on some of this data to LAs, the DCSF and to agencies that are prescribed by law, such as QCA, Ofsted, LSC, DH and PCTs.

EACT Academy[                    ], Data Protection Officer, [                    ]

The Local Authority (LA) uses information about children for whom it provides services to carry out specific functions for which it is responsible, such as the assessment of any special educational needs the child may have. It also uses the information to derive statistics to inform decisions on (for example) the funding of schools, and to assess the performance of schools and set targets for them. The statistics are used in such a way that individual children cannot be identified from them. The LA have a duty under the Childrens Act 2004 to co-operate with their partners in health and youth justice to improve the well being of children in their areas. As part of this duty they will be required to maintain the accuracy of the information held on ContactPoint about children and young people in their area.

The Qualifications and Curriculum Authority (QCA)uses information about pupils to administer the national curriculum assessments portfolio throughout Key Stages 1 to 3. This includes both assessments required by statute and those that are optional. The results of these are passed on to DCSF to compile statistics on trends and patterns in levels of achievement. The QCA uses the information to evaluate the effectiveness of the national curriculum and the associated assessment arrangements, and to ensure that these are continually improve.

Data Protection Officer, QCA, 83 Piccadilly, LONDON, W1J 8QA;

Ofsted uses information about the progress and performance of pupils to help inspectors evaluate the work of schools, to assist schools in their self-evaluation, and as part of Ofsted's assessment of the effectiveness of education initiatives and policy.

Ofsted also uses information about the views of children and young people, to inform children's services inspections in local authority areas. Inspection reports do not identify individual pupils.

Ofsted includes the Adult Learning Inspectorate which reports, both to the Secretary of State for Children, Schools and Families, and the public, on the quality of education and training received by adult learners and young people in England. The ALI is responsible for inspecting all publicly funded work-based training for people over 16 and learning for post-19s.

ALI inspectors are also responsible for inspecting learning in prisons, all adult and community education, area inspections of provision for 16-19 year olds in support of OfSTED, and e-learning via learn direct provided on-line by the University for Industry. In addition, the ALI will inspect training offered and funded by employers at their invitation.

Data Protection Officer, Alexandra House, 33 Kingsway, London WC2B 6SE;

The Learning and Skills Council (LSC) uses information about pupils for statistical purposes, to evaluate and develop education policy and monitor the performance of the education service as a whole. The statistics (including those based on information provided by the QCA) are used in such a way that individual pupils cannot be identified from them. On occasion information may be shared with other Government departments or agencies strictly for statistical or research purposes only. The LSC or its partners may wish to contact learners from time to time about courses, or learning opportunities relevant to them.

Data Protection Officer ,Cheylesmore House, Quinton Road, Coventry, Warwickshire CV1 2WT

Learner Registration Scheme The Learning and Skills Council (LSC) also administers the Managing Information Across Partners (MIAP) Programme on behalf of the MIAP membership. More information about MIAP membership can be found at [www.miap.gov.uk](http://www.miap.gov.uk), or if a hard copy is required please contact the Learning Skills Council (address above)

LSC is responsible for the development and operation of the Learner Registration System (LRS) and also the creation of a learner record. For pupils of 14 years and over and for pupils registering for post-14 qualifications, the school will pass on certain identification information to the LRS to create and maintain a unique learner number (ULN), and achievement information to the MIAP Service to create and maintain a learner record.

The Learner Registration Service will enable organisations allowed by law and detailed at [www.miap.gov.uk](http://www.miap.gov.uk) to access the ULN and contain it in their systems, thereby saving individuals having to supply the same information repeatedly to different organisations.

Details of how an individual may opt-out of sharing achievement data in their learner record with those organisations detailed at [www.miap.gov.uk](http://www.miap.gov.uk)

Data Protection Officer ,Cheylesmore House, Quinton Road, Coventry, Warwickshire CV1 2WT

Primary Care Trusts (PCT's) use information about pupils for research and statistical purposes, to monitor the performance of local health services and to evaluate and develop them. The statistics are used in such a way that individual pupils cannot be identified from them. Information on the height and weight of individual pupils may however be provided to the child and its parents and this will require the PCTs to maintain details of pupils' names for this purpose for a period designated by the Department of Health following the weighing and measuring process. PCTs may also provide individual schools and LAs with aggregate information on pupils' height and weight.

<http://www.nhs.uk/England/AuthoritiesTrusts/Pct/Default.aspx>

The Department of Health (DH) uses aggregate information (at school year group level) about pupils' height and weight for research and statistical purposes, to inform, influence and improve health policy and to monitor the performance of the health service as a whole. The DH will base performance management discussions with Strategic Health Authorities on aggregate information about pupils attending schools in the PCT areas to help focus local resources and deliver the Public Service Agreement target to halt the year on year rise in obesity among children under 11 by 2010, in the context of a broader strategy to tackle obesity in the population as a whole. The Department of Health will also provide aggregate PCT level data to the Healthcare Commission for performance assessment of the health service.

Data Protection Officer at Skipton House 80 London Road London SE1 6LH;

The Department for Children Schools and Families (DCSF) uses information about pupils for research and statistical purposes, to inform, influence and improve education policy and to monitor the performance of the education service as a whole. They will feed back to LAs and schools information about their pupils for a variety of purposes that will include data checking exercises, use in self-evaluation analyses and where information is missing because it was not passed on by a former school

The Children Act 2004 provides for the Secretary of State to issue Regulations requiring the "governing body of a maintained school in England" to disclose information for inclusion on ContactPoint. The purposes of ContactPoint are to:-

- help practitioners working with children quickly identify a child with whom they have contact;
- determine whether that child is getting the universal services (education, primary health care) to which he or she is entitled;
- enable earlier identification of needs and earlier, more effective action to address these needs by providing a tool to help practitioners identify which other practitioners are involved with a particular child; and
- encourage better communication and closer working between practitioners.

ContactPoint will hold for each child or young person in England (up to their 18th birthday):

- basic identifying information: name, address, gender, date of birth and an identifying number;

- name and contact details for a child's parent or carer;
- contact details for services involved with a child: as a minimum educational setting (e.g. school) and primary medical practitioner (e.g. GP Practice) but also other services where appropriate; and
- the facility to indicate if a practitioner is a lead professional for a child and/or if an assessment under the Common Assessment Framework has been completed.

ContactPoint will NOT contain any case information (such as case notes, assessments, attendance, exam results, medical records or subjective observations).

Access will be strictly limited to those who need it to do their job. All authorised users must have undergone relevant mandatory training, have security clearance and have a user name, a password, a PIN and a security token to access ContactPoint. To ensure high standards of accuracy, information on ContactPoint will be drawn from a number of existing systems, including the termly School Census from which pupils' home address will be collected.

For further information go to <[www.everychildmatters.gov.uk/contactpoint](http://www.everychildmatters.gov.uk/contactpoint)>

The DCSF will also provide Ofsted with pupil data for use in school inspection. Where relevant, pupil information may also be shared with post 16 learning institutions to minimise the administrative burden on application for a course and to aid the preparation of learning plans.

Pupil information may be matched with other data sources that the Department holds in order to model and monitor pupils' educational progression; and to provide comprehensive information back to LAs and learning institutions to support their day to day business. The DCSF may also use contact details from these sources to obtain samples for statistical surveys: these surveys may be carried out by research agencies working under contract to the Department and participation in such surveys is usually voluntary. The Department may also match data from these sources to data obtained from statistical surveys.

Pupil data may also be shared with other Government Departments and Agencies (including the Office for National Statistics) for statistical or research purposes only. In all these cases the matching will require that individualised data is used in the processing operation, but that data will not be processed in such a way that it supports measures or decisions relating to particular individuals or identifies individuals in any results. This data sharing will be approved and controlled by the DCSF's Chief Statistician.

The DCSF may also disclose individual pupil information to independent researchers into the educational achievements of pupils who have a legitimate need for it for their research, but each case will be determined on its merits and subject to the approval of the Department's Chief Statistician.

The Fair Processing Notice has been prepared at a time of change with the restructuring of the Department for Education and Skills and the Department of Trade and Industry into three new Departments: the Department for Children, Schools and Families (DCSF), the Department for Innovation, Universities and Skills (DIUS) and the Department for Business, Enterprise and Regulator Reform (DBERR). It may be that, [during the period covered by

this FPN], steps will be taken to enable the DCSF to match individual pupil information with higher and further education attainment data held by the DIUS.

Data Protection Officer, DCSF, Caxton House, Tothill Street, LONDON, SW1H 9NA:

In order to fulfil their responsibilities under the Act the organisation may, before responding to this request, seek proof of the requestor's identity and any further information required to locate the personal data requested.

Separately from the Data Protection Act, regulations provide a pupil's parent (regardless of the age of the pupil) with the right to view, or to have a copy of, their child's educational record at the school. If they wish to exercise this right parents should write to the school.

### **Providing information to Connexions services providers and the right to opt out**

Connexions is the government's support service for all young people aged 13 to 19 in England. It also provides support up to the age of 25 for young people who have learning difficulties or disabilities (or both). Connexions brings together all the services and support young people need during their teenage years offering differentiated and integrated support to young people through Personal Advisers (PAs). For some young people this may be just for careers advice, for others it may involve more in-depth support to help identify barriers to learning and find solutions brokering access to more specialist support, eg drug abuse, sexual health and homelessness. PAs work in a range of settings including schools, colleges, onestop shops community centres and on an out-reach basis.

For pupils of 13 years and over, the school is legally required to pass on certain information to Connexions services providers on request. This information includes the name and address of the pupil and parent, and any further information relevant to the Connexions services' role. However parents, or the pupils themselves if aged 16 or over, can ask that no information beyond name and address (for pupil and parent) be passed on to Connexions. If as a parent, or as a pupil aged 16 or over, you wish to optout and do not want Connections to receive from the school information beyond name and address, then please contact the school.

The LA and DCSF may supply to Connexions services providers information which they have about children, but will not pass on any information they have received from the school if parents (or the children themselves if aged 16 or over) have notified the school that Connexions should not receive information beyond name and address.

## APPENDIX TWO - PHOTO DISCLAIMER LETTER

Date \_\_\_\_\_

Dear Parent/Carer

### PERMISSION TO USE STUDENT PHOTOS FOR INTERNAL/EXTERNAL PUBLICITY

As part of celebrating and publicising all the curricular and extra curricular events/activities that have been taking place within the Academy we may use photographs of your son/daughter as part of our publicity materials.

In order to make this process more manageable and to comply with the Data Protection Act 1998 we have decided to request that parents advise the Academy should they not wish photos of their son/daughter to be used in this way.

We use images/photos for local/national press releases, use on the updated Academy website, the Academy prospectus and recording DVDs of Academy events. At no time will a student's name appear beside their publicised photo and therefore there is no risk that your son/daughter will be able to be identified through the use of their photo. Our guidelines on the use of photos are shown on the reverse of this letter.

We hope that you will support us in sharing all of the excellent work of the Academy with the wider community but if you do have any concerns/questions on the use of images then please do not hesitate to contact me at the Academy for further information.

Please complete the tear off slip below and return it to your child's form tutor ONLY if you do not give permission to use their photo for publicity purposes.

Yours sincerely

xxxxx

Student Name (s) \_\_\_\_\_ Form (s) \_\_\_\_\_

I do not give permission for my photos/images of my son/daughter to be used for publicity purposes.

Signed \_\_\_\_\_

**Conditions of use**

1. We will not use the personal details or names (which means first name and surname) of any student in a photograph on our website, in our Academy prospectus or in any of our other printed publications.
2. We will not include personal e-mail or postal addresses, or telephone or fax numbers on our website, in our Academy prospectus or in other printed publications.
3. If we use photographs of individual students, we will not use the name of that student in the accompanying text or photo caption.
4. If we name a student in the text, we will use their first name only.
5. We may include pictures of students and teachers that have been drawn by the students.
6. We may use group or class photographs or footage with very general labels, such as “a science lesson” or “making Christmas decorations”.
7. We will only use images of students who are suitably dressed, to reduce the risk of such images being used inappropriately.
8. If images are taken by local press/media, or parents/guests, the Academy will not have control of these images but will ensure that we do not issue the first name and surname of students.

**Approved by NBA Governors on:** .....

**Date of Next Review:**.....

**Lead Manager:** .....