

Data Protection Policy

The Junior and Senior School collects and uses personal information about staff, pupils, parents and other individuals who come into contact with the school. This information is gathered in order to enable it to provide education and other associated functions. In addition, there may be a legal requirement to collect and use information to ensure that the school complies with its statutory obligations.

The school also uses CCTV cameras on the perimeter of the site to maintain the security of the pupils and staff and minimise the risk of encroachment of the school site by unauthorised people. The data is kept for 10 days and then destroyed. The cameras are not used to monitor pupils or staff and are not directed towards classrooms or the functioning areas of the school.

The issue of personal data is very broad and is governed by The Processing of Personal Data (Protection of Individuals) Law of 2001, where N.138(I)/2001, 37(I)/2003 AND 105(I)/2012 are included, which are consolidated in the above Legislation.

In Cyprus, the competent department regarding personal, among others, data is the Commissioner of Personal Data Protection, which was established and its responsibilities are governed by the Law of 2001 above. The website of the said department is also pertinent to this policy <http://www.dataprotection.gov.cy>.

Purpose

This policy is intended to ensure that personal information is dealt with correctly and securely and in accordance with the Data Protection Act 1998 (UK), and The Processing of Personal Data (Protection of Individuals) Law of 2001 Cyprus, and other related legislation. It will apply to information regardless of the way it is collected, used, recorded, stored and destroyed, and irrespective of whether it is held in paper files or electronically.

All staff involved with the collection, processing and disclosure of personal data will be aware of their duties and responsibilities by adhering to these guidelines.

What is Personal Information?

Personal information or data is defined as data which relates to a living individual who can be identified from that data, or other information held.

Data Protection Principles

The Processing of Personal Data (Protection of Individuals) Law of 2001 Cyprus includes the following principles;

The processor, which in this case is the Junior and Senior School, should ensure that personal data is-

- a. Subject to legitimate and lawful processing
- b. Collected for defined, precise and lawful purposes and are not subject to further processing which is incompatible with these purposes,
- c. Consistent, appropriate and no more than that requested each time in light of the purposes of processing.
- d. Accurate and, if necessary, is up to date
- e. Kept in a form allowing the determination of the identity of its subjects only during the period of time required for the implementation of the purposes for collecting it and its processing. (After that time lapses, the Commissioner may allow, by his reasoned decision, the preservation of personal data for historical, scientific or statistical purposes, where he considers that the rights of its subjects or those of third parties are not affected.)

The Data Protection Act 1998 establishes eight enforceable principles that must be adhered to at all times:

1. Personal data shall be processed fairly and lawfully;
2. Personal data shall be obtained only for one or more specified and lawful purposes;
3. Personal data shall be adequate, relevant and not excessive;
4. Personal data shall be accurate and where necessary, kept up to date;
5. Personal data processed for any purpose shall not be kept for longer than is necessary for that purpose or those purposes;
6. Personal data shall be processed in accordance with the law governing data protection in the EU and Cyprus. Special care will be taken with any data which is deemed to be sensitive. Ordinarily sensitive data may not be processed by the school but there are special circumstances dictating when this may happen under Cyprus law.
7. Personal data shall be kept secure i.e. protected by an appropriate degree of security;
8. Personal data shall not be transferred to a country or territory outside the European Economic Area, unless that country or territory ensures an adequate level of data protection.

General Statement

The school is committed to maintaining the above principles at all times. Therefore the school will:

- Inform individuals why the information is being collected when it is collected
- Inform individuals when their information is shared, and why and with whom it was shared
- Check the quality and the accuracy of the information it holds
- Ensure that information is not retained for longer than is necessary
- Ensure that when obsolete information is destroyed that it is done so appropriately and securely
- Ensure that clear and robust safeguards are in place to protect personal information from loss, theft and unauthorised disclosure, irrespective of the format in which it is recorded
- Share information with others only when it is legally appropriate to do so
- Set out procedures to ensure compliance with the duty to respond to requests for access to personal information, known as Subject Access Requests
- Ensure our staff are aware of and understand our policies and procedures and do not disclose any information to which they have access as part of their role at the school.

Processing, storing, archiving and deleting personal data: Guidance

- Personal data and school records about pupils are confidential to the child. The information can be shared appropriately within the professional working of the school to enable the school to make the best educational provision for the child. The law permits such information to be shared with other educational establishments when pupils change schools.
- The school is obliged to maintain the following data;
 - Full record (school registers, general and specific tests, certificates of studies, and other certificates, registrar and payroll of the staff) from the foundation of the school until its closing.
 - In case the ownership of the school is transferred to another, the record of the school must be handed over compulsory and must still be kept by the new owner of the school.
 - In case the school stops operating for any reason, the owner must hand over the record to the Ministry.
- Data on staff is sensitive information and confidential to the individual, and is shared, where appropriate, at the discretion of the Principal and with the knowledge, and if possible the agreement of the staff member concerned
- Employment records form part of a staff member's permanent record. Because there are specific legislative issues connected with these (salary and pension details etc.) these records should be retained by the school
- Interview records, CV's and application forms for unsuccessful applicants are kept for 6 months

- All formal complaints made to the Principal or School Board will be kept for at least seven years in confidential files, with any documents on the outcome of such complaints. Individuals concerned in such complaints may have access to such files subject to data protection and to legal professional privilege in the event of a court case.
- Pupil data should not be stored systematically on the hard drive of school computer systems but regularly backed up to CDs, in order to prevent unauthorised access through the internet. The disc should then be stored in the principal's office in a locked cabinet. No pupil data should be saved on the hard drive of school laptops.

Processing and Sharing of data with others

Processing of personal data is allowed when the subject of that data has given his express consent.

Processing of data is allowed without the subject's consent when:

- The processing is necessary in order to fulfil the obligations of the data processor, which is required by Law or Regulations that are issued under the Law or Regulations of the European Union,
- The processing is necessary for the performance of a contract to which the contracting party is the subject of data or for the adoption of measures after the subject's request, before the conclusion of the contract,
- The processing is necessary to protect the vital interests of the subject,
- The processing is necessary to carry out works of public interest or works that fall under the exercise of a public authority and has been assigned to either the processor or a third party, to which the data is announced,
- The processing is necessary to satisfy the legitimate interest that the processor seeks or the third party to which the personal data is announced, under the condition that this takes precedence over the rights, interests and fundamental freedoms of the data's subjects.
- Pupils should be informed that the school has stored their personal data but should also be encouraged not to communicate their personal data to third parties. This is carried out in assemblies, PHSE lessons and CET lessons on internet safety.

Accessing personal data: Guidance

- A parent can request access to or a copy of their child's school records and other information held about their child. The request must be made in writing. There is no charge for such requests on behalf of the child, but there may be a charge for photocopying records of up to €17. This is at the discretion of the Principal and is detailed in guidance available from the Commissioner of Personal Data Protection. Staff should check, if a request for information is made by a parent, that no other legal obstruction (for example, a court order limiting an individual's exercise of parental responsibility) is in force
- Staff can request access to their own records at no charge, but the request must be made in writing. The member of staff has the right to see their own records, and to ask for copies of the records. There is no charge for copies of records

- European law requires that all requests for personal information are dealt with within 40 days of receipt except requests for educational records (see above). However, the law in Cyprus as communicated by the Personal Data Protection Commissioner is 28 days. All requests will be acknowledged in writing on receipt, and access to records will be arranged as soon as possible. If awaiting third party consents, the school will arrange access to those documents already available, and notify the individual that other documents may be made available later
- In all cases, should third party information (information about another individual) be included in the information the staff will try to obtain permission to show this information to the applicant, with the exception of information provided by another member of school staff which is exempt from a requirement for third party consents. If third party permission is not obtained the person with overall responsibility should consider whether the information can still be released
- Personal data should always be of direct relevance to the person requesting the information. A document discussing more general concerns may not be defined as personal data
- Anyone who requests to see their personal data has the right to question the accuracy of matters of fact within the data, and to ask to have inaccurate information deleted or changed. They may also question opinions, and their comments will be recorded, but opinions do not need to be deleted or changed as a part of this process
- The school will document all requests for personal information with details of who dealt with the request, what information was provided and when, and any outcomes (letter requesting changes etc.) This will enable staff to deal with a complaint if one is made in relation to the request.

Accessing Data in the school

- Both teaching and administrative staff have access to personal data regarding pupils in our school management information system. This data should not be removed from the school site e.g. on a USB or in paper form. Staff may only access the personal data of pupils with the approval of the Principal and for educational reasons.
- Unauthorized disclosure of pupils' personal data is forbidden not even at a friendly level among colleagues i.e. staff should not share information about personal family circumstances unless the parents have requested this and unless it is necessary for the protection of the welfare of the child.
- Access to staffing data is restricted to a small number of senior managers. This too should not be removed from the school site on a USB or in paper form.
- Filming or photographing school events / publishing photos on school websites where pupils are shown is allowed only with the consent of the parents / guardians. This consent is gathered on an annual basis.

Complaints

Complaints will be dealt with in accordance with the school's complaints policy. Complaints relating to information handling may be referred to the Commissioner of Personal Data Protection.

Review

This policy will be reviewed as it is deemed appropriate, but no less frequently than every 2 years. The policy review will be undertaken by the Principal and the Board.

Contacts

If you have any enquires in relation to this policy, please contact The Principal who will also act as the contact point for any subject access requests.

Appendix 1

The Junior and Senior School

Procedures for responding to subject access requests made under data protection law.

Actioning a subject access request

1. Requests for information must be made in writing; which includes email, and be addressed to The Principal. If the initial request does not clearly identify the information required, then further enquiries will be made.

2. The identity of the requestor must be established before the disclosure of any information, and checks should also be carried out regarding proof of relationship to the child. Evidence of identity can be established by requesting production of:

- Passport or ID
- driving licence
- utility bills with the current address
- Birth / Marriage certificate
- Credit Card or Mortgage statement

This list is not exhaustive.

3. Any individual has the right of access to information held about them. However with children, this right of access is exercised by the parent/guardian of the child and not by the pupil.

4. The school may make a charge of €17 for the provision of information if the right of access is requested in writing.

5. The response time for subject access requests, once officially received, is 28 days (not working or school days but calendar days, irrespective of school holiday periods). However the 28 days will not commence until after receipt of fees or clarification of information sought

6. The law allows exemptions as to the provision of some information; therefore all information will be reviewed prior to disclosure.

7. Third party information is that which has been provided by another, such as the Police, Ministry of Education, Health Care professional or another school.

Before disclosing third party information consent should normally be obtained, especially if the data is deemed to be sensitive.

8. Any information which may cause serious harm to the physical or mental health or emotional condition of the pupil or another should not be disclosed, nor should information that would reveal that the child is at risk of abuse, or information relating to court proceedings.

9. If there are concerns over the disclosure of information then additional advice should be sought.

10. Where redaction (information blacked out/removed) has taken place then a full copy of the information provided should be retained in order to establish, if a complaint is made, what was redacted and why.

11. Information disclosed should be clear, thus any codes or technical terms will need to be clarified and explained. If information contained within the disclosure is difficult to read or illegible, then it should be retyped.

12. Information can be provided at the school with a member of staff on hand to help and explain matters if requested, or provided at face to face handover.

The views of the applicant should be taken into account when considering the method of delivery. If postal systems have to be used then registered/recorded mail must be used.

Complaints

Complaints about the above procedures should be made to the Chairperson of the Board who will decide whether it is appropriate for the complaint to be dealt with in accordance with the school's complaint procedure.

Complaints which are not appropriate to be dealt with through the school's complaint procedure can be dealt with by the Commissioner of Personal Data Protection. Contact details of both will be provided with the disclosure information.

Contacts

If you have any queries or concerns regarding these policies / procedures then please contact The Principal.