

GUIDANCE NOTES

Primary Schools

REQUIREMENTS WITH RESPECT TO FAIR PROCESSING UNDER THE DATA PROTECTION ACT AND THE PASSING OF INFORMATION TO CONNEXIONS

Schools, LEAs, DfES and Qualification Curriculum Agency are all “data controllers” under the Data Protection Act 1998 in that they process “personal data” (i.e. data that identifies people individually). This guidance deals specifically with personal data about pupils.

Data controllers have to provide data subjects with details of the data that they hold on them, the purpose for which they hold that data and any third parties to whom it may be passed on. This is referred to as a “fair processing notice”

The Information Commissioner’s guidance is that as soon as children are able to understand their rights under the Data Protection Act, they should exercise these rights on their own account. The Commissioner’s view is that children will generally have a sufficient level of understanding by the age of 12, although clearly there will be exceptions. To avoid schools having to assess the level of understanding of every pupil aged 12 or over, it is reasonable for the fair processing notice to be provided to all parents whilst encouraging them to share the notice with the pupil where appropriate.

Schools are required to issue a fair processing notice/letter to the parents of all current pupils as soon as possible – This can be combined with another communication with parents (e.g. a newsletter) provided this does not cause a delay.

A suggested model notice/letter covering processing carried out by the LEA, DfES and QCA as well as by the school is attached

Schools should issue the same notice/letter to the parents of all new pupils as part of the enrolment process.

You may include this notice with other communications to parents (e.g. the school prospectus) and display it on a school website.

A model fair processing notice/letter that can be used to send to all parents is attached. The notice/letter can also be copied from the E-Courier