



DATA PROTECTION AND PRIVACY POLICY

Revised August 2020

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Aims

Educationappeals Dotcom (hereinafter referred to as EdAp) aims to ensure that all data collected about EdAp staff, appellants, panel members, staff local authorities and schools whom we act for, is collected, stored and processed in accordance with the Data Protection Act 2018.

This policy applies to all data, regardless of whether it is in paper or electronic format.

Legislation and guidance

This policy meets the requirements of the Data Protection Act 2018 and is based on guidance published by the Information Commission's Office.

This policy complies with our articles of association

Definitions

Term	Definition
Personal data	Data from which a person can be identified, including data that, when combined with other readily available information, leads to a person being identified
Sensitive personal data	Data such as: Contact details Racial or ethnic origin Political opinions (not recorded) Religious beliefs, or beliefs of a similar nature (not usually recorded, but could be part of an admission appeal) Where a person is a member of a trade union (not recorded) Physical and mental health Sexual orientation Whether a person has committed, or is alleged to have committed, an offence Criminal convictions
Processing	Obtaining, recording or holding data
Data subject	The person whose personal data is held or processed
Data controller	A person or organisation that determines the purposes for which, and the manner in which, personal data is processed
Data processor	A person, other than an employee of the data controller, who processes the data on behalf of the data controller

The data controller

EdAp processes personal information relating to EdAp staff, appellants, panel members, staff local authorities and schools whom we act for, is, and, therefore, is a data controller. EdAp delegates the responsibility of data controller to Stephen Payne.

EdAp is registered as a data controller with the Information Commissioner's Office and renews this registration annually.

Data protection principles

The Data Protection Act 2018 is based on the following data protection principles, or rules for good data handling:

- Data shall be processed fairly and lawfully
- Personal data shall be obtained only for one or more specified and lawful purposes
- Personal data shall be relevant and not excessive in relation to the purpose(s) for which it is processed
- Personal data shall be accurate and, where necessary, kept up to date
- Personal data shall not be kept for longer than is necessary for the purpose(s) for which it is processed
- Personal data shall be processed in accordance with the rights of data subjects under the Data Protection Act 2018
- Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data, and against accidental loss or destruction of, or damage to, personal data
- Personal data shall not be transferred to a country or territory outside the European Economic Area unless the country or territory ensures an adequate level of protection for the rights and freedoms of data in relation to the processing of personal data

Roles and responsibilities

The Board of Directors has overall responsibility for ensuring that EdAp complies with its obligations under the Data Protection Act 2018.

Day-to-day responsibilities rest with Stephen Payne and in his absence with the Senior Administration Officer. Stephen Payne will ensure that all staff are aware of their data protection obligations, and oversee any queries related to the storing or processing of personal data.

Staff are responsible for ensuring that they collect and store any personal data in accordance with this policy. Staff must also inform the school of any changes to their personal data, such as a change of address.

Privacy/fair processing notice

Appellants

EdAp holds personal data about appellants to enable the Independent Appeal panel to perform its statutory role.

We may also receive data about pupils from other organisations including, but not limited to, local authorities, schools and the Department for Education.

This data includes, but is not restricted to:

- Contact details including telephone numbers and e mail addresses.
- Details about the appeal, whether admission, exclusion or transport appeal. This can include medical records provided by appellants.
- Details about panel members appointed or prospective panel members.
- Details about staff at schools or local authorities.

We will only retain the data we collect for as long as is necessary to satisfy the purpose for which it has been collected. The Admission Appeals Code requires that EdAp keeps all Admission Appeal data and information for a period of **TWO** years and **FIVE** years for Exclusion appeals. Transport appeal information is kept for a period of **TWO** years.

We will not share information about appellants with anyone without consent unless the law and our policies allow us to do so. This means that we will share appeal information with relevant people and bodies. Such as panel members, local Authorities and schools.

Individuals who wish to receive a copy of the information that we hold about them/their child should refer to sections 8 and 9 of this policy.

We are required, by law, to pass certain information about pupils to specified external bodies, such as the Local Government and Social Care Ombudsman and the Education and Skills Funding Agency. Where required for a Judicial Review, we will share information where requested to the Courts.

Staff

We process data relating to those we employ to work. This will include voluntary panel members. The purpose of processing this data is to assist in the running of EdAp, including to:

- Enable individuals to be paid whether a salary or expenses.
- Facilitate safe recruitment
- Support the effective performance management of staff
- Improve the management of workforce data across the sector
- Inform our recruitment and retention policies
- Allow better financial modelling and planning
- Enable ethnicity and disability monitoring
- Staff personal data includes, but is not limited to, information such as:
 - Contact details
 - National Insurance numbers
 - Salary information
 - Qualifications
 - Absence data
 - Personal characteristics, including ethnic groups
 - Medical information
 - Outcomes of any disciplinary procedures

We will only retain the data we collect for as long as is necessary to satisfy the purpose for which it has been collected.

We will not share information about staff or panel members with third parties without consent unless

the law allows us to.

We are required, by law, to pass certain information about staff to specified external bodies, such as our local authority, schools, Local Government and Social Care Ombudsman and the Education and Skills Funding Agency so that they are able to meet their statutory obligations.

Any staff member wishing to see a copy of information about them that the school holds should contact the Stephen Payne.

Subject access requests

Under the Data Protection Act 2018, appellants have a right to request access to information EdAp holds about them. This is known as a subject access request.

Subject access requests must be submitted in writing, either by letter, email or fax. Requests should include:

- The appellant's name
- A correspondence address
- A contact number and email address
- Details about the information requested
- EdAp will not reveal the following information in response to subject access requests:
 - Information that might cause serious harm to the physical or mental health of the appellant
 - Any information about another appellant or their case.
 - Information that would reveal that the child is at risk of abuse, where disclosure of that information would not be in the child's best interests

Subject access requests for all or part of the pupil's educational record will be provided within 15 school days. The table below summarises the charges that apply

Number of pages of information to be supplied	Maximum fee (£)
1-19	1.00
20-29	2.00
30-39	3.00
40-49	4.00
50-59	5.00
60-69	6.00
70-79	7.00

80-89	8.00
90-99	9.00
100-149	10.00
150-199	15.00
200-249	20.00
250-299	25.00
300-349	30.00
350-399	35.00
400-449	40.00
500 +	50.00

Appellants requests to see their information

Appellants have the right of access to any information held about their child, but not any other child or case. This will be provided within 15 days and shall be at zero charge.

EdAp will only provide the information to the parent of the appellant unless the appellant is age 16 or older.

If the appellant ask for copies of information, they will be required to pay the cost of making the copies.

Storage of records

- Paper-based records and portable electronic devices, such as laptops and hard drives, that contain personal information are kept under lock and key when not in use.
- Clerks, panel members and schools must keep all appeal information under lock and key. All papers after a hearing MUST be given to the Clerk for confidential destruction.
- Passwords must be at least 8 characters long containing letters and numbers to access computers, laptops and other electronic devices. Passwords must be changed at regular intervals.
- Encryption software is used to protect all portable devices and removable media, such as laptops and USB devices
- Clerks and panel members who store personal information on their personal devices are expected to follow the same security procedures.
- All e mails with data must be sent by secure server.

Disposal of records

Personal information that is no longer needed, or has become inaccurate or out of date, is disposed of securely.

For example, we will shred or incinerate paper-based records, and override electronic files. We may also use an outside company to safely dispose of electronic records.

Training

EdAp staff and panel members are provided with data protection training as part of their induction process.

Data protection will also form part of continuing professional development, where changes to legislation or EdAp's processes make it necessary.

Monitoring arrangements

Stephen Payne is responsible for monitoring and reviewing this policy on a biannual basis.

Stephen Payne checks that EdAp complies with this policy by, among other things, reviewing all records annually.

This document will be reviewed every two years.

After every review, the policy will be shared on the www.educationappeals.com website.