

## **GUIDANCE TO SOUTH GLOUCESTERSHIRE SCHOOLS ON ISSUING THE PRIVACY NOTICE**

**From September 2009, the Fair Processing Notice will be replaced by the Privacy Notice**

### **Background to the Change**

The Information Commissioner has recommended that the term 'Fair Processing Notice' be replaced by a 'Privacy Notice'. The DCSF is therefore adopting this approach in its data collections from now on, having reviewed the whole process of issuing Privacy Notices.

In the past, the suggested text has included the use of school information made available by the LA or the DCSF. However, the new process will mean much simpler Privacy Notices, where details of any organisations with which the LA and DCSF share data are contained on the **LA and DCSF websites**, with links from the Privacy Notices. ***This means that Privacy Notices do not need reissuing on an annual basis.*** The aim is to make the Privacy Notices issued to children and staff general and constant. Any changes to the details of organisations with which school or LA data is shared can be updated on the LA and DCSF websites rather than through a reissue of the Privacy Notice.

### **To ensure this new approach to Privacy Notices works effectively:**

- The Schools, the LA and/or DCSF will need to provide hard copies of their website information available to those without web access.
- The LA will need to include details of their Primary Care Trusts, Connexion Services and local ContactPoint services and other local bodies with which they share data.
- The DCSF will include details of organisations it shares data with, such as MIAP, Ofsted, the examination boards, the Training and Development Agency, the General Teaching Council for England, and the central ContactPoint organisation.

The new approach is that a single, short and easily understandable Privacy Notice can be provided to pupils and staff by the school or LA at the same time as other communications that they issue. For example:

- A pupil might receive the Privacy Notice as part of a school brochure or induction pack, or in a school diary, and it could be posted on the school notice board.
- For staff, the Privacy Notice might be included as part of a contract, induction pack, and posted on the staff notice board, etc.
- A child receiving Social Care Services or a child looked after might receive their Privacy Notice as part of other information about the services that they are being offered.

It is anticipated that staff, and young people over the age of 12 with the maturity to make their own decisions, should generally be able to request to see their personal information themselves under the Subject Access Provisions (S.7) of the Data Protection Act. For young people under 12, their parents will act on their behalf. In any event, it will be for the school, as data controller, to assess whether the child is capable of understanding the personal information in question, and so decide whether the parent needs to make the request on the child's behalf.

## Local Authority Advice

- We are advising schools to issue the Privacy Notice available from the IMS Website at <http://intranet/content/CYP/Department/EdCentral/ipd/sims/index.htm> (under **Guidance and Instructions**) once to the parent(s) of all pupils at Foundation Stage and Key Stages 1 and 2 and to the pupil and parent (s) at Key Stages 3 to 5 where a pupil is newly on roll at the school even where that pupil has already been educated at another South Gloucestershire educational setting. Strictly, pupils from the age of 12 upwards (assume here pupils in Year 7) are seen as independent data subjects able to make informed decisions and so are entitled to their own a copy of the Privacy Notice.
- During the first year (from September 2009) we recommend that all parents and/or pupils should receive a copy of the Privacy Notice to ensure that data subjects have been informed of the changes.
- Parents and pupils are advised in the Privacy notice to look at the Local Authority and/or DCSF Websites should they wish to see the latest organisations entitled to data held about them. These pages will be updated at least annually thereby removing the need for schools to have to re-issue documentation at the start of each academic year.
- Where a parent or pupil does not have access to the web, then schools should print out the latest guidance from these websites or direct them to the **Children's and Yout People's Information Service** on:

email: [cis@southglos.gov.uk](mailto:cis@southglos.gov.uk)  
tel: 01454 868008

- Before issuing the Privacy Notice, schools will need to edit the document to include the **name of school** and **name of the School Administrator** who will be the point of contact in the school for a hard copy of any additional documentation or in cases where there is a subject access request from a parent or pupil.
- **Schools may wish to edit the document** and include their own school logo. Secondary schools will need to ensure that they include the additional section above connexions consent. All other schools should remove this. They should also refer to any additional organisations and software suppliers such as providers of Virtual Learning Environments, Library systems and so on where basic pupil information is being used by these systems to support teaching and learning. Schools are reminded of the importance of not sharing sensitive information about pupils under normal circumstances. The list of such organisations should be highly restricted and reviewed regularly. Any school wishing to clarify the appropriateness of data sharing outside of their Management Information System (SIMS) would be advised to contact the Information Management Team on 3838 to seek clarification. On the Privacy Notice, where such Third Parties are identified, we recommend that the name and address of the organisation, their website and an e-mail address should be included to inform parents of the nature of the organisation with whom data is shared.
- We will include references to data sharing in South-west Grid for Learning's Merlin, the Learning Environment supported by South Gloucestershire in the Local Authority document posted on the website. Schools will not need to add this to their own Privacy notices.
- Unfortunately, schools that have already printed Fair Processing Notices in readiness for the start of term in September 2009 should consider replacing these

with Privacy notices. Advice on the change over from Fair Processing Notices to Privacy Notices only came through to us during the summer of 2009.

- Any School seeking clarification on the use of the Privacy notice should contact IMS on the usual number: **01454 863838**

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