

INTRODUCTION

This policy will help the pupil referral service to comply with the Data Protection Act 1998 (DPA), Environmental Information Regulations 2004 (EIR) and Freedom of Information Act 2000 (FOIA), associated guidance and Codes of Practice issued under the legislation. It addresses dealing with requests for information, records management, security and access to information and use of email and internet.

What is does this policy apply to?

This policy applies to any recorded information which is held by the pupil referral service, or on their behalf, in any form, whether manual or electronic.

DATA PROTECTION

Personal Data will be collected, stored, used and disclosed in accordance with the requirements of the Data Protection principles.

The pupil referral service has notified its purposes for processing with the Information Commissioner.

MAKING INFORMATION AVAILABLE

The pupil referral service will make information available in line with the DPA, EIR and FOI and is committed to the spirit of the legislation to promote openness and accountability. Requests will be responded to within the prescribed timescales.

Exemptions will only be applied when absolutely necessary. If an exemption applies individuals will be advised they cannot have the information they have requested and, where appropriate, given the reason why information is being withheld, and/or advised of the complaints procedure and contact details for the Information Commissioner.

The Chair of the Management Committee and the Headteacher will jointly consider all requests where a public interest test is applied, or where there is any doubt on whether or not an exemption should be applied. In applying the public interest test they will:

- ♦ Document clearly the benefits from both disclosing and withholding the requested information; and
- ♦ Where necessary seek guidance on case law in deciding where the balance lies.

Reasons for disclosing/not disclosing the information will be reported to the next Management Committee Meeting.

Scarborough Pupil Referral Service will offer advice and assistance to individuals to help them access information. For example if information is not held by the pupil referral service but may be held by another public body, the pupil referral service will advise the individual of this and provide contact details of the relevant public body.

The pupil referral service has adopted the Information Commissioner's model publication scheme for schools and will publish as much of the information as possible on its website. The publication scheme will be kept up-to-date and will be subject to an annual review by the Management Committee.

Charging for information

Charging for supplying information will be at the pupil referral services' discretion and in line with current regulations. If a charge applies, written notice will be given to the applicant and payment must be received before the requested information is supplied.

- ♦ For **FOI** and **EIR** requests, the pupil referral service will use the North Yorkshire County Council Charging Policy. Once the individual has been notified that a fee is payable if this not received, within 3 months of the notification, the request will be deemed to have lapsed.
- ♦ For **DPA** or **Education (Pupil Information) (England) Regulations 2005** requests, charges will be made in accordance with current legislation.

Complaints

Expressions of dissatisfaction will be handled through the pupil referral service's existing general complaints procedure and on completion of the complaints procedure applicants will be notified of their right to complain to the Information Commissioner.

Monitoring & Evaluation

The headteacher will be responsible for periodically monitoring requests received and action taken to ensure that the pupil referral service is complying with its information legislation and report annually to the Management Committee.

RECORDS MANAGEMENT/SECURITY & CONTROL OF INFORMATION

The pupil referral service recognises that the secure and efficient management of its information is necessary to comply with its legal and regulatory obligations and to contribute to the effective overall management of the pupil referral service.

- ◆ Protocols will be in place to ensure the pupil referral service knows what information is held and by whom.
- ◆ The pupil referral service will ensure that information is managed in line with the guidance in the NYCC Information Governance advice for schools.
- ◆ The pupil referral service will adopt the North Yorkshire County Council (NYCC) Record Retention and Disposal Schedule (RRDS) and will inform NYCC of any new records created or of records held by the pupil referral service which do not appear in the RRDS.
- ◆ The pupil referral service will ensure that information is held securely with access restricted as appropriate, and in line with the guidelines on security and access in the NYCC Information Governance advice for schools.
- ◆ The pupil referral service will ensure that use of email and internet is properly controlled in line with the guidance in the NYCC Information Governance advice for schools.
- ◆ The pupil referral service will periodically review and monitor its information management to ensure standards, procedures, guidelines and security measures are in place and being complied with.

TRAINING

The pupil referral service will ensure that appropriate guidance and training is given to the relevant staff, management committee and other authorised pupil referral service users on access to information regimes, records management, security and access to information, using email and the internet.

COPYRIGHT

When providing information, the pupil referral service will ensure that there is no infringement of copyright legislation.

RESPONSIBILITY

The day-to-day responsibility for implementation of the pupil referral service Information Policy and the provision of advice, guidance, publicity and interpretation of the policy is delegated to the headteacher. The headteacher is also the Senior Information Risk Owner.

A designated member of staff (the Office Manager) will be a single point of reference and will:-

- ◆ Oversee all requests for information
- ◆ Ensure systems are in place to deal with requests
- ◆ Be responsible for maintaining a log of all request received and for ensuring they are responded to within the prescribed timescales
- ◆ Ensure a record of refusals and reasons for refusals is kept, allowing the management committee to review the pupil referral service Information Policy on an annual basis
- ◆ Take a view on possibly sensitive areas
- ◆ Co-ordinate/update the Publication Scheme
- ◆ Consider what training and guidance staff may need

GENERAL

Any user who contravenes this guidance will be dealt with appropriately. This may include disciplinary action and/or informing the Police where appropriate.

The Management Committee will be responsible for evaluating and reviewing this policy annually.