

THOMAS MILLS HIGH SCHOOL & SIXTH FORM



TRUSTEES' POLICY DOCUMENT 46

INFORMATION, RECORDS AND COPYRIGHT: POLICY AND PROCEDURES

Date approved by Board of Trustees	19/05/2026
Next review due:	Academic Year 2027 - 2028
Policy review cycle:	Every 3 years
Policy Owner:	Business Manager with Head of IT

Vision Statement

'Together we aim high, discover talents, and build a brighter future'

Thomas Mills High School is an Academy and a company limited by guarantee incorporated in England & Wales under number 7605059

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1. Purpose and Scope.

- 1.1 The Academy Trust has adopted this policy statement in order to make clear how the School exercises its responsibilities and rights under the relevant legislation and to provide a consolidated guide to the many issues involved in the management (a) of information, (b) of records and (c) of copyright matters.
- 1.2 “Relevant legislation” in terms of this policy should be interpreted to mean the provisions relating to information and records management and to copyright in the following enactments:
 - (a) Data Protection Act 1998 (DPA)(current data protection framework);
 - (b) Data Protection and Digital Information (DPDI) Act 2025,
 - a. Digital verification services & smart data rules with reference to identity verification, data sharing with third parties and digital service providers
 - (c) Data (Use and Access) Act 2025,
 - (d) General Data Protection Regulations (GDPR) as set by the European Union and any subsequent UK Legislation to replace and/or amend said regulations.
 - (e) Section 537A of the Education Act 1996 and the Education (Individual Pupil Information) (Prescribed Persons) (England) Regulations 2009;
 - (f) Children Act 1989 and Education Act 2002;
 - (g) Freedom of Information Act 2000 (FOI);
 - (h) Environmental Information Regulations 2004 (EIR);
 - (i) Human Rights Act 1998;
 - (j) Equality Act 2010;
 - (k) Education (Independent Inspection Framework 2023 -2025) (England);
 - (l) Copyright, Designs and Patents Act 1988;
 - (m) related legislation/regulations and any amending legislation.
- 1.3 It is the policy of the Academy Trust that all trustees, staff and pupils must act in accordance with this document when dealing with the issues relating to it in order to safeguard the legal position of the School.
- 1.4 The policy does not form part of the formal contract of employment for staff or a formal offer of a place of study for pupils. However, the policy (except for Appendices A, C and D) will be included in the staff handbook and it is a condition of employment that employees abide by the rules and policies made by the School from time to time. Any failure to follow the policy can, therefore, result in disciplinary proceedings.

2. Related Policies.

In reading this Policy, reference should also be made as appropriate to the following:

- (a) Safeguarding Children Policy;
- (b) Online Safety Policy
- (c) Academy Complaints Procedure;
- (d) Equality of Opportunity Policy;
- (e) Disciplinary, Capability, Harassment and Grievance Procedures;
- (f) Handbook of Governance;
- (g) Constitution of Standing Committees;
- (h) Data Protection Policy

3. General Responsibilities of Trustees and Staff.

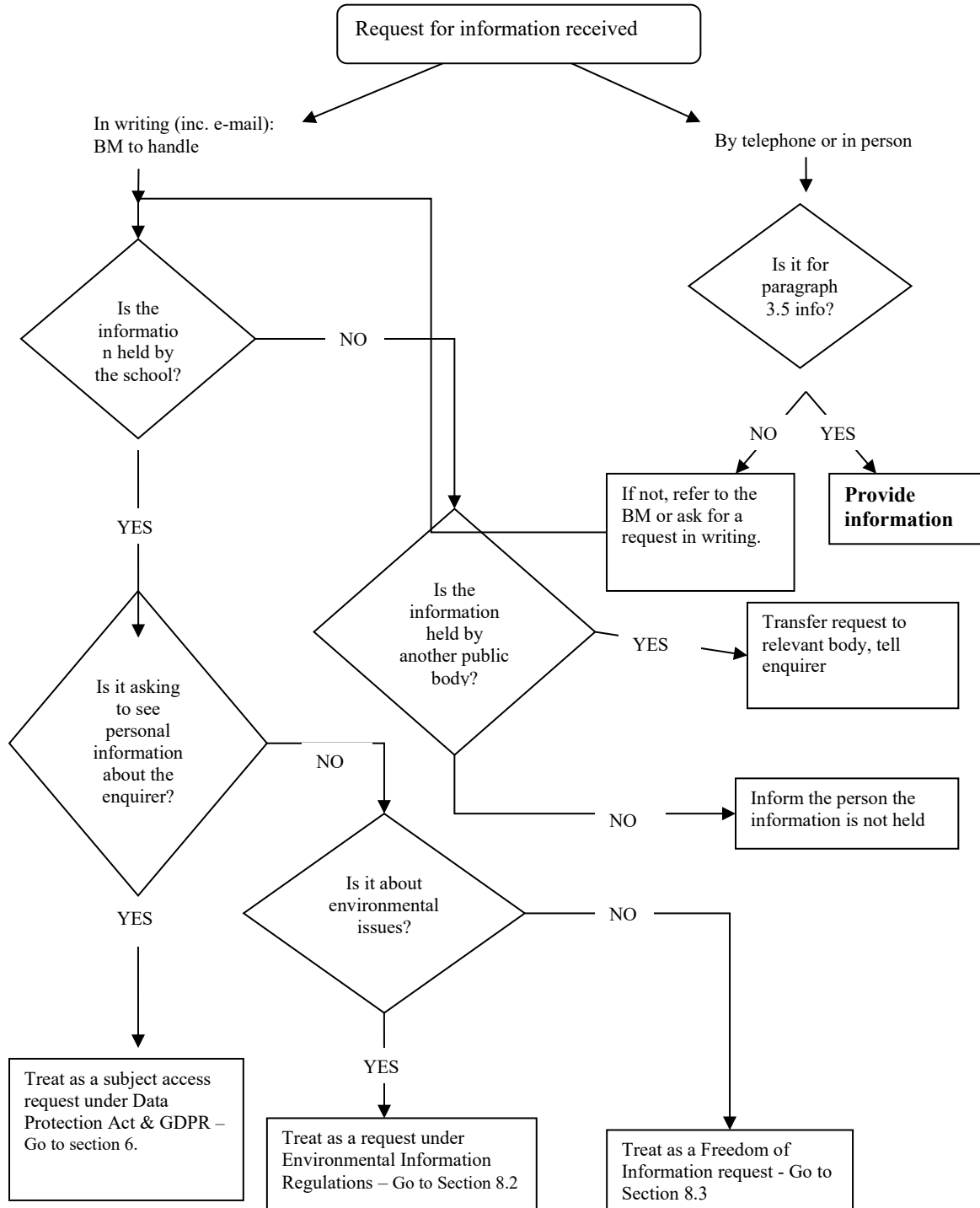
- 3.1 Any trustee or member of staff may from time to time receive informal requests for information from a third party. Receiving such a request imposes an automatic duty to provide advice and assistance. Failure to do so could involve the School in legal action and would make members of staff liable to disciplinary proceedings.
- 3.2 A third party cannot be expected to know what category of information they are requesting, or which regulations relate to it. The School has a duty to help them

through the maze. The advice which is to be offered by trustees or members of staff is outlined in Section 5 below and in Appendix A.

- 3.3 All requests for information (other than for items listed in 3.5) should then be referred as soon as possible to the Business Manager (BM), who will help the applicants from that point in the process. If the original request was made verbally, a note should be made of the name of the person, contact details (e.g. telephone number) and nature of the request so that it can be passed on to the BM who will deal with the request. Once the matter has been referred in this way, the trustee or member of staff concerned has fully complied with their obligations.
- 3.4 It is particularly important that Trustees do not express an opinion on the substance of a request in case they are involved in the complaints procedure at a later stage.
- 3.5 The school office should (in answer to enquiries for general information) point out the documents generally available on the website or else issue the following documents upon request: copies of the School or Sixth Form Prospectus, Home-School Agreement, published Ofsted reports referring to the School and any document listed in the Appendix C. However, with the exception of prospectuses, a note should be made of the documents supplied, for monitoring purposes.
- 3.6 People requesting information will be informed that a request under the DPA, GDPR or under the FOI must be made in writing. Depending on the relevant legislation the school could have as little as 30 days to disclose the information. As such all requests need to be passed to the BM as soon as the request has been made.
- 3.7 Once a person has made a verbal request for information on an environmental issue (to whomever and regardless of how informally the request was made) the School has only 20 working days from that day in which to make any information available. It is *particularly* important, therefore, that environmental information requests are referred the same day to the BM.
- 3.8 Trustees and staff should bear in mind that all documents produced in the School are subject to one of these legal codes and, consequently, virtually no document can be regarded as wholly confidential or for internal use only. Every document should be written as a public document. It is incumbent on minute takers (and those who confirm minutes) and on people writing notes or documents of any kind to be careful in what they write and to try to ensure that nothing is recorded that might be actionable in law (e.g. personal opinions on individuals which cannot be substantiated in fact) or embarrassing to the School (or to innocent individuals) if it becomes known at a later date. If in doubt, the Headteacher, Deputy Head or BM should be approached for advice.
- 3.9 When there is a request for information under any of the legal codes referred to in this policy, the request covers information wherever it is held in the school and it will be necessary to produce within the time limits prescribed ALL documents that are relevant to the request, irrespective of who has been holding them. It is important, therefore, that documents which are part of a pupil's educational record are kept in the central filing system, child protection notes and records are held only by the Senior Designated Person and that copies of all other documents are held centrally or (if it is subject-specific) by the relevant Head of Department, who should ensure that it can be produced quickly and efficiently on request. All staff are required to search for documents speedily and efficiently when asked to do so by the BM.
- 3.10 Staff are responsible for ensuring that personal information regulated by the Data Protection Act, GDPR and other related regulations (for most staff this will be information held in respect of pupils):
 - (a) is kept securely;
 - (b) is not disclosed either orally or in writing or electronically or by any other means accidentally or otherwise to any unauthorised third party.
- 3.10 Special care should be taken in attaching information by email. In the majority of cases information can be shared via the schools' secure network. If in doubt about sharing information staff should consult the IT Manager or BM.
- 3.11 Staff should note that any unauthorised disclosure will usually be a disciplinary matter.

[continued overleaf...

3.12 General Procedure to be Followed upon Receipt of an Information Enquiry.



3.13 No one may destroy or otherwise dispose of any record:

- (a) when an information request to which it is relevant has been received (there are no exceptions to this rule);

(b) or at any other time except in accordance with Section 11 and the Retention Schedule.

To do so may render a member of staff liable to disciplinary action and either the Academy Trust or the member of staff concerned or both to criminal proceedings for unlawful concealment, damage or destruction of records.

3.13 However, records that merely duplicate information recorded elsewhere, together with temporary notes (including telephone messages) with no long-term significance and (because they may contain errors of fact) drafts of documents which have been superseded by a final agreed version are not subject to 3.12(b). In case of doubt about such items, staff should seek advice from the BM.

4. Specific Responsibilities of Designated Staff.

4.1 The Headteacher is responsible for:

- (a) the oversight of the enforcement of this policy;
- (b) ensuring that members of staff are adequately informed of their responsibilities in regard to this policy and the related policies;
- (c) ensuring the School's compliance with Part 6 of the Education (Independent School Standards) (England) Regulations 2010;
- (d) the processing of personal information held on members of staff (in consultation with the Data Protection Officer (DPO));
- (e) making any decision regarding a request to release to the police or withhold from those normally entitled to it information that might hinder the prevention or detection of crime or the apprehension or prosecution of offenders (DPA, Section 29). The Headteacher should require any such request to be made in writing and, if deemed necessary, should seek legal advice before acting upon it;
- (f) giving final approval before a request for information is refused for any reason and making decisions in other cases that may be referred to the Headteacher from time to time by the BM.

4.2 The Deputy Head is the Senior Designated Person for child safeguarding matters and as such is responsible for holding relevant confidential records in accordance with the Safeguarding Children Policy. They may also act for the BM in his absence on matters indicated in 4.4 below.

4.3 The Business Manager (BM) is the designated Data Protection Officer for GDPR and compliance officer for Freedom of Information and copyright issues and is responsible for:

- (a) the management of personal information held on all persons other than members of staff, in accordance with the Data Protection Act and other legal requirements, except for confidential safeguarding information.
- (b) the management of information other than personal information, in accordance with the Freedom of Information Act and Environmental Information Regulations;
- (c) timely referral to the Headteacher of any request which he/she feels should be refused or which raises issues which cannot be resolved and of requests under DPA Section 29;
- (d) maintaining records of all requests and whether agreed or refused;
- (e) advising the trustees and senior managers on the annual review of this policy and, in particular, of Appendix C and Appendix E;
- (f) ensuring all necessary School licences are in place;
- (g) is responsible for the disposal of all financial records under the Retention Schedule.
- (h) managing all copyright issues.
- (i) Initially the BM shall also carry out the duties of the Data Protection Officer as outlined in the GDPR and undertake the following duties:

- (a) Responsibility for overseeing the implementation of this policy, monitoring our compliance with data protection law, and developing related policies and guidelines where applicable.
 - (b) They will provide an annual report of their activities directly to the Trustees and, where relevant, report to the Trustees their advice and recommendations on trust and school data protection issues.
 - (c) The DPO is also the first point of contact for individuals whose data the school processes, and for the THE INFORMATION COMMISSION.
- 4.4 A Senior Teacher is the keeper of the School Archives (see Section 12).
- 4.5 The Headteacher's P A is responsible for the disposal of records (other than financial, site and curriculum records listed below) under the Retention Schedule.
- 4.6 The Business Manager is responsible for the disposal of site records under the Retention Schedule.
- 4.7 Heads of Department are responsible for the disposal of the following curriculum items in the Retention Schedule: schemes of work; class record books and mark books; records of homework set; pupils' work.
- 4.8 In exercising responsibilities for the disposal of information under the Retention Schedule members of staff must:
- (a) ensure that the actions in the Schedule are carried out as prescribed;
 - (b) ensure that records identified for disposal are held securely until disposal takes place;
 - (c) review records and make disposal decisions in June each year.
- 4.9 Those responsible for disposing of records are not required necessarily to carry out disposal in person, but if it is carried out by someone else, they must assure themselves that the process is carried out in full accordance with the requirements of this Policy and of the Retention Schedule.

5. General Guidance for Members of the Public.

- 5.1 General guidance to persons making informal enquiries about information held by the School is given in Appendix A to this Policy.
- 5.2 Trustees or staff answering general enquiries (see paragraphs 3.1 and 3.2) should either refer to this when speaking to the person concerned, or offer to post, FAX or e-mail a copy to them, or direct them to the correct section of the school website.

6. Recording of Meetings Policy

- 6.1 Purpose
This policy sets out the school's approach to the recording of meetings between parents/carers and school staff, including meetings with form tutors, class teachers, and pastoral staff. It aims to balance:
- (a) The rights and needs of parents/carers
 - (b) The wellbeing and professionalism of staff
 - (c) The safeguarding and privacy of children and families
 - (d) The importance of open, honest, and trusting communication
- 6.2 Scope
This policy applies to:
- (a) Parents and carers with parental responsibility
 - (b) Pupils (where appropriate)
 - (c) All school staff and governors
- The term recording includes audio, video, photographic, or digital recordings made on any device.

6.3 Key Principles

The school's approach is guided by the following principles:

- (a) Meetings should take place in a safe, respectful, and professional environment
- (b) Requests to record will be listened to and considered carefully, not dismissed automatically
- (c) Transparency is encouraged; covert recording is strongly discouraged
- (d) The best interests of the child are paramount
- (e) Recording must not compromise safeguarding, confidentiality, or staff wellbeing

6.4 Requests to Record a Meeting

6.4.1 Making a request

Parents/carers who wish to record a meeting should:

- (a) Make the request in advance, wherever possible
- (b) Explain the reason for the request (for example, memory, anxiety, or note-taking difficulties)

The school recognises that parents may find meetings stressful and may want an accurate record of what is said.

6.4.2 School response

The school will:

- (a) Consider requests reasonably and proportionately
- (b) Aim to respond positively where recording supports understanding and communication
- (c) Explain any conditions or limitations clearly and respectfully

6.5 Conditions for Recording (Where Agreed)

If a recording is agreed, the following conditions will normally apply:

- (a) The recording is for personal use only
- (b) The recording must not be shared, published, or distributed (including on social media)
- (c) The recording must not be edited or taken out of context
- (d) No third-party personal or sensitive information may be used improperly

The school may also:

- (e) Keep formal written minutes
- (f) Make its own recording for accuracy (with notification to all parties)

6.6 When Recording May Be Refused

The school may refuse a request to record where:

- (a) Safeguarding concerns are identified
- (b) Confidential information about other pupils or families is likely to be discussed
- (c) Another person with parental responsibility objects
- (d) The child or young person objects (where their views are appropriate and considered)
- (e) Recording is likely to undermine professional trust or the welfare of staff

Any refusal will be explained clearly, and alternatives (such as detailed written notes) will be offered.

6.7 Covert Recording

The school does not support covert recording of meetings.

While the school recognises that covert recording may not always be unlawful, it:

- (a) Damages trust and working relationships

- (b) Can cause distress to staff and pupils
- (c) Makes open and constructive dialogue more difficult

If covert recording is suspected or discovered, the school will address the issue sensitively and appropriately, taking account of safeguarding and professional conduct.

6.8 Safeguarding and Confidentiality

All recordings involving school meetings may contain sensitive personal data.

Parents/carers are expected to:

- (a) Handle recordings responsibly
- (b) Protect the privacy and dignity of all individuals involved
- (c) Avoid actions that could cause harm or distress to children or staff

Misuse of recordings may result in the school taking appropriate action.

6.9 Data Protection

This policy relates to recordings made by parents/carers in a personal capacity. Where the school itself records meetings, it will do so in line with data protection law and the school's Data Protection Policy.

This policy supports respectful partnership working between home and school and promotes clear, constructive communication in the best interests of children.

7. The Freedom of Information Act: Publication Scheme and Guide to Information.

- 7.1 The Academy Trust of Thomas Mills High School has adopted the Model Publication Scheme produced by the Information Commissioner's Office (<http://www.The Information Commission.gov.uk>). A link to this document may be found on the School's website.
- 7.2 The Academy Trust has also adopted the Guide to Information (see Appendix C).
- 7.3 This policy document, including the Guide to Information (together with most of the documents there listed) are made available on the School website.
- 7.4 The Senior Management Team (guided by the BM) will review the Guide to Information every 3 years when this Policy is due for renewal and recommend to the Academy Trust any necessary amendments to keep it up to date.

8. Freedom of Information Policy, Procedure and Guidance.

- 8.1 It is the policy of the Academy Trust that requests for the release of information under either the Freedom of Information Act 2000 and updated in 2024-2025 (FOI) or the Environmental Information Regulations 2004 (EIR) are to be handled in accordance with the procedure and detailed guidance contained in this section.
- 8.2 Procedure and Guidance in Handling Requests for Information under EIR (Environmental Information Regulations 2004 (updated march 2024)).
 - (a) Requests for information covered by EIR may be made either verbally or in writing and do not need to mention that they are environmental requests and thus covered by the EIR – that is a decision for the School (usually the BM) to make.
 - (b) The School has a duty to provide advice and assistance to applicants and generally does so in accordance with Section 2 of the Code of Practice made by the Secretary of State for the Environment, Food and Rural Affairs, to which the BM must refer when handling requests. In order to comply with the requirements, all applicants will be supplied with a copy of Section 8.2 of this Policy as soon as their request has been identified as falling under the EIR – and offered any further assistance they may need.
 - (c) Consideration must be given as to whether other laws may be relevant to the way advice and assistance is given in a particular case, e.g. the Disability Discrimination Act 1995 or the Equality Act 2010.

- (d) All valid requests must be dealt with as soon as possible and the required information supplied no later than 20 working days after it has been received.
- (e) If a request is too general to be processed, the BM shall as soon as possible and not later than 20 working days after receipt of the request, ask the applicant to provide more particulars and shall assist him in doing so. Similarly, if the applicant does not describe the information sought in a way that enables the School to identify or locate it, or the request is ambiguous, the BM shall, as soon as possible, offer assistance to the applicant in clarifying the request so that it can be processed, as described in Section 2 of the Code of Practice.
- (f) At no stage shall the applicant's motives for requesting the information be questioned or discussed, implicitly or explicitly, nor shall he be expected to provide precise names or descriptions for requested documents or file references.
- (g) If after the process described in 8.2(e) has been exhausted the applicant still fails to describe the information requested in a way that enables the School to identify and locate it, the BM will write to the applicant to explain that the request cannot be taken any further and give details of the School's complaints procedure.
- (h) All valid requests must be dealt with regardless of cost, although reasonable fees (as specified in the Code of Practice) may be charged to the applicant. If the applicant indicates that he is not prepared to pay the charge requested by the School, the BM shall decide if any relevant information may be released free of charge and, if so, release it.
- (i) If the information to be disclosed is subject to copyright protection, advice will be offered to the applicant in line with the provisions of 13.5 below.
- (j) The School may transfer a request for information to another public authority if it does not hold the information itself (in accordance with the Code of Practice), but the BM will ensure that the applicant is consulted first and wishes this to happen. If the School holds part but not all of the information, the Deputy Head will ensure that relevant information that it does hold is released.
- (k) "Holding environmental information" includes holding a copy of a record produced or supplied by another person or body or holding a record on behalf of another person or body. In the latter case, the BM should normally consult that person or body before releasing the record. However, if it is in the public interest to do so, such information may be released even if that person or body asks for it not to be. On such judgements, the BM will consult the Headteacher as well as having regard to the Code of Practice.
- (l) Where the BM becomes convinced that an exception applies under the Regulations so that the request for information should be refused, he will consult the Headteacher before a final decision is taken. The applicant will be notified in writing of the decision, upon which exception under the Regulations it is based and why the exception applies, and why the exception is not outweighed by the public interest in disclosure. They will also be advised in the same letter of their rights under the complaints procedure and appeals process.

[continued overleaf...]

8.3 Procedure for Considering Information Requests under FOI.

- (c) A request under FOI is only valid if it is in writing (including FAX and e-mail), gives the enquirer's name and correspondence or e-mail address and provides enough information to enable the School to identify and locate the information.
- (d) If the enquiry is ambiguous the BM will contact the enquirer and offer assistance to clarify it so that the enquiry may be processed. If this is necessary, the time limit for the School to comply with the request (20 school working days) comes into effect only when the necessary further information is received.
- (e) "Holding information" under FOI means information (digital or in hard copy) relating to the business of the School which the School has created or has received from another body or person, or which is held by another body on the School's behalf.
- (f) If the School does not hold the information that is requested (including when the information has been already been disposed of in accordance with the Retention Schedule), the BM will so inform the enquirer. The School is under no obligation to create or acquire information it does not hold solely to provide it to an enquirer and will not do so.
- (g) If the information is already in the public domain, the BM will direct the enquirer to it and explain how it may be accessed.
- (h) In accordance with the law, the School reserves its right to refuse to comply with vexatious and manifestly unreasonable requests (i.e. ones that are designed to cause inconvenience, harassment or expense rather than to obtain information, or where it would require a substantial diversion of resources or otherwise undermine the work of the School in order to comply with them), and with repeated requests from the same applicant that are identical or substantially similar, unless there has been a reasonable interval between them. If the BM thinks that this provision applies in a particular case, he will consult the Headteacher before refusing the request.
- (i) If information is held by another body on the School's behalf, the BM will check with them that they do hold it and then transfer the request to them. He will so inform the enquirer without delay.
- (j) If it is necessary in accordance with DfE guidance to consult a third party before disclosing information which the School holds, the BM shall ensure that this is done.
- (k) Absolute Exemptions.
The following are the categories of information relevant to a school which are absolutely exempt from disclosure (including the duty to confirm or deny whether the information is held) under FOI: where information is accessible to the enquirer by other means (even if there would be a charge for it); information related to proceedings in a court or tribunal or served on a public authority for the purposes of proceedings; information covered by DPA or EIR; information provided in confidence if its disclosure would constitute a breach of confidence actionable by the person who provided it or another person; and information that is prohibited from being disclosed under other legislation.
- (l) Qualified Exemptions.
The following are the categories of information which might be relevant to a school and are exempt from disclosure under FOI unless there is a public interest in disclosing it: information intended for future publication; information held by the School relating to criminal investigations and proceedings conducted by public authorities; other information connected with law enforcement; information concerning communications with the King, the Royal Family or Royal Household and information relating to the award of honours; information that might prejudice the safety or mental or physical health of an individual; advice given by legal advisers, solicitors and barristers; information likely to prejudice the commercial interests of any person or body (including the School).
- (m) If the BM thinks that information that has been requested is exempt either absolutely or with qualifications, he will consult the Headteacher before taking any further action. The Headteacher will apply the public interest test to Qualified

- Exceptions in accordance with DfE guidance and, if necessary, after seeking legal advice.
- (n) If it is decided to refuse an information request, the applicant will be informed in writing and each letter must contain:
 - (i) the fact that the responsible person cannot provide the information asked for;
 - (ii) which exemption(s) the School is claiming apply;
 - (iii) why the exemption(s) apply to this enquiry (if it is not self-evident);
 - (iv) reasons for refusal if based on cost of compliance;
 - (v) in the case of qualified exemptions, how you have applied the public interest test, specifying the public interest factors taken into account before reaching the decision;
 - (vi) reasons for refusal on vexatious or repeated grounds;
 - (vii) details of the complaints procedure.
 - (o) The School will apply fees but only in accordance with DfE guidance. A fees notice will be issued to an applicant as soon as they have been calculated and before information has been provided. In such cases, information will not be supplied until the fee has been paid and if that has not happened within three months it will not be supplied at all. However, if the charge as calculated exceeds the official DfE threshold the School is not obliged to supply the information and the Headteacher would need to decide whether he still wished to do so.
 - (p) If the information to be disclosed is subject to copyright protection, advice will be offered to the applicant in line with the provisions of 13.5 below

9. Information Provided under the Education (Independent School Inspection Framework) updated 2023 – 2025 and Children’s Wellbeing and Schools bill (20260.

In order to comply with Part 6 (*Provision of Information*) of the Regulations the Headteacher is responsible for implementing the following measures:

- (a) Parents of pupils and prospective pupils will be provided with the prescribed information;
- (b) The Chief Inspector, Secretary of State and independent inspectors will be provided on request with the prescribed information, including information reasonably requested for an inspection being conducted;
- (c) The “prescribed information” referred to in 9(a) and 9(b) above consists of the following:
 - i. the school’s address (which is also the registered office of the Academy Trust) and telephone number;
 - ii. the names of the Headteacher and the Chair of Trustees, together with the latter’s address for correspondence;
 - iii. the information indicated in 9(d) and 9(e) below;
 - iv. the number of complaints registered under the Academy Complaints Procedure in the previous school year;
- (d) All policies (including the Safeguarding Children, Admissions, Behaviour, Health and Safety and Educational Visits Policies and the Academy Complaints Procedure) are published on the School’s website;
- (e) A statement of the school’s ethos and aims is included as sections 1 – 3 of the *Handbook of Governance*, which is also published on the School’s website;
- (f) The latest inspection report is made available via a link on the School’s website;
- (g) Written reports of each child’s progress and attainment in the main subject areas taught are provided to parents at least once a year;
- (h) Information necessary for carrying out an annual review of a statement on a registered child is provided to the responsible local authority.

10. Complaints.

- 10.1 Complaints against decisions made in respect of any aspect of the application of Data Protection or Freedom of Information policies will be dealt with under the Academy Complaints Procedure.
- 10.2 Under that procedure, complaints should be referred in the first instance to the Headteacher or (if the complaint is against a direct decision of the Headteacher) to the Chair of Trustees.
- 10.3 Complainants under this policy statement who are dissatisfied with the final outcome of the Academy Complaints Procedure are advised of their right of appeal to the Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

11. Records Management Policy.

- 11.1 The Academy Trust recognises that the efficient management of the School's records is necessary to comply with its legal and regulatory obligations and to contribute to the effective overall management of the institution. This section provides the policy framework through which this effective management can be achieved and audited.
- 11.2 The Records Management Policy applies to all records created, received or maintained by staff of the school in the course of carrying out its functions.
- 11.3 Records are defined as all those documents which facilitate the business carried out by the school and which are thereafter retained (for a set period) to provide evidence of its transactions or activities. These records may be created, received or maintained in hard copy or electronically.
- 11.4 A small number of records will eventually be retained for historical purposes in the School Archives (see Section 12).
- 11.5 The school has a corporate responsibility to maintain its records and record keeping systems in accordance with the regulatory environment. The person with overall responsibility for records management is the Headteacher.
- 11.6 The BM will give guidance for good records management practice and will promote compliance with this policy so that information will be retrieved in an easy, appropriate and timely manner.
- 11.7 Individual staff and employees must ensure that records for which they are responsible are accurate and are maintained and disposed of in accordance with the Retention Schedule (see Appendix D), Section 4 and Section 12.
- 11.8 Provided that members of staff are managing record series using the Retention Schedule they cannot be found guilty of unauthorised tampering with files once a freedom of information request or a data subject access request has been made. Therefore, they can be confident about destroying information at the appropriate time and trustees and senior managers will know that the School is not maintaining and storing information unnecessarily.

12. The School Archives.

- 12.1 The School Archives have been established to preserve records and other items of interest and importance in the history of the School, its predecessors and the locality.
- 12.2 Records are made available to view under controlled conditions for the purposes of historical research.
- 12.3 Items will only be accepted for the School Archives by the keeper of the Archives (the Senior Teacher) if, in his opinion, they fall into the description given in 12.1.
- 12.4 Pupil files and personnel files and other sensitive items are not preserved in the School Archives.
- 12.5 The protection of any personal data that may be included incidentally in the School Archives is ensured by having a Restricted Access section in which it is included. Access is then controlled rigorously by the Senior Teacher.

- 12.6 Items may only be sold or otherwise removed from the School Archives by the unanimous resolution of the School Trusts Committee, which also supervises Archives policy (see also the Constitution of Standing Committees).

13. Copyright Policy.

- 13.1 It is the policy of the Academy Trust that copyright held by third parties should always be respected fully by the School and by all its employees.
- 13.2 The BM is the Copyright Officer for the School and has responsibility for ensuring that this policy is applied rigorously.
- 13.3 The School purchases licenses from appropriate licensing bodies to allow the controlled use of certain copyright material (see Appendix E).
- 13.4 The BM will keep these licences up to date and will revise the list in Appendix E every 3 years before this Policy is due for renewal by the Academy Trust.
- 13.5 Information that is disclosed as a result of a request for information under EIR or FOI may be subject to copyright protection. In such cases, the school will advise the applicant that if he wishes to use the document in a way that might infringe copyright (e.g. by making multiple copies of it) he will need permission from the copyright holder.
- 13.6 It is also the Academy Trust's policy to assert the Academy Trust's own copyright in any literary, dramatic, musical or artistic work or film made in the course of an employee's work at the School, in accordance with Section 11 of the Copyright, Designs and Patents Act 1988.

14. Review of this Policy Statement.

This policy statement is subject to review by the Academy Trust in accordance with the *Handbook of Governance*.

THOMAS MILLS HIGH SCHOOL & SIXTH FORM

Saxtead Road, Framlingham, Woodbridge, Suffolk, IP13 9HE
Telephone: 01728 723493 FAX: 01728 621098 e-mail:
inmail@thomasmills.suffolk.sch.uk



General Guidance on Making Enquiries to the School for Information

This fact sheet has been prepared to help you to make enquiries to the School for information. If it does not provide you with the help you need (e.g. it is still not clear to you what 'category' the information you want falls into) please telephone the School and ask to speak to the Business Manager who will be pleased to advise you further.

The School holds a great deal of information in thousands of documents – and all of it has to be managed in accordance with strict legal regulations. Some of it is of a general and public nature and will be supplied on request to anyone (although there are some exceptions to the general rules and there may be a charge for it). Other information is personal – it relates to particular individuals – and this must normally be kept confidential, although the persons concerned usually have a right to see it. Lastly, some information is held in the School Archives – kept solely for the purposes of historical research.

Before we can deal with an enquiry, we need to know what sort of information you are seeking:

If you are seeking any kind of personal information on yourself or on someone else, or environmental or other information about the School's operation **you should write (by post or e-mail) to the Headteacher.** The school will reply to any request within 40 days of receipt of the letter or the fee (whichever is later). This is subject to clarification of what is required as a reasonable and proportionate search for the data requested and documented justification will be provided if an extension is required. If your request is refused, reasons will be stated and you will be advised of your rights of complaint and appeal.

If you want "environmental information" held by the school (e.g. about car parking arrangements, recycling or school playing fields) you are not legally required to submit a written request, although it might help us to handle your enquiry if you did so. The school will reply to any such request within 20 school working days. If your request is refused, reasons will be stated and you will be advised of your rights of complaint and appeal. There may be a fee charged to cover the costs involved – we will advise you of this at the earliest possible stage in the process.

If you want access to any other kind of information the school will reply to any request within 20 school working days. If your request is refused, reasons will be stated and you will be advised of your rights of complaint and appeal. There may be a fee charged to cover the costs involved – if so a fees notice will be sent to you.

Some documents are already published – and freely available from the School on request. They are listed in the **Guide to Information under the Publication Scheme** – you will find a copy of this appended to the school policy and available on the school website.

Appendix B

Useful Definitions in Data Protection Law

Data	information processed by equipment (or intended to be processed by such equipment) <u>or</u> which is part of a relevant filing system <u>or</u> is an accessible record (including pupil records) <u>or</u> is other 'recorded information'
Data subject Personal data	an individual who is the subject of personal data held by the School any information that identifies a living individual, including expressions of opinion, except that (Durant v FSA, 2003) courts have ruled that "mere mention of a data subject does not necessarily amount to personal data" if the person's personal, family, business or professional privacy is not compromised (see also Schedule 2 and Sensitive Personal Data)
Processing data	carrying out any operation with data (i.e. obtaining, recording, holding, disclosing or disposing)
Recorded information	information recorded in any form, including structured information and unstructured information (where data is not organised by reference to individuals). Both must be disclosed on request
Refusal of Subject Access	may only be made if the information might cause physical or mental harm to the pupil or a third party; <u>or</u> if information cannot be disclosed without disclosing information relating to another pupil (N.B. the names of members of staff in such documents must be disclosed); <u>or</u> if documents are protected by legal professional privilege; <u>or</u> if disclosure would prejudice detection of a crime, etc.
Rights of Data Subjects	the right to be given a description of their own personal data held by the school, why it is being held and to whom it may be disclosed. Also, the data subject must be given within 40 days of a request, the information constituting the personal data and any information as to the source of the data
Schedule 2	regulates the processing of personal data which may be done <u>only</u> if one of the following apply: the data subject has consented to processing; processing is necessary to comply with a legal obligation on the School; processing is necessary to protect the 'vital interests' of the data subject; processing is necessary to perform certain public interests; processing is necessary to pursue the legitimate interests of the School (e.g. CCTV cameras to prevent theft or malicious damage, etc). In each case (except the first), the exception only applies where these interests outweigh the interests of the data subject
Schedule 3	sensitive personal data may only be processed if one of the Schedule 2 criteria (above) and one of the Schedule 3 criteria apply. Schedule 3 criteria include: the explicit (written) consent of the data subject; if it is absolutely necessary to protect the vital interests of the data subject or of a third party; for medical purposes; legal proceedings are pending; or for ethnic monitoring purposes

Sensitive Personal Data	racial or ethnic origin; political opinions; religious or similar beliefs; physical or mental health; trade union membership; or data referring to the commission or alleged commission of an offence (see also Schedules 2 and 3)
Subject Access Request	a written request for personal data from the data subject. A subject access request for 'structured/unstructured personal data' <u>must</u> contain a description of the data

Appendix C
Freedom of Information Act :
Guide to Information Available under the Publication Scheme (2012)

1. Who we are and what we do.

INFORMATION	FORMAT	COST
Memorandum and Articles of Association	Website	Free
School Prospectus and Sixth Form Prospectus	Website Hard copy on request	Free Free
List of Members of the Academy Trust and of Academy Trust	Website	Free
Details of school session times and dates of school term and holidays	Website Hard copy issued to all families or available on request	Free Free
Location and contact information	Website Hard copy on request	Free Free
Last Ofsted Report	Website link Hard copy on request	Free Free

2. What we spend and how we spend it.

INFORMATION	FORMAT	COST
Annual Budget Plan and financial statements; capital funding; additional funding.	Hard copy on request	Free
Procurement procedures (see Financial Probity policy; Scheme of Management Delegation Policy; Best Value Statement; Finance Policy)	Website Hard copy on request	Free
Details of contracts that have gone through a formal tendering process	Hard copy on request	Free
Pay policy Staffing and grading structure	Website Hard copy on request	Free
Payment of Trustees' Expenses Policy	Website	Free

3. What our priorities are and what we are doing.

INFORMATION	FORMAT	COST
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Performance Management Policies for Teaching and Support Staff	Website	Free
Any current major proposals for the future of the school	Hard copy on request	Free
Safeguarding Children policy	Website Hard copy on request	Free Free
Summary of Examination Results for previous summer	Website	Free

4. How we make decisions.

INFORMATION	FORMAT	COST
Admissions Policy and arrangements	Hard copy on request	Free
Handbook of Governance	Website	Free
Minutes of AGMs and of Meetings of the Academy Trust and its Committees	These are available to view in school by appointment	N/a

5. Our policies and procedures.

INFORMATION	FORMAT	COST
Policy on Charges and Remissions	Website Hard copy on request	Free Free
Health and Safety Policy	Website	Free
Risk Management Policy	Confidential	N/A
Academy Complaints Procedure	Website Hard copy on request	Free Free
Disciplinary, Capability and Grievance Procedure	Website Hard copy on request	Free Free
Information, Records and Copyright Policy	Website	Free
Data Protection Policy	See Information, Records and Copyright Policy	
Retention Scheme for Documents	See Information, Records and Copyright Policy	
Publication Scheme on Information Available under FOI Act	See Information, Records and Copyright Policy	
Home-School Agreement	Hard copy on request	Free
Common Curriculum Policy	Website Hard copy on request	Free Free
Sex and Relationship, Sex and Health Education Policy	Website Hard copy on request	Free Free
Special Educational Needs Policy	Website Hard copy on request	Free Free
Accessibility Plan	Website Hard copy on request	Free Free
Spiritual and Moral Education (inc. Collective Worship) Policy	Website	Free

Behaviour for learning Policy	Website Hard copy on request	Free Free
Equality, Diversity and Inclusion Policy	Website Hard copy on request	Free Free
Current staff vacancies	Web site	Free
Exam re-marks Policy	Website Hard copy on request	Free Free
Lettings Policy	Website Hard copy on request	Free Free
School Sustainability & Environmental Issues Policy	Website	Free
Community Cohesion Policy	Website Hard copy on request	Free Free
INFORMATION	FORMAT	COST
Educational Visits	Website	Free
Scheme of Delegation of Responsibility (incorporating Agreements and Contracts)	Website	Free
Accounting Policies	Website	Free
Business Continuity Policy	Confidential	N/A

6. Lists and Registers.

INFORMATION	FORMAT	COST
Curriculum circulars and statutory instruments sent to Headteacher/ Academy Trust concerning the curriculum	A link to the government website can be provided	Free

7. Services we offer and other information.

INFORMATION	FORMAT	COST
"Outlook" – our published newsletter (Termly)	Hard copy on request	Free
"Think on These Things." A School History	Hard copy on request	£5.00.
Charter of Values	Website	Free
Sixth Form Yearbook	Hard copy on request	Free
Courses Book for Year 10	Hard copy on request	Free
Courses Book for Year 9	Hard copy on request	Free
Courses Pack for Year 8	Hard copy on request	Free
School Calendar (annual publication)	Website Hard copy issued to all families or on request	Free Free
Pupil Log Books	Hard copy issued to all pupils	Free

Appendix D

The Retention Schedule

1. The Academy Trust has adopted the Retention Schedule produced for use by schools by the Records Management Society of Great Britain. (The Academy Trust is a member of the Records Management Society of Great Britain.)
2. The text of the Retention Schedule is available for consultation on the School's website as a separate document but is to be read as Appendix D of this policy statement.
3. The Academy will refer to guidance from the DfE with regards to SEND retention tables.

Appendix E

Copyright Licences Currently Held by the School

The school holds a number of licences to allow the educational or (in some cases) public use of copyright material:

1. **Books, journals and periodicals:**

The C. L. A. Licence allows for copying from most books, journals and periodicals. It should be noted that there are limits as to how much may be copied and there are also a few publications that are not covered by the scheme.

2. **Videos and DVDs:**

(a) **The E. R. A. Licence** permits the non-commercial, educational use of recordings of most TV programmes, including recordings from BBC iPlayer and 4 on Demand.

(b) **The M. P. L. C. Licence** permits DVDs from certain specialist educational and entertainment producers (including Discovery Channel, National Geographic) to be shown.

(c) **The P. V. S. Licence** covers movies (in VHS or DVD format) from most major studios (including MGM, UA, Warner Bros, 20th Century Fox, Walt Disney, Pixar, Paramount, Universal, etc).

3. **Music:**

(a) **The P. R. S. Licence** permits the live performance of music still in copyright.

(b) **The P. P. L. Licence** allows for the public playing of recorded music.

Appendix G

Privacy Notice

Under data protection law, individuals have a right to be informed about how the school uses any personal data that we hold about them. We comply with this right by providing 'privacy notices' (sometimes called 'fair processing notices') to individuals where we are processing their personal data.

This privacy notice explains how we collect, store and use personal data about **pupils**.

We, Thomas Mills High School, are the 'data controller' for the purposes of data protection law and will designate the role of data protection officer to a member of staff or contractor (see 'Contact us' below).

The personal data we hold

Personal data that we may collect, use, store and share (when appropriate) about pupils includes, but is not restricted to:

- Contact details, contact preferences, date of birth, identification documents
- Results of internal assessments and externally set tests
- Pupil and curricular records
- Characteristics, such as ethnic background, eligibility for free school meals, or special educational needs
- Biometric information. The use of this data also complies with the provisions of the Protection of Freedoms Act 2012 regarding the use of biometric data and is only held where separate parental consent has been given.
- Behavior information
- Details of any medical conditions, including physical and mental health
- Attendance information
- Safeguarding information
- Details of any support received, including care packages, plans and support providers
- Photographs (for identification purposes)
- Photographs (for other purposes where consent has been given)
- CCTV images captured in school
- The Schools telephone system has the capacity to record incoming and outgoing external calls. This facility is not currently active, and all users will be informed if this changes. Should calls be recorded, that information will be covered by this policy

We may also hold data about pupils that we have received from other organisations, including other schools, local authorities and the Department for Education.

The school's IT system monitors and records details of usage, including browser searches and internet history.

Why we use this data

We use this data to:

- Support pupil learning
- Monitor and report on pupil progress
- Provide appropriate pastoral care
- Protect pupil welfare
- Assess the quality of our services
- Administer admissions waiting lists
- Carry out research
- Comply with the law regarding data sharing

Our legal basis for using this data

We only collect and use pupils' personal data when the law allows us to. Most commonly, we process it where:

- We need to comply with a legal obligation
- We need it to perform an official task in the public interest

Less commonly, we may also process pupils' personal data in situations where:

- We have obtained consent to use it in a certain way
- We need to protect the individual's vital interests (or someone else's interests)
- We have obtained it as part of fulfilling a contract with you

Where we have obtained consent to use pupils' personal data, this consent can be withdrawn at any time. We will make this clear when we ask for consent and explain how consent can be withdrawn.

Some of the reasons listed above for collecting and using pupils' personal data overlap, and there may be several grounds which justify our use of this data.

Collecting this information

While the majority of information we collect about pupils is mandatory, there is some information that can be provided voluntarily.

Whenever we seek to collect information from you or your child, we make it clear whether providing it is mandatory or optional. If it is mandatory, we will explain the possible consequences of not complying.

How we store this data

We keep personal information about pupils while they are attending our school. We may also keep it beyond their attendance at our school if this is necessary in order to comply with our

legal obligations. Our Retention Schedule sets out how long we keep information about pupils.

Data sharing

We do not share information about pupils with any third party without consent unless the law and our policies allow us to do so.

Where it is legally required, or necessary (and it complies with data protection law) we may share personal information about pupils with:

- Our local authority (Suffolk County Council) - to meet our legal obligations to share certain information, such as safeguarding concerns and exclusions and to fulfil our public interest tasks such as provision of free school meals;
- The Department for Education – to meet our legal obligations, e.g. to report on pupil progress;
- The pupil's family and representatives – to carry out our public interest tasks as a school such as reporting on pupil progress or being a contact if a pupil is ill;
- Educators and examining bodies – to carry out public interest tasks as a school in relation to examinations;
- Our regulator, Ofsted, which monitors many of our public interest tasks as a school;
- Suppliers and service providers – to enable them to provide the service we have contracted them for, e.g. educational services, peripatetic music tutors or educational visit providers;
- Financial organisations – to carry out public interest tasks requiring the taking and making of payments, e.g. school meals and educational visits;
- Central and local government – to meet our legal obligations and carry out activities in the public interest, e.g. providing education to children in care or children with special educational needs;
- Our auditors – to meet our legal and public interest obligations relating to financial matters;
- Survey and research organisations – to help us carry out our public interest tasks as a school;
- Health authorities – to carry out our public interest tasks as a school;
- Health and social welfare organisations – where this is covered by our public interest tasks as a school, or safeguards the vital interests of pupils;
- Professional advisers and consultants – to help us carry out our public interest tasks as a school, e.g. providing careers advice;
- Charities and voluntary organisations – which may, for example, provide us with services or support the school's educational activities carried out in the public interest;
- Police forces, courts, tribunals – where this is necessary for the prevention and detection of crime, required by law or for purposes arising out of our public interest tasks such as safeguarding pupils;
- Professional bodies – to help us carry out our public interest tasks as a school.

National Pupil Database

We are required to provide information about pupils to the Department for Education as part of statutory data collections such as the school census and early years census.

Some of this information is then stored in the [National Pupil Database \(NPD\)](#), which is owned and managed by the Department and provides evidence on school performance to inform research.

The database is held electronically so it can easily be turned into statistics. The information is securely collected from a range of sources including schools, local authorities and exam boards.

The Department for Education may share information from the NPD with other organisations which promote children's education or wellbeing in England. Such organisations must agree to strict terms and conditions about how they will use the data.

For more information, see the Department's webpage on [how it collects and shares research data](#).

You can also [contact the Department for Education](#) with any further questions about the NPD.

Transferring data internationally

Where we transfer personal data to a country or territory outside the European Economic Area, we will do so in accordance with data protection law.

Youth support services

Once our pupils reach the age of 13, we are legally required to pass on certain information about them to the Integrated Youth and Family Support Services (our youth support services through the Local Authority) as it has legal responsibilities regarding the education or training of 13-19 year-olds.

This information enables it to provide youth support services, post-16 education and training services, and careers advisers.

Parents/carers, or pupils once aged 16 or over, can contact our data protection officer to request that we only pass the individual's name, address and date of birth to the Integrated Youth and Family Support Services.

Parents and pupils' rights regarding personal data

Individuals have a right to make a '**subject access request**' to gain access to personal information that the school holds about them.

Those with parental responsibility can make a request with respect to their child's data where the child is not considered mature enough to understand their rights over their own data (usually under the age of 12), or where the child has provided consent.

Parents also have the right to make a subject access request with respect to any personal data the school holds about them.

If you make a subject access request, and if we do hold information about you or your child, we will:

- Give you a description of it
- Tell you why we are holding and processing it, and how long we will keep it for
- Explain where we got it from, if not from you or your child
- Tell you who it has been, or will be, shared with

- Let you know whether any automated decision-making is being applied to the data, and any consequences of this
- Give you a copy of the information in an intelligible form

Individuals also have the right for their personal information to be transmitted electronically to another organisation in certain circumstances.

If you would like to make a request, please contact our data protection officer.

Parents, or those with parental responsibility, may request access to their child's educational record by contacting the school office, which will be provided at the discretion of the Headteacher within 15 school days of receipt of a written request.

Other rights

Under data protection law, individuals have certain rights regarding how their personal data is used and kept safe, including the right to:

- Object to the use of personal data if it would cause, or is causing, damage or distress
- Prevent it being used to send direct marketing
- Object to decisions being taken by automated means (by a computer or machine, rather than by a person)
- In certain circumstances, have inaccurate personal data corrected, deleted or destroyed, or restrict processing
- Claim compensation for damages caused by a breach of the data protection regulations

To exercise any of these rights, please contact our data protection officer.

Complaints

We take any complaints about our collection and use of personal information very seriously.

If you think that our collection or use of personal information is unfair, misleading or inappropriate, or have any other concern about our data processing, please raise this with us in the first instance.

To make a complaint, please contact our data protection officer.

Alternatively, you can make a complaint to the Information Commissioner's Office:

- Report a concern online at <https://The Information Commission.org.uk/concerns/>
- Call 0303 123 1113
- Or write to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Contact us

If you have any questions, concerns or would like more information about anything mentioned in this privacy notice, please mark your enquiry **F.A.O Data Protection Officer** and either post/hand in to the school office or email inmail@thomasmills.suffolk.sch.uk

This notice is based on the Department for Education's model privacy notice for pupils, amended for parents and to reflect the way we use data in this school.

