

# LONDON NAUTICAL SCHOOL

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Data Protection Policy  
2022 /2023

## Document Information

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## Version History

Version	Date	Amended By	Notes on Revision	Document Version.
1.0	May 2021	Rob Melia		1
2.0	Dec 2021	Rob Melia	1.0 Revised GDPR to UK GDPR 2.0 Section 11.0) – revise entry relating to security and password management 3.0 Section 11.1) – deletion of data on personal devices 4.0 Section 14) – ref to UK GDPR included	2.0
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## To Be Read in conjunction with

Policy	Date	Document Index No.	Notes
'Guidance for Safer Working Practice for Adults who work with Children and Young People'	2020	Department for Education	
Safeguarding Policy	Sept2020		
IT Acceptable Use Policy	December 2021		
Staff Code of Conduct	Sept 2020		

Staff Confidentiality	May 2021		
Whistleblowing	2008		LA Adopted Policy (March 2019)

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## **1. Aims**

The Governing Body of London Nautical School has overall responsibility for ensuring that records are maintained, including security and access arrangements, in accordance with Education Regulations and all other statutory provisions.

Our school aims to ensure that all data collected about staff, pupils, parents and visitors is collected, stored and processed in accordance with the UK GDPR June 2021. This policy applies to all data, regardless of whether it is in paper or electronic format.

- 1.1 Information about the London Nautical School Data Protection Policy is available from the School Business Manager. General information about the Data Protection Act can be obtained from the Information Commissioners Office <https://ico.org.uk/>

## **2. Legislation and guidance**

This policy meets the requirements of the UK GDPR June 2021, and is based on guidance published by the Information Commissioner's Office and model privacy notices published by the Department for Education. It also takes into account the expected provisions of the General Data Protection Regulation, which came into force in 2018.

In addition, this policy complies with regulation 5 of the Education (Pupil Information) (England) Regulations 2005, which gives parents the right of access to their child's educational record.

- 2.1 The Data Protection Registration entries for the school are available for inspection, by appointment, at the school office. Explanation of any codes and categories entered is available from the School Business Manager who is the person nominated to deal with Data Protection issues in the school.

Registered purposes covering the data held at the school are listed on the school's registration and data collection documents. Information held for these stated purposes will not be used for any other purpose without the data subject's consent.

### 3. Definitions

Term	Definition
<b>Personal data</b>	Data from which a person can be identified, including data that, when combined with other readily available information, leads to a person being identified
<b>Sensitive personal data</b>	Data such as: <ul style="list-style-type: none"><li>● Contact details</li><li>● Racial or ethnic origin</li><li>● Political opinions</li><li>● Religious beliefs, or beliefs of a similar nature</li><li>● Where a person is a member of a trade union</li><li>● Physical and mental health</li><li>● Sexual orientation</li><li>● Whether a person has committed, or is alleged to have committed, an offence</li><li>● Criminal convictions</li></ul>
<b>Processing</b>	Obtaining, recording or holding data
<b>Data subject</b>	The person whose personal data is held or processed
<b>Data controller</b>	A person or organisation that determines the purposes for which, and the manner in which, personal data is processed

<b>Data processor</b>	A person, other than an employee of the data controller, who processes the data on behalf of the data controller
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#### **4. The data controller**

Our school processes personal information relating to pupils, staff and visitors, and, therefore, is a data controller. Our school delegates the responsibility of data controller to the Business Manager.

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

#### **5. Data protection principles**

The UK General Data Protection Act June 2021 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 UK GDPR June 2021
- 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

## **5.1 Data Integrity**

The Academy undertakes to ensure data integrity by the following methods:

### **5.1.1 Data Accuracy**

Data held will be as accurate and up to date as is reasonably possible. If a data subject informs the Academy of a change of circumstances their computer record will be updated as soon as is practicable. A printout of their data record will be provided to data subjects every twelve months so they can check its accuracy and make any amendments.

Where a data subject challenges the accuracy of their data, the Academy will immediately mark the record as potentially inaccurate, or 'challenged'. In the case of any dispute, we shall try to resolve the issue informally, but if this proves impossible, disputes will be referred to the Governing Body for their judgment. If the problem cannot be resolved at this stage, either side may seek independent arbitration. Until resolved the 'challenged' marker will remain and all disclosures of the affected information will contain both versions of the information.

### **5.1.2 Data Adequacy and Relevance**

Data held about people will be adequate, relevant and not excessive in relation to the purpose for which the data is being held. In order to ensure compliance with this principle, the Academy will check records regularly for missing, irrelevant or seemingly excessive information and may contact data subjects to verify certain items of data.

### **5.1.3 Length of Time**

Data held about individuals will not be kept for longer than necessary for the purposes registered. It is the duty of the School Business Manager to ensure that obsolete data are properly erased.

See Appendix 2 for relevant timescales.

### **5.1.4 Destruction and Archive**

All paper copies of information are shredded confidentially in accordance with the timescales above. Information is archived internally and to an external storage provider.

## **6. Roles and responsibilities**

The governing board has overall responsibility for ensuring that the school complies with its obligations under the UK GDPR June 2021.

Day-to-day responsibilities rest with the headteacher, or the School Business Manager in the headteacher's absence. The headteacher 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.

## **7. Privacy/fair processing notice**

### **7.1 Pupils and parents**

We hold personal data about pupils to support teaching and learning, to provide pastoral care and to assess how the school is performing. We may also receive data about pupils from other organisations including, but not limited to, other schools, local authorities and the Department for Education.

London Nautical undertakes to obtain and process data fairly and lawfully by informing all data subjects of the reasons for data collection, the purposes for which the data are held, the likely recipients of the data and the data subjects' right of access. Information about the use of personal data is printed on the appropriate collection form. If details are given verbally, the person collecting will explain the issues before obtaining the information.

- "processing" means obtaining, recording or holding the information or data or carrying out any or set of operations on the information or data.
- "data subject" means an individual who is the subject of personal data or the person to whom the information relates.
- "personal data" means data, which relates to a living individual who can be identified. Addresses and telephone numbers are particularly vulnerable to abuse, but so can names and photographs be, if published in the press, Internet or media.
- "parent" has the meaning given in the Education Act 1996, and includes any person having parental responsibility or care of a child.
- All staff sign, on appointment, a privacy notice (see Appendix 1) outlining the Academy's protocols. This is held on file.

This data includes, but is not restricted to:

- Contact details
- Results of internal assessment and externally set tests
- Data on pupil characteristics, such as ethnic group or special educational needs
- Exclusion information
- Details of any medical and dietary conditions

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 pupils with anyone without consent unless the law and our policies allow us to do so. 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.



Once our pupils reach the age of 13, we are legally required to pass on certain information to Lambeth Local Authority, which has responsibilities in relation to the education or training of 13-19 year-olds. Parents, or pupils if aged 16 or over, can request that only their name, address and date of birth be passed to Lambeth Local Authority by informing the School Business Manager

We are required, by law, to pass certain information about pupils to specified external bodies, such as our local authority and the Department for Education, so that they are able to meet their statutory obligations.

## **7.2 Staff**

We process data relating to those we employ to work at, or otherwise engaged to work at our school. The purpose of processing this data is to assist in the running of the school, including:

- Enable individuals to be paid
- 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
- Support the work of the School Teachers' Review Body

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 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 and the Department for Education, 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 School Business Manager.

## **8. Subject access requests**

Under the UK GDPR June 2021, pupils have a right to request access to information the school 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 pupil's name
- A correspondence address
- A contact number and email address
- Details about the information requested

The school 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 pupil or another individual
- 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
- Information contained in adoption and parental order records
- Certain information given to a court in proceedings concerning the child

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.

<b>Number of pages of information to be supplied</b>	<b>Maximum fee (£)</b>
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
450-499	45.00

500+	50.00
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If a subject access request does not relate to the educational record, we will respond within 40 calendar days. The maximum charge that will apply is £10.00.

### **9. Parental requests to see the educational record**

Parents have the right of access to their child's educational record, free of charge, within 15 school days of a request. Personal data about a child belongs to that child, and not the child's parents. This is the case even where a child is too young to understand the implications of subject access rights.

For a parent to make a subject access request, the child must either be unable to understand their rights and the implications of a subject access request, or have given their consent.

The Information Commissioner's Office, the organisation that upholds information rights, generally regards children aged 12 and above as mature enough to understand their rights and the implications of a subject access request. Therefore, some subject access requests from parents of pupils at our school may be granted without the express permission of the pupil, but most subject access requests from parents of pupils at our school may not be granted without the express permission of the pupil.

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

Parents of pupils at this school do not have an automatic right to access their child's educational record. The school will decide on a case-by-case basis whether to grant such requests, and we will bear in mind guidance issued from time to time from the Information Commissioner's Office (the organisation that upholds information rights).

### **10. Authorised Disclosures**

The Academy will, in general, only disclose data about individuals with their consent. However there are circumstances under which the Academy's authorised officer may need to disclose data without explicit consent for that occasion.

These circumstances are strictly limited to:

- Pupil data disclosed to authorised recipients related to education and administration necessary for the Academy to perform its statutory duties and obligations.
- Pupil data disclosed to authorised recipients in respect of their child's health, safety and welfare.

- Pupil data disclosed to parents in respect of their child's progress, achievements, attendance, attitude or general demeanor within or in the vicinity of the Academy.
- Staff data disclosed to relevant authorities e.g. in respect of payroll and administrative matters.

Unavoidable disclosures, for example to an engineer during maintenance of the computer system. In such circumstances the engineer would be required to sign a form promising not to disclose the data outside the school. Officers and IT personnel writing on behalf of the LA are IT liaison/data processing officers, for example in the LA, are contractually bound not to disclose personal data.

Only authorised and trained staff are allowed to make external disclosures of personal data. Data used within the school by administrative staff, teachers and welfare officers will only be made available where the person requesting the information is a professional legitimately working within the school who need to know the information in order to do their work. The school will not disclose anything on pupils' records which would be likely to cause serious harm to their physical or mental health or that of anyone else – including anything which suggests that they are, or have been, either the subject of or at risk of child abuse.

A "legal disclosure" is the release of personal information from the computer to someone who requires the information to do his or her job within or for the Academy, provided that the purpose of that information has been registered.

An "illegal disclosure" is the release of information to someone who does not need it, or has no right to it, or one which falls outside the Academy's registered purposes.

## **11.0 Storage of records**

London Nautical School undertakes to ensure the security of personal data by the following means:

### Physical Security

Appropriate building security measures are in place, such as alarms, window bars, deadlocks and computer hardware cable locks. Only authorised persons are allowed in the computer room. Disks, tapes and printouts are locked away securely when not in use. Visitors to the Academy are required to sign in and out, to wear identification badges whilst in the Academy and are, where appropriate, accompanied.

### Logical Security

Security software is installed on all computers containing personal data. Only authorised users are allowed access to the computer files and password changes are undertaken

regularly via the staff members USO on LGFL. Sims passwords are changed termly. Computer files are backed up daily.

Any users that require offsite access to sensitive data use encrypted memory sticks. Users are required to delete data when it is no longer required.

### Procedural Security

In order to be given authorised access to the computer, staff have to sign the Acceptable Use Policy. All staff are trained in their Data Protection obligations and their knowledge updated as necessary. Computer printouts with sensitive or confidential data, as well as source documents, are shredded before disposal.

Overall security policy for data is determined by the Principal and is monitored and reviewed regularly, especially if a security loophole or breach becomes apparent.

Any queries or concerns about the security of data in the Academy should in the first instance be referred to the Principal.

Individual members of staff can be personally liable in law under the terms of the Data Protection Acts. They may also be subject to claims for damages from persons who believe that they have been harmed as a result of inaccuracy, unauthorised use or disclosure of their data. A deliberate breach of this Data Protection Policy will be treated as a disciplinary matter, and serious breaches could lead to dismissal.

#### 11.1 Guidelines for the safe storage of data

- 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
- Papers containing confidential personal information should not be left on office and classroom desks, on staff room tables or pinned to noticeboards where there is general access
- Where personal information needs to be taken off site (in paper or electronic form), staff must sign it in and out from the school office
- Passwords that are at least 8 characters long containing letters and numbers are used to access school computers, laptops and other electronic devices. Staff and pupils are reminded to change their passwords at regular intervals
- Encryption software is used to protect all portable devices and removable media, such as laptops and USB devices

- Staff, pupils or governors who store personal information on their personal devices are expected to follow the same security procedures for school-owned equipment
- All school related data on personal devices should be deleted when no longer required – use of personal devices is NOT encouraged for any school related business

## **12. 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.

## **13. Training**

Our staff and governors 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 the school's processes make it necessary.

## **14. The General Data Protection Regulation**

We acknowledge that the law is changing on the rights of data subjects and that the General Data Protection Regulation came into force in May 2018 – this has now been revised to UK GDPR following Brexit

We will review working practices when this new legislation takes effect and provide training to members of staff and governors where appropriate.

## **15. Monitoring arrangements**

The School Business Manager is responsible for monitoring and reviewing this policy and checks that the school complies with this policy by, among other things, reviewing school records.

This document will be reviewed annually. At every review, the policy will be shared with the governing board – usually in May of each year.

## **16. Links with other policies**

This data protection policy and privacy notice is linked to the schools Confidentiality and Acceptable Use policies.

# 1 - Documentation Retention Framework

## Document Retention Framework

Child Protection						
These retention periods should be used in conjunction with the document “Safeguarding Children and Safer Recruitment in Education”.						
	Basic file description	Data Protection Issues	Statutory Provisions	Retention Period [operational]	Action at the end of the administrative life of the record	
1.1	Child Protection files	Yes	Education Act 2002, s175, related guidance “Safeguarding Children in Education”, September 2004	DOB + 25 years <sup>1</sup>	SHRED	Child Protection information must be copied and sent under separate cover to new school/college whilst the child is still under 18 (i.e. the information does not need to be sent to a university for example) Where a child is removed from roll to be educated at home, the file should be copied to the Local Education Authority.
1.2	Allegation of a child protection nature against a member of staff, including where the allegation is unfounded	Yes	Employment Practices Code: Supplementary Guidance 2.13.1 (Records of Disciplinary and Grievance) Education Act 2002 guidance “Dealing with Allegations of	Until the person’s normal retirement age, or 10 years from the date of the allegation whichever is the longer	SHRED	The following is an extract from “Safeguarding Children and Safer Recruitment in Education” p60 “Record Keeping 5.10 It is important that a clear and comprehensive summary of any allegations made, details of how the allegation was followed up and resolved, and a note of any action taken and decisions
<b>1 Child Protection</b>						
These retention periods should be used in conjunction with the document “Keeping Children Safe in Education”						
	Basic file description	Data Prot Issues	Statutory Provisions	Retention Period [operational]	Action at the end of the administrative life of the record	



			Abuse against Teachers and Other Staff" November 2005			reached, is kept on a person's confidential personnel file, and a copy provided to the person concerned. The purpose of the record is to enable accurate information to be given in response to any future request for a reference if the person has moved on. It will provide clarification in cases where a future DBS Disclosure reveals information from the police about an allegation that did not result in a criminal conviction. And it will help to prevent unnecessary reinvestigation if, as sometimes happens, an allegation re-surfaces after a period of time. The record should be retained at least until the person has reached normal retirement age or for a period of 10 years from the date of the allegation if that is longer."
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2 Governors						
	Basic file description	Data Prot Issues	Statutory Provisions	Retention Period [operational]	Action at the end of the administrative life of the record	
2.1	Minutes					
	<i>Principal set (signed)</i>	No		Permanent	Retain in school for 6 years from date of meeting	Transfer to Archives
	<i>Inspection copies</i>	No		Date of meeting + 3 years	SHRED [If these minutes contain any sensitive personal information they should be shredded]	
2.2	Agendas	No		Date of meeting	SHRED	
2.3	Reports	No		Date of report + 6 years	Retain in school for 6 years from date of meeting	Transfer to Archives [The appropriate archivist will then take a sample for permanent preservation]

2.4	Annual Parents' meeting papers	No		Date of meeting + 6 years	Retain in school for 6 years from date of meeting	Transfer to Archives [The appropriate archivist will then take a sample for permanent preservation]
2.5	Instruments of Government	No		Permanent	Retain in school whilst school is open	Transfer to Archives when the school has closed
2.6	Trusts and Endowments	No		Permanent	Retain in school whilst operationally required	Transfer to Archives
2.7	Action Plans	No		Date of action plan	SHRED	It may be
<b>2 Governors</b>						
	<b>Basic file description</b>	<b>Data Prot Issues</b>	<b>Statutory Provisions</b>	<b>Retention Period [operational]</b>	<b>Action at the end of the administrative life of the record</b>	
				+ 3 years		appropriate to offer to the Archives for a sample to be taken if the school has been through a difficult period
2.8	Policy documents	No		Expiry of policy	Retain in school whilst policy is operational (this includes if the expired policy is part of a past decision making process)	Transfer to Archives [The appropriate archivist will then take a sample for permanent preservation]
2.9	Complaints files	Yes		Date of resolution of complaint + 6 years	Retain in school for the first six years Review for further retention in the case of contentious disputes SHRED routine complaints	
2.10	Annual Reports required by the Department for Education and Skills	No		Education (Governors' Annual Reports) (England) (Amendment) Regulations 2002.SI 2002 No 1171	Date of report + 10 years	Transfer to Archives [The appropriate archivist will then take a sample for permanent preservation]
2.11	Proposals for schools to become an academy, MAT or formal partner	No			Current year + 3 years	Transfer to Archives

2 Governors						
	Basic file description	Data Prot Issues	Statutory Provisions	Retention Period [operational]	Action at the end of the administrative life of the record	
	established as Specialist Status schools				[The appropriate archivist will then take a sample for permanent preservation]	

3 Management						
	Basic file description	Data Prot Issues	Statutory Provisions	Retention Period [operational]	Action at the end of the administrative life of the record	
3.1	Log Books	Yes		Date of last entry in the book + 6 years	Retain in the school for 6 years from the date of the last entry.	Transfer to the Archives
3.2	Minutes of the Senior Management Team and other internal administrative bodies	Yes <sup>1</sup>		Date of meeting + 5 years	Retain in the school for 5 years from meeting	Transfer to Archives  [The appropriate archivist will then take a sample for permanent preservation]

3 Management						
	Basic file description	Data Prot Issues	Statutory Provisions	Retention Period [operational]	Action at the end of the administrative life of the record	

3.3	Reports made by the head teacher or the management team	Yes <sup>1</sup>		Date of report + 3 years	Retain in the school for 3 years from meeting	Transfer to Archives  [The appropriate archivist will then take a sample for permanent preservation]
3.4	Records created by head teachers, deputy head teachers, heads of year and other members of staff with administrative responsibilities	Yes <sup>1</sup>		Closure of file + 6 years	SHRED	
3.5	Correspondence created by head teachers, deputy head teachers, heads of year and other members of staff with administrative responsibilities	No		Date of correspondence + 3 years	SHRED	
3.6	Professional development plans	Yes		Closure + 6 years	SHRED	
3.7	School development plans	No		Closure + 6 years	Review	Offer to the Archives
<b>3 Management</b>						
	<b>Basic file description</b>	<b>Data Prot Issues</b>	<b>Statutory Provisions</b>	<b>Retention Period [operational]</b>	<b>Action at the end of the administrative life of the record</b>	
3.8	Admissions – if the admission is successful	Yes		Admission + 1 year	SHRED	
3.9	Admissions – if the appeal is unsuccessful	Yes		Resolution of case + 1 year	SHRED	
3.10	Admissions – Secondary Schools – Casual	Yes		Current year + 1 year	SHRED	
3.11	Proofs of address supplied by parents as part of the admissions process	Yes		Current year + 1 year	SHRED	

<b>4 Pupils</b>
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	Basic file description	Data Prot Issues	Statutory Provisions	Retention Period [operational]	Action at the end of the administrative life of the record	
<b>4 Pupils</b>						
	Basic file description	Data Prot Issues	Statutory Provisions	Retention Period [operational]	Action at the end of the administrative life of the record	
4.1	Admission Registers	Yes		Date of last entry in the book (or file) + 6 years	Retain in the school for 6 years from the date of the last entry.	Transfer to the Archives
4.2	Attendance registers	Yes		Date of register + 3 years	SHRED  [If these records are retained electronically any back up copies should be destroyed at the same time]	
4.3	Pupil record cards	Yes				
4.3a	<i>Primary</i>			Retain for the time which the pupil remains at the primary school	Transfer to the secondary school (or other primary school) when the child leaves the school. In the case of exclusion it may be appropriate to transfer the record to the Behaviour Service	
<b>4 Pupils</b>						
	Basic file description	Data Prot Issues	Statutory Provisions	Retention Period [operational]	Action at the end of the administrative life of the record	
4.3b	<i>Secondary</i>		Limitation Act 1980	DOB of the pupil + 25 years <sup>3</sup>	SHRED	

4.4a	<i>Primary</i>			Retain for the time which the pupil remains at the primary school	Transfer to the secondary school (or other primary school) when the child leaves the school.  In the case of exclusion it may be appropriate to transfer the record to the Behaviour Service	
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