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# Data Protection Policy

***This is a sample Data Protection policy which the Al Madina Trust can adopt. Data Protection requires all staff to ensure that any sensitive Data remains protected, verified and fully up to date. There is a collective responsibility to promote practices, which will help to ensure a consistent approach across the Al Madina Trust and move it towards being an institution where data is protected.***



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## **Data Protection Policy**

Al Madina Trusts are 'Data Controllers' under the Data Protection Act 1998 and must 'Notify' (register with) the Information Commissioner's Office. This can be done online in the link found in Appendix 2.

### **Summary of Data Protection for this Al Madina Trust**

Data Protection Policy Introduction ("The Al Madina Trust") needs to keep certain information about its employees, students and other users to allow it to monitor performance, achievements, and health and safety. To comply with the law, information must be collected and used fairly, stored safely and not disclosed to any other person unlawfully. To do this, the Al Madina Trust must comply with the Data Protection Principles, which are set out in the Data Protection Act 1998.

The Data Protection can be found in the link provided in Appendix 2. In summary these state that personal data shall:

- Be obtained and processed fairly and lawfully and shall not be processed unless certain conditions are met.
- Be obtained for a specified and lawful purpose and shall not be processed in any manner incompatible with that purpose.
- Be adequate, relevant and not excessive for those purposes.
- Be accurate and kept up to date.
- Not be kept for longer than is necessary for that purpose.
- Be processed in accordance with the data subject's rights.
- Be kept safe from unauthorised access, accidental loss or destruction.

The Al Madina Trust and all staff or others who process or use any personal information must ensure that they follow these principles at all times.

### **Status of the Policy**

This policy does not form part of the formal contract of employment, but it is a condition of employment that employees will abide by the rules and policies made by the Al Madina Trust. Any failures to follow the policy can therefore result in disciplinary proceedings.



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## **Responsibilities of Staff/Volunteers**

All staff/volunteers are responsible for:

- Checking that any information that they provide to the Al Madina Trust in connection with their employment is accurate and up to date.
- Informing the Al Madina Trust of any changes to information, which they have provided, i.e. changes of address.
- Informing the Al Madina Trust of any errors or changes in staff information. The Al Madina Trust cannot be held responsible for any such errors unless the staff member has informed the Al Madina Trust of them.
- If and when, as part of their responsibilities, staff collect information about other people, (i.e. about students' course work, opinions about ability, references to other academic institutions, or details of personal circumstances), they must comply with the guidelines for staff (Appendix 1).

## **Data Security**

All staff are responsible for ensuring that:

Any personal data, which they hold, is kept securely, for example:

- Kept in a locked filing cabinet.
- In a locked drawer.
- If it is computerised, be password protected.
- Kept only on disk, which is itself kept securely.

Personal information is not disclosed either orally or in writing or accidentally or otherwise to any unauthorised third party.

Staff should note that unauthorised disclosure will usually be a disciplinary matter, and may be considered gross misconduct in some cases. It may also result in a personal liability for the individual staff member.

## **Student/Parents Obligations**

Students/Parents must ensure that all personal data provided to the Al Madina Trust is accurate and up to date. They must ensure that changes of address, etc. are notified to the Al Madina Trust.



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## **Rights to Access Information**

Staff, students and other users of the Al Madina Trust have the right to access any personal data that is being kept about them either on computer or in certain files.

Any person who wishes to exercise this right should contact the trustees/data controller.

In order to gain access, an individual may wish to receive notification of the information currently being held. This request should be made in writing.

## **Subject Consent**

Some jobs or courses will bring the applicants into contact with children, including young people between the ages of 16 and 18. The Al Madina Trust has a duty under the Children Act 1989 and other enactments to ensure that staff are suitable for the job, and students for the courses offered.

The Al Madina Trust also has a duty of care to all staff and students and must therefore make sure that employees and those who use the Al Madina Trust facilities do not pose a threat or danger to other users.

Therefore, all prospective staff and students will be asked to consent to their data being processed when an offer of employment or a course place is made. A refusal to sign such a form may result in the offer being withdrawn.

## **Processing Sensitive Information**

Sometimes it is necessary to process information about a person's criminal convictions, race and gender and family details. This may be to ensure the Al Madina Trust is a safe place for everyone, or to operate other Al Madina Trust policies.

The Al Madina Trust will also ask for information about particular health needs, such as allergies to particular forms of medication, or any conditions such as asthma or diabetes or disabilities.

The Al Madina Trust will only use the information in the protection of the health and safety of the individual, but will need consent to process for example, in the event of



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a medical emergency. Because this information is considered sensitive, and it is recognised that the processing of it may cause particular concern or distress to individuals, Staff and students will be asked to give express consent for the Al Madina Trust to do this. Offers of employment or course places may be withdrawn if an individual refuses to consent to this, without good reason.

### **The Data Controller and the Designated Data Controller**

The Al Madina Trust as a body is the data controller, under the Act, and the Al Madina Trust trustees are therefore ultimately responsible for implementation. However, the designated data controller will deal with day to day matters.

### **Conclusion**

Compliance with the Data Protection Act 1998 is the responsibility of all members of the Al Madina Trust. Any deliberate breach of the data protection policy may lead to disciplinary action being taken, or access to Al Madina Trust facilities being withdrawn, or even a criminal prosecution. Any questions or concerns about the interpretation or operation of this policy should be taken up with the Data Protection Officer.

### **Appendix 1 - Guidelines for Staff**

1. Members of staff will process personal data on a regular basis. The Al Madina Trust will ensure that staff and students give their consent to processing and are notified of the categories of processing, as required by the Act.
2. Information about an individual's physical or mental health; sexual life; political or religious views; ethnicity or race is sensitive and can only be collected and processed with their express consent.
3. Members of staff have a duty to make sure that they comply with the data protection principles. In particular, staff must ensure that records are:
  - Accurate
  - Up-to-date
  - Fair



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- Kept and disposed of safely, and in accordance with the Al Madina Trust policy.
4. Individual members of staff are responsible for ensuring that all data they are holding is kept securely.
  5. Members of staff must not disclose personal data, unless for normal academic, administrative or pastoral purposes, without authorisation or agreement from the data controller, or in line with the Al Madina Trust policy.
  6. Al Madina Trust may need to amend its registration with the Office of the Information Commissioner.
  7. Before processing any personal data, all staff should consider the checklist.

#### **Staff Checklist for Recording Data:**

- Do you really need to record the information?
- Is the information 'standard' or is it 'sensitive'?
- If it is sensitive, do you have the data subject's express consent?
- Has the individual or data subject been told that this type of data will be processed?
- Are you authorised to collect/store/process the data?
- If yes, have you checked with the data subject that the data is accurate?
- Are you sure that the data is secure?
- If you do not have the data subject's consent to process, are you satisfied that it is in the best interests of the student or the staff member to collect and retain the data?
- How long do you need to keep the data for, and what is the mechanism for review/destruction?

## **Appendix 2 – Online websites**

### **Registration**

To register with the Information Commissioner’s Office Registration, go to the following link: <https://ico.org.uk/for-organisations/register/>



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## **Data Protection**

The Data Protection Act can be found on the link below:

<http://www.legislation.gov.uk/ukpga/1998/29/contents>