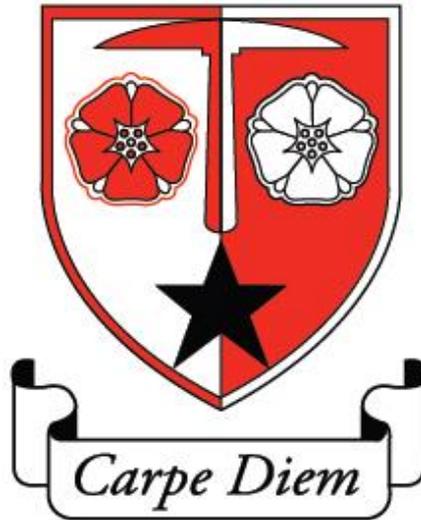


Audenshaw School



DATA PROTECTION POLICY

This policy is reviewed annually by the Personnel Committee.

History of Document

Issue No	Author/Owner	Date Written	Approved by the Personnel Committee	Received by Governors	Comments
1	Jeanette Saw	11/10/2013	21/10/2013	21/10/2013	
1.1	Jeanette Saw	21/10/2014	31/10/2014	31/10/2014	
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1.4	Jeanette Saw	17/07/2017	18/07/2017	18/07/2017	Change of role and amendment to section 13.2

CONTENTS

		PAGE
1.	RATIONALE	3
2.	COMPLIANCE	3
3.	THE DATA PROTECTION ACT, 1998	3
4.	RESPONSIBILITIES UNDER THE DPA AND REGISTRATION	4
5.	DEFINITIONS	4
6.	DATA PROTECTION PRINCIPLES	5
7.	CONSENT AS A BASIS FOR PROCESSING	6
8.	SUBJECT ACCESS RIGHTS (SARS)	7
9.	PUBLICATION OF SCHOOL INFORMATION	8
10.	DATA INTEGRITY	8
11.	IDENTIFICATION OF DATA	9
12.	DATA AND COMPUTER SECURITY	9
13.	SECURE TRANSFER OF DATA AND ACCESS OUT OF SCHOOL	10
14.	DISPOSAL OF DATA	11
15.	TRAINING AND AWARENESS	11
16.	ENQUIRIES	11
17.	APPENDIX A – Access to personal data request	12
18.	APPENDIX B – Privacy Notice (employees)	14
19.	APPENDIX C – Privacy Notice (students)	16

1. RATIONALE

Audenshaw School is committed to a policy of protecting the rights and privacy of individuals, including students, employees and others, in accordance with the Data Protection Act (DPA).

Audenshaw School needs to process certain information about its employees, students and other individuals with whom it has a relationship for various purposes such as, but not limited to:

- the recruitment and payment of employees
- the administration of programmes of study
- the recording of a students' progress
- agreeing awards
- collecting fees
- complying with legal obligations to funding bodies and government

To comply with various legal obligations, including the obligations imposed on it by the Data Protection Act, 1998, Audenshaw School must ensure that all this information about individuals is collected and used fairly, stored safely and securely, and not disclosed to any third party unlawfully.

2. COMPLIANCE

For the purpose of this Policy, the "School" is defined as employees, governors, students and third parties such as contractors, agency workers and consultants acting on behalf of the organisation.

This policy applies to all employees, students and governors of Audenshaw School. Any breach of this policy, or of the Act itself will be considered an offence and the school's disciplinary procedures will be invoked.

As a matter of best practice, other agencies and individuals working with Audenshaw School, and who have access to personal information, will be expected to read and comply with this policy. It is expected that departments or individuals who are responsible for dealing with external bodies will take the responsibility for ensuring that such bodies sign a contract which among other things will include an agreement to abide by this policy.

This policy will be updated as necessary to reflect best practice in data management, security and control and to ensure compliance with any changes or amendments to the DPA and other relevant legislation.

The Information Commissioner's Office (ICO) gives further detailed guidance and Audenshaw School will always take this guidance into account.

3. THE DATA PROTECTION ACT. 1998

This piece of legislation came into force on 1 March 2000. The DPA regulates the processing of personal data, and protects the rights and privacy of all living individuals (including children), for example by giving all individuals who are the subject of personal data a general right of access to the personal data which relates to them. Individuals can exercise the right to gain access to their information by means of a 'subject access request' (sample held at Appendix A).

Personal data is information relating to an individual and may be in hard or soft copy (paper/ manual files; electronic records; photographs; CCTV images), and may include facts or opinions about a person.

4. RESPONSIBILITIES UNDER THE DPA AND REGISTRATION

Audenshaw School will be the 'data controller' under the terms of the legislation - this means it is ultimately responsible for controlling the use and processing of the personal data.

The IT Manager is responsible for all day-to-day data protection matters, and will be responsible for ensuring that all employees and relevant individuals abide by this policy, and for developing and encouraging good information handling within the school.

The school is registered as a Data Controller on the Data Protection Register held by the Information Commissioner.

The Headteacher is also responsible for ensuring that the school's notification is kept accurate. Details of the school's notification can be found on the ICO website.

Compliance with the legislation is the responsibility of all members of the school who process personal information.

Individuals who provide personal data to the school are asked to make sure that that the information is accurate and up-to-date.

5. DEFINITIONS

<i>Data Controller:</i>	Any individual or organisation who controls personal data, in this instance the school.
<i>Personal Data:</i>	Data which relates to a living individual who can be identified.
<i>Sensitive Personal Data:</i>	Personal data relating to an individual's race or ethnic origin, political opinions, religious beliefs, physical/mental health, trade union membership, sexual life and criminal activities.
<i>Relevant Filing System:</i>	Also known as manual records i.e. a set of records which are organised by reference to the individual/their criteria and are structured in such a way as to make specific information readily accessible e.g. personnel records, microfiches.
<i>Data Subject:</i>	An individual who is the subject of the personal data, for example, employees, students, claimants etc.
<i>Processing:</i>	Obtaining, recording or holding data or carrying out any operation on the data including organising, adapting, altering, retrieving, consulting, using, disclosing, disseminating, aligning, blocking, erasing or destroying the data.
<i>Parent:</i>	Has the meaning given in the Education act 1996, and includes any person having parental responsibility or care of a child.

6. DATA PROTECTION PRINCIPLES

The legislation places a responsibility on every data controller to process any personal data in accordance with the eight principles. In order to comply with its obligations, Audenshaw School undertakes to:

6.1 Process personal data fairly and lawfully

Audenshaw School will make all reasonable efforts to ensure that individuals who are the focus of the personal data (data subjects) are informed of the identity of the data controller; the purposes of the processing; any disclosures to third parties that are envisaged; given an indication of the period for which the data will be kept, and any other information which may be relevant.

6.2 Process the personal data for the specified and lawful purpose for which it collected that data, and not further process the data in a manner incompatible with this purpose

Audenshaw School will only process the personal data for the original purpose for which it collected the data unless it is permissible under the Data Protection Act to process it for another purpose.

6.3 Ensure that the data is adequate, relevant and not excessive in relation to the purpose for which it is processed

Audenshaw School will not seek to collect any personal data which is not strictly necessary for the purpose for which it was obtained. Forms for collecting data will always be drafted with this in mind. If any irrelevant data are given by individuals, they will be destroyed immediately.

6.4 Keep personal data accurate and, where necessary, up to date

Audenshaw School will review and update all data on a regular basis. Individuals giving their personal data should ensure that this is accurate, and each individual should notify the school if, for example, a change in circumstances mean that the data needs to be updated. It is the responsibility of the school to ensure that any notification regarding the change is noted and acted on.

6.5 Only keep personal data for as long as is necessary

Audenshaw School undertakes not to retain personal data for longer than is necessary to ensure compliance with the legislation, and any other statutory requirements. This means Audenshaw School will undertake a regular review of the information held and implement a weeding process when, e.g. a student or an employee leaves the school.

Audenshaw School will dispose of any personal data in a way that protects the rights and privacy of the individual concerned. See also Section 16.

6.6 Process personal data in accordance with the rights of the data subject under the legislation

Individuals have various rights under the legislation including:

- a right to be told the nature of the information the school holds and any parties to whom this may be disclosed;
- a right to prevent processing likely to cause damage or distress;
- a right to prevent processing for purposes of direct marketing;

- a right to be informed about the mechanics of any automated decision making process that will significantly affect them;
- a right not to have significant decisions that will affect them taken solely by automated process;
- a right to sue for compensation if they suffer damage by any contravention of the legislation;
- a right to take action to rectify, block, erase, or destroy inaccurate data;
- a right to request that the Office of the Information Commissioner assess whether any provision of the Act has been contravened;

Audenshaw School will only process personal data in accordance with individuals' rights.

6.7 Put appropriate technical and organisational measures in place against unauthorised or unlawful processing of personal data, and against accidental loss or destruction of data

All employees are responsible for ensuring that any personal data which they hold is kept securely and not disclosed to any unauthorised third parties.

Audenshaw School will ensure that all personal data is accessible only to those who have a valid reason for using it.

Audenshaw School will have in place appropriate security measures e.g.

- ensuring that hard copy personal data is kept in lockable filing cabinets/ cupboards with controlled access;
- keeping all personal data in a lockable room with key-controlled access;
- password protecting personal data held electronically;
- archiving personal data
- placing any PCs or terminals that show personal data so that they are not be visible except to authorised employees.

In addition, Audenshaw School will put in place appropriate measures for the deletion of personal data - manual records will be shredded or disposed of as 'confidential waste', and appropriate contract terms will be put in place with any third parties undertaking this work. Hard drives of redundant PCs will be wiped clean before disposal, or if that is not possible, destroyed physically.

This policy also applies to employees and students who process personal data 'off-site', e.g. when working at home, and in such circumstances additional care must be taken regarding the security of the data.

6.8 Ensure that no personal data is transferred to a country or a territory outside the European Economic Area unless that country or territory ensures adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

Audenshaw School will not transfer data to such territories unless such a transfer is permissible under the Data Protection Act

This also applies to publishing information on the Internet - because transfer of data can include placing data on a website that can be accessed from outside the EEA - so Audenshaw School will always seek the consent of individuals before placing any personal data (including videos and photographs) on its website.

If the school collects personal data in any form via its website, it will provide a clear and detailed privacy statement prominently on the website, and wherever else personal data is collected.

7 CONSENT AS A BASIS FOR PROCESSING

Although it is not always necessary to gain consent from individuals before processing their data, it is often the best way to ensure that data is collected and processed in an open and transparent manner.

Consent is especially important when schools are processing any sensitive data, as defined by the legislation.

Audenshaw School will ensure that any forms used to gather data on an individual will contain a statement (Privacy Notice - formerly known as Fair Processing Notice) explaining the use of that data, how the data may be disclosed, and also indicate whether or not the individual needs to consent to the processing.

Audenshaw School will ensure that if the individual does not give his/her consent for the processing, and there is no other lawful basis on which to process the data, then steps will be taken to ensure that processing of that data does not take place.

7.1 Fair Processing

Under the "Fair Processing" requirements in the Data Protection Act, the school will inform employees and separately parents/carers of all students of the data they hold on the employee or students, the purposes for which the data is held and the third parties (e.g. LA, DfE, QCA, Connexions etc.) to whom it may be passed. This fair processing notice, now known as a Privacy Notice will be passed to employees when they join the school and parents/carers through a letter. Parents/carers of young people who are new to the school will be provided with the Privacy Notice through Data Collection Letters.

Example Privacy Notices can be found at Appendix B and C.

8 SUBJECT ACCESS RIGHTS (SARS)

The Data Protection Acts extend to all data subjects a right of access to their own personal data. In order to ensure that people receive only information about themselves it is essential that a formal system of requests is in place. Where a request for subject access is received from a student, the school's policy is that:

- Requests from students will be processed as any subject access request as outlined below and the copy will be given directly to the student, unless it is clear that the student does not understand the nature of the request.
- Requests from students who do not appear to understand the nature of the request will be referred to their parents or carers.
- Requests from parents in respect of their own child will be processed as requests made on behalf of the data subject (the child) if the child does not have capacity and understanding to operate their own data rights. Where the child does have sufficient capacity and understanding the school will usually refer the matter back to the parent explaining that the law requires that the child makes the request or consents to the request being made on their behalf by the parent. Where a child makes such a request the information will be given to the child unless they consent to the parent being given it.

8.1 Processing Subject Access Requests

Requests for access must be made in writing.

Students, parents/carer or employees may ask for a Data Subject Access form (see Appendix A), available from the Student Services Office. Completed forms should be submitted to the Headteacher. Provided that there is sufficient information to process the request, an entry will be made in the Subject Access log book, showing the date of receipt, the data subject's name, the name and address of requester (*if different*), the type of data required (e.g. Student Record, Personnel Record), and the planned date of supplying the information (normally not more than 40 days from the request date). Should more information be required to establish either the identity of the data subject (or agent) or the type of data requested, the date of entry in the log will be date on which sufficient information has been provided.

9 PUBLICATION OF SCHOOL INFORMATION

Audenshaw School publishes various items which will include some personal data, e.g.

- internal telephone directory
- event information
- employee information
- lists of students

It may be that in some circumstances an individual wishes their data processed for such reasons to be kept confidential, or restricted to internal school access only. Therefore it is Audenshaw School policy to offer an opportunity to opt-out of the publication of such when collecting the information.

Employee records appertaining to individual employees will remain of a confidential nature between the Headteacher, the employee and the school's HR department.

10.1 Email

It is the policy of Audenshaw School to ensure that senders and recipients of email are made aware that under the DPA, and Freedom of Information legislation, the contents of email may have to be disclosed in response to a request for information. One means by which this will be communicated will be by a disclaimer on the school's email.

Under the Regulation of Investigatory Powers Act 2000, Lawful Business Practice Regulations, any email sent to or from the school may be accessed by someone other than the recipient for system management and security purposes.

10.2 Video

In cases where the school wishes to video classroom activities or performances the school will ensure that consent forms are obtained from, student's parents or carers.

10 DATA INTEGRITY

11.1 Data Accuracy

Data held will be as accurate and up to date as is reasonably possible. If a data subject informs the school 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, make any amendments and returned signed to the Student Services Office for students and the HR department for employees. The data will then be updated accordingly.

Where a data subject challenges the accuracy of their data, the school 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 Board of Governors for their judgement. 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.

11.2 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 school will check records regularly for missing, irrelevant or seemingly excessive information and may contact data subjects to verify certain items of data. Employee data will be checked annually via Data Checking Sheets.

11.3 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 Headteacher to ensure that obsolete data are properly erased. See also Section 16.

11 IDENTIFICATION OF DATA

The school recognises that under Section 7 of the Data Protection Act, data subjects have a number of rights in connection with their personal data, the main one being the right of access. Procedures are in place to deal with Subject Access Requests i.e. a written request to see all or a part of the personal data held by the data controller in connection with the data subject (details can be found in Section 10). Data subjects have the right to know: if the data controller holds personal data about them; a description of that data; the purpose for which the data is processed; the sources of that data; to whom the data may be disclosed; and a copy of all the personal data that is held about them. Under certain circumstances the data subject can also exercise rights in connection with the rectification; blocking; erasure and destruction of data.

12 DATA AND COMPUTER SECURITY

Audenshaw School undertakes to ensure security of personal data by the following general methods (precise details cannot, of course, be revealed):

13.1 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 server rooms. Disks, tapes and printouts are locked away securely when not in use. Visitors to the school are required to sign in and out, to wear identification badges whilst in the school and are, where appropriate, accompanied.

13.2 Logical Security

- Security software is installed on all computers containing personal data.
- The school will ensure that ICT systems are set up so that the existence of protected files is hidden from unauthorised users and that users will be assigned a clearance that will determine which files are accessible to them.

- All users will be given secure user names and strong passwords. User names and passwords must never be shared. Passwords should be changed regularly.
- Personal data may only be accessed on machines that are securely password protected. Any device that can be used to access data must be locked if left (even for very short periods)
- All storage media must be stored in an appropriately secure and safe environment that avoids physical risk, loss or electronic degradation.
- Personal data can only be stored on school equipment (this includes computers and portable storage media).
- When personal data is stored on any portable computer system, USB stick or any other removable media:
 - the data must be encrypted and password protected;
 - the device must be password protected (many memory sticks/cards and other mobile devices cannot be password protected);
 - the device must offer approved virus and malware checking software;
 - the data must be securely deleted from the device, in line with school policy, i.e. once it has been transferred or its use is complete.
 - Staff and students are strongly encouraged to make use of the One Drive facility which provides 1TB of secure storage for each member of staff and is accessible on any device via their office365 login. Data stored here provides encryption and can be recovered if deleted, also allows for version control, i.e if you open and save a document 10 times, there is 10 versions of the document saved, providing a more granular recovery option.
- The school has clear policy and procedures for the automatic backing up, accessing and restoring all data held on school systems, including off-site backups.

13.3 Procedural Security

In order to be given authorised access to the computer, employees will have to sign an acceptable computer and internet use statement. All employees also have access to the Data Protection policy on the shared staff drive.

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

Individual employees 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 disciplinary matter, and serious breaches could lead to dismissal.

13 SECURE TRANSFER OF DATA AND ACCESS OUT OF SCHOOL

The school recognises that personal data may be accessed by users out of the school, or transferred to the LA or other agencies. In these circumstances:

- Users may not remove or copy sensitive or personal data from the school or authorised premises without permission and unless the media is encrypted and password protected and is transported securely for storage in a secure location.

- Users must take particular care that computers or removable devices which contain personal data must not be accessed by other users (e.g. family members) when out of the school.
- Users must protect all portable and mobile devices, including media, used to store and transmit personal information using approved encryption software.
- Particular care should be taken if data is taken or transferred to another country, particularly outside Europe, and advice should be taken from the local authority in this event. (NB. to carry encrypted material is illegal in some countries)

14 DISPOSAL OF DATA

The school will comply with the requirements for the safe destruction of personal data when it is no longer required.

The disposal of protected data, in either paper or electronic form, must be conducted in a way that makes reconstruction highly unlikely. Electronic files must be securely overwritten and other media must be shredded, incinerated or otherwise disintegrated for data.

A Destruction Log will be kept of all data that is disposed of. The log should include the document ID, classification, date of destruction, method and authorisation.

15 TRAINING AND AWARENESS

All employees will receive data handling awareness/data protection training and will be made aware of their responsibilities, as described in this policy through:

- Induction training for new employees
- Employee meetings/briefings/Inset;
- Day to day support and guidance from the Headteacher.

16 ENQUIRIES

Information about the school's Data Protection Policy is available from the Headteacher. General information about the Data Protection Act can be obtained from the Information Commissioners Office <http://www.ico.gov.uk/>.

A copy of this policy will be issued to all employees and covered in new employee Induction Training. It will be reviewed annually, added to, or modified from time to time and may be supplemented in appropriate cases by further statements and procedures relating to the work of the particular groups of workers.

APPENDIX A

**ACCESS TO PERSONAL DATA REQUEST
(Subject Access Request - SARS)**

DATA PROTECTION ACT 1998 (Section 7)

Enquirer's Surname		Enquirer's Forenames	
Enquirer's Address			
Enquirer's Postcode:			
Enquirer's Tel No.			
Are you the person who is the subject of the records you are enquiring about (i.e. the "Data Subject")?		YES / NO	
If NO,			
Do you have parental responsibility for a child who is the "Data Subject" of the records you are enquiring about?		YES / NO	
If YES,			
Name of child or children about whose personal data records you are enquiring:			
Description of Concern / Area of Concern:			
Description of Information or Topic(s) Requested (In your own words):			

Additional Information	
------------------------	--

Please despatch Reply to: *(if different from enquirer's details as stated on this form)*

Name:

Address:

Postcode:

DATA SUBJECT DECLARATION

I request that the School search its records based on the information supplied above under Section 7 (1) of the Data Protection Act 1998 and provide a description of the personal data found from the information described in the details outlined above relating to me (or my child/children) being processed by the School.

I agree that the reply period will commence when I have supplied sufficient information to enable the school to perform the search.

I consent to the reply being disclosed and sent to me at my stated address (or to the Despatch Name and Address above who I have authorised to receive such information).

Signature of "Data Subject" (or Subject's Parent/Carer)

Name of "Data Subject" (or Subject's Parent/Carer) (PRINTED)

Dated _____

APPENDIX B

Privacy Notice Employees - Data Protection Act 1998

We, Audenshaw School process personal data relating to those we employ to work at, or otherwise engage to work at, our school. This is for employment purposes to assist in the running of the school and/or to enable individuals to be paid. The collection of this information will benefit both national and local users by:

- improving the management of workforce data across the sector
- enabling development of a comprehensive picture of the workforce and how it is deployed
- informing the development of recruitment and retention policies
- allowing better financial modelling and planning
- enabling ethnicity and disability monitoring; and
- supporting the work of the School Teachers' Review Body

This personal data includes identifiers such as names and National Insurance numbers and characteristics such as ethnic group, employment contracts and remuneration details, qualifications and absence information.

We will not share information about you with third parties without your consent unless the law allows us to. We are required, by law, to pass on some of this personal data to:

- the Department for Education (DfE)

If you wish to use the school's cashless catering system or the biometric door access facility, you will be provided with a separate consent form which covers the use of your data.

If you require more information about how we and/or DfE store and use your personal data please visit:

- <https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

If you are unable to access these websites, please contact the LA or DfE as follows:

- Public Communications Unit
Department for Education
Sanctuary Buildings
Great Smith Street
London
SW1P 3BT

Website: <https://www.gov.uk/government/organisations/department-for-education>

Email: info@education.gsi.gov.uk

Telephone: 0370 000 2288.

If you want to see a copy of information about you that we hold, please contact:

HR Department
Audenshaw School
Hazel Street
Audenshaw
M34 5NB

Tel: 0161 335 2121

Do we disclose your data to third Parties?

We will not disclose sensitive information about you to a third party without your consent unless the law requires or permits us to do so.

We may occasionally release non-sensitive information about you to a third party without your consent (where we judge that to be fair to you) because the third party is providing a service to the school and needs some information about you to offer that service, for example, in order to set up a computer account for you.

The fact that you work at the school, your name and your job title will not be treated as confidential. For example, this information will be published on the school's website.

Information relating to your professional performance may need to be communicated to third party providers such as consultants who are engaged to advise the school.

In some circumstances we may be required by law to disclose information about you. For example, Ofsted inspectors have legal powers to inspect documents.

We also have to disclose information about the school workforce to the Department for Education. More information is available on the department's website:

APPENDIX C
Privacy Notice Students -
Data Protection Act 1998: How we use your information

We, Audenshaw School process personal information relating to our students and may receive information about them from their previous school or college, local authority, the Department for Education (DfE) and the Learning Records Service. We hold this personal data to:

- support our students' learning
- monitor and report on their progress
- provide appropriate pastoral care; and
- assess the quality of our services

Information about our students that we hold will include their contact details, national curriculum assessment results, attendance information, any exclusion information, where they go after they leave us and personal characteristics such as their ethnic group, any special educational needs they may have as well as relevant medical information. For students enrolling for post 14 qualifications, the Learning Records Service will give us the unique learner number (ULN) and may also give us details about your learning or qualifications.

In addition once our students reach the age of 13, the law requires us to pass on certain information about them to Tameside Council or local providers of Youth Support Services in your area who have responsibilities in relation to the education or training of 13-19 year olds.

We provide them with these students' names and addresses, dates of birth, name(s)/address(es) of their parent(s)/guardian(s) and any other information relevant to their role. We may also share certain personal data relating to children aged 16 and over with post-16 education and training providers in order to secure appropriate services for them.

A parent/carer or guardian can ask that no information apart from their child's name, address and date of birth be passed on by opting out by informing the Student Services department. This right is transferred to the child once he/she reaches the age 16.

For more information about young people's services, please go to the National Careers Service page at <https://nationalcareersservice.direct.gov.uk/aboutus/Pages/default.aspx>.

We will not give information about you to anyone without your consent unless the law and our policies allow us to.

We are required, by law, to pass some information about you to the Department for Education (DfE). This information will, in turn, then be made available for the use by the LA.

If you need more information about how our local authority and/or DfE collect and use your information, please visit:

Our local authority at www.tameside.gov.uk or the DfE website at <https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>.

If you cannot access these websites, please contact the LA or DfE as follows:

Tameside MBC
Council Offices
PO Box 304
Ashton-under-Lyne
Tameside
OL6 0GA
Website: www.tameside.gov.uk

Telephone: 0161 342 8355

Public Communications Unit
Department for Education
Sanctuary Buildings
Great Smith Street
London
SW1P 3BT

Website: <https://www.gov.uk/government/organisations/department-for-education>

Email: <http://www.education.gov.uk/help/contactus>

Telephone: 0370 000 2288

If you want to receive a copy of the information about you that we hold, please contact:

Student Services Department
Audenshaw School
Hazel Street
Audenshaw
M34 5NB

Tel: 0161 336 2133