



Polisi Diogelu Data

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Data Protection Policy

Polisi a gytunwyd gan y llywodraethwyr:

.....Delyth Davies.....(Llofnodwyd gan y Cadeirydd)Ionawr 2019.....*Dyddiad*

.....Meinir Jones.....(Llofnodwyd gan y Pennaeth)Ionawr 2019.....*Dyddiad*

I'w adolygu:2023.....*Dyddiad*

Polisi Diogelu Data Ysgol Bro Gwydir

Mae Ysgol Bro Gwydir yn casglu a defnyddio gwybodaeth bersonol am staff, disgyblion, rhieni ac unigolion eraill sy'n dod i gysylltiad â'r ysgol. Mae'r wybodaeth yn cael ei gasglu i ddarparu addysg a swyddogaethau cyswllt eraill. Yn ychwanegol, efallai y bydd anghenraid cyfreithiol i gasglu a defnyddio gwybodaeth i sicrhau bod yr ysgol yn cydymffurfio â'i hoblgyiadau statudol.

Mae dyletswydd ar ysgolion i gael eu cofrestru fel rheolwyr data, gyda Swyddfa'r Comisiynydd Gwybodaeth (SCG) gan fanylu'r wybodaeth sy'n cael ei gadw a'i ddefnydd. Mae'r manylion wedyn ar gael ar wefan SCG. Mae dyletswydd ar ysgolion i gyhoeddi Hysbysiad Prosesu Teg i bob disgybl/rhiant, sy'n crynhoi'r wybodaeth a gedwir ar ddisgyblion, pam ei fod yn cael ei gadw a'r pleidiau eraill y gellir anfon yr wybodaeth atynt.

Pwrpas

Bwriadwyd y polisi hwn i sicrhau bod gwybodaeth bersonol yn cael ei drin yn gywir ac yn unol â Deddf Gwarchod Data Act 1998, a deddfwriaeth gysylltiedig arall. Bydd yn berthnasol i wybodaeth sut bynnag mae'n cael ei gasglu, ei ddefnyddio, cofnodi, storio a dinistrio, a sut bynnag mae'n cael ei gadw boed mewn ffeiliau papur neu'n electronig.

Bydd yr holl staff sy'n casglu, prosesu a datgelu data personol yn ymwybodol o'u dyletswydd a chyfrifoldebau i gadw at y canllawiau hyn.

Beth yw Gwybodaeth Bersonol?

Mae gwybodaeth bersonol neu ddata yn cael ei ddiffinio fel data sy'n ymwneud â rhywun byw y gellir ei adnabod o'r data, neu wybodaeth arall a gedwir.

Egwyddorion Gwarchod Data

Mae Deddf gwarchod Data 1998 yn gosod wyth egwyddor orfodol mae'n rhaid eu cadw:

1. Bydd data personol yn cael ei brosesu'n deg a chyfreithlon
2. Ni fydd data personol ond yn cael ei gasglu ar gyfer un neu fwy o bwrpasau a nodwyd a chyfreithiol
3. Bydd data personol yn ddigonol, perthnasol ac nid yn ormodol
4. Bydd data personol yn gywir a ble bo angen, yn cael ei gadw'n gyfredol
5. Ni fydd data personol ar gyfer unrhyw bwrpas yn cael ei gadw yn hwy na bo'r angen ar gyfer y pwrpas neu bwrpasau hynny
6. Bydd data personol yn cael ei brosesu yn ôl hawliau pynciau data o dan Ddeddf Gwarchod Data 1998
7. Bydd data personol yn cael ei gadw'n ddiogel h.y. wedi'i amddiffyn gan ddiogelwch priodol
8. Ni fydd data personol yn cael ei drosglwyddo i wlad neu diriogaeth y tu allan i'r Ardal Economaidd Ewropeaidd, oni bai bod y wlad neu'r diriogaeth honno yn sicrhau lefel digonol o warchod data.



Datganiad Cyffredinol

Mae'r ysgol bob amser yn ymroddedig i gynnal yr egwyddorion uchod. Felly bydd yr ysgol yn:

- Hysbysu unigolion pam fod yr wybodaeth yn cael ei gasglu pan fo'n cael ei gasglu
- Hysbysu unigolion pan fo eu gwybodaeth yn cael ei rannu, a pham a gyda phwy mae'n cael ei rannu
- Edrych ar ansawdd a chywirdeb yr wybodaeth mae'n ei gadw
- Sicrhau nad yw'r wybodaeth yn cael ei gadw'n hirach nag sy'n angenrheidiol

Sicrhau pan fo gwybodaeth ddarfodedig yn cael ei ddinistrio ei fod yn cael ei wneud yn briodol a diogel

- Sicrhau bod camau diogelu cadarn, clir yn eu lle i amddiffyn gwybodaeth bersonol rhag colled, lladrad a datgeliad heb awdurdod, waeth beth fo'r fformat mae wedi'i gofnodi
- Dim ond rhannu gwybodaeth gydag eraill pan fo'n gyfreithiol briodol i wneud hynny
- Nodi'r drefn i sicrhau cydymffurfio â'r ddyletswydd i ymateb i gais am wybodaeth bersonol, sy'n cael ei adnabod fel Cais Mynediad Pwnc
- Sicrhau bod ein staff yn ymwybodol o ac yn deall ein polisiau a gweithdrefnau.

Cwynion

Bydd cwynion yn cael eu trin yn unol â pholisi cwynion yr ysgol. Gall cwynion sy'n ymwneud â thrin gwybodaeth gael eu cyfeirio at y Comisiynydd Gwybodaeth (y rheolydd statudol).

Adolygu

Bydd y polisi hwn yn cael ei adolygu fel yr ystyrir yn briodol, ond dim llai na bob 2 flynedd. Bydd y pennaeth neu ei chynrychiolydd enwebedig yn adolygu'r polisi.

Cysylltu

Cysylltwch â'r pennaeth, **Miss Meinir Jones**, os oes gennych ymholiadau ynghylch y polisi a bydd yn gweithredu fel y cyswllt ynghylch unrhyw geisiadau mynediad pwnc.

Gellir cael gwybodaeth bellach o Swyddfa'r Comisiynydd Gwybodaeth, www.ico.gov.uk neu ffonio 01625 545745 3

Atodiad 1

Ysgol Bro Gwydir

Trefn ymateb i geisiadau mynediad pwnc o dan Ddeddf Gwarchod Data 1998

Hawl mynediad at wybodaeth

Mae dau hawl mynediad amlwg at wybodaeth a gedwir gan ysgolion ynghylch disgyblion.

1. O dan Ddeddf Gwarchod Data 1998 mae gan unrhyw unigolyn yr hawl i wneud cais i weld yr wybodaeth bersonol a gedwir amdanynt.
2. Hawl y rhai sydd â hawl i weld cofnodion cwricwlar ac addysgol fel y dehonglwyd yn Rheoliadau Gwybodaeth am Addysg Disgyblion (Cymru) 2004.

Mae'r drefn yn ymwneud â cheisiadau mynediad pwnc a wnaed o dan Ddeddf Gwarchod Data 1998.

Gweithredu cais mynediad pwnc

1. Rhaid gwneud ceisiadau am wybodaeth mewn ysgrifen; a gall gynnwys post-e, a'i gyfeirio at Miss Meirir Jones. Bydd ymholiadau pellach yn cael eu gwneud os nad yw'r cais dechreuol yn nodi'n glir yr wybodaeth sydd ei angen.
2. Rhaid canfod pwy yw'r ymgeisydd cyn datgelu unrhyw wybodaeth, a rhaid cynnal ymchwiliadau ynghylch profi'r berthynas â'r plentyn. Gellir profi pwy yw'r unigolyn trwy ofyn am weld:
 - pasport
 - trwydded yrru
 - biliau trydan/dŵr/nwy yn y cyfeiriad presennol
 - tystysgrif genedigaeth / priodas
 - P45/P60
 - cerdyn credyd neu ddatganiad morgais

Nid yw'r rhestr hon yn gynhwysfawr.

3. Mae gan unrhyw unigolyn hawl i weld yr wybodaeth a gedwir amdanynt. Fodd bynnag, gyda phlant mae hyn yn ddibynnol ar eu gallu i ddeall (12 oed neu fwy fel arfer) a natur y cais. Dylai'r pennaeth drafod y cais gyda'r plentyn a chymryd ei farn i ystyriaeth wrth wneud penderfyniad. Gall plentyn sy'n deall wrthod caniatâd i'r cais i weld eu cofnodion. Pan ystyrir nad yw'r plentyn yn abl i roi ei ganiatâd gall unigolyn gyda chyfrifoldeb rhiant neu warcheidwad wneud penderfyniad ar ran y plentyn.

4. Gall yr ysgol godi am ddarparu gwybodaeth, gan ddibynnu ar y canlynol:

- pe bai'r cais am wybodaeth yn cynnwys y cofnod addysgol yna bydd y gost yn ddibynnol ar nifer y tudalennau a ddarparwyd.
- Gall ysgolion godi hyd at £10 pe bai'r wybodaeth y gofynnwyd amdano'n bersonol ac nid yw'n cynnwys unrhyw wybodaeth a gynhwyswyd yng nghofnodion addysgol yr ysgol.
- Gellir edrych ar y cofnod addysgol am ddim, a gall y pennaeth godi dim mwy na chost copïo am gopïo gwybodaeth.

5. Y cyfnod ymateb ar gyfer ceisiadau mynediad pwnc, unwaith y'i cafwyd yn swyddogol, yw 40 diwrnod (**nid diwrnodau gwaith neu ysgol ond diwrnodau calendr, boed hi'n wyliau ysgol neu beidio**). Fodd bynnag, ni fydd 40 diwrnod yn cychwyn hyd ar ôl cael ffioedd neu eglurhad ar yr wybodaeth a geisir

6. Mae Deddf Gwarchod Data 1998 yn caniatáu eithriadau ynghylch darparu peth gwybodaeth; **felly bydd yr holl wybodaeth yn cael ei adolygu cyn ei ddatgelu.**
7. Gwybodaeth trydedd blaid yw'r hyn a ddarparwyd gan rywun arall, fel yr heddlu, yr awdurdod lleol, rhywun o ofal iechyd neu ysgol arall.
Fel arfer dylid cael caniatâd cyn datgelu gwybodaeth trydedd blaid.
Mae'r angen i gadw at yr amserlen 40 diwrnod statudol yn parhau.
8. Ni ddylid datgelu gwybodaeth a all achosi niwed difrifol i iechyd corfforol neu feddyliol neu gyflwr emosiynol disgybl neu arall ac ni ddylid datgelu gwybodaeth fyddai'n datgelu bod y plentyn mewn perygl o gael ei gam-drin neu wybodaeth yn ymwneud ag achos cyfreithiol.
9. Dylid ceisio cyngor pellach os oes pryder ynghylch datgelu'r wybodaeth.
10. Pan fo gwybodaeth wedi'i olygu (wedi'i dynnu allan/inc du drosto) dylid cadw copi llawn o'r wybodaeth a ddarparwyd er mwyn canfod, os gwnaed cwyn, beth a olygwyd a pham.
11. Dylai gwybodaeth a ddatgelwyd fod yn glir, felly bydd angen egluro ac esbonio unrhyw dermau technegol neu godau. Dylid ail deipio gwybodaeth a gynhwyswyd mewn datgeliad os yw'n anodd ei ddarllen neu'n annarllenadwy.
12. Gellir darparu gwybodaeth yn yr ysgol gydag aelod o staff wrth law i helpu ac esbonio materion os gofynnir amdano, neu ddarparu mewn trosglwyddo wyneb yn wyneb.
Dylid cymryd barn yr ymgeisydd i ystyriaeth wrth ystyried y dull cyflwyno. Rhaid defnyddio post wedi'i gofrestru/gofnodi os yw'r post i gael ei ddefnyddio.

Cwynion

Dylai cwynion ynghylch y gweithdrefnau uchod gael eu cyflwyno i gadeirydd y corff llywodraethol a fydd yn penderfynu a yw'n briodol i'r gŵyn gael ei thrin yn unol â threfn gwynion yr ysgol.

Gall cwynion nad ydynt yn briodol i gael eu trin dan drefn gwynion yr ysgol gael eu trin gan y Comisiynydd Gwybodaeth. Bydd manylion cysylltu'r ddau yn cael ei ddarparu gyda'r wybodaeth datgelu.

Cysylltu

Cysylltwch â'r pennaeth, **Miss Meinir Jones**, os oes gennych ymholiadau neu bryderon ynghylch y polisiau/gweithdrefnau hyn.

Gellir cael gwybodaeth bellach o Swyddfa'r Comisiynydd Gwybodaeth, www.ico.gov.uk neu ffonio.

Bro Gwydir School Data Protection Policy

Bro Gwydir school collects and uses personal information about staff, pupils, parents and other individuals who come into contact with the school. This information is gathered in order to enable it to provide education and other associated functions. In addition, there may be a legal requirement to collect and use information to ensure that the school complies with its statutory obligations.

Schools have a duty to be registered, as Data Controllers, with the Information Commissioner's Office (ICO) detailing the information held and its use. These details are then available on the ICO's website. Schools also have a duty to issue a Fair Processing Notice to all pupils/parents, this summarises the information held on pupils, why it is held and the other parties to whom it may be passed on.

Purpose

This policy is intended to ensure that personal information is dealt with correctly and securely and in accordance with the Data Protection Act 1998, and other related legislation. It will apply to information regardless of the way it is collected, used, recorded, stored and destroyed, and irrespective of whether it is held in paper files or electronically.

All staff involved with the collection, processing and disclosure of personal data will be aware of their duties and responsibilities by adhering to these guidelines.

What is Personal Information?

Personal information or data is defined as data which relates to a living individual who can be identified from that data, or other information held.

Data Protection Principles

The Data Protection Act 1998 establishes eight enforceable principles that must be adhered to at all times:

1. Personal data shall be processed fairly and lawfully;
2. Personal data shall be obtained only for one or more specified and lawful purposes;
3. Personal data shall be adequate, relevant and not excessive;
4. Personal data shall be accurate and where necessary, kept up to date;
5. Personal data processed for any purpose shall not be kept for longer than is necessary for that purpose or those purposes;
6. Personal data shall be processed in accordance with the rights of data subjects under the Data Protection Act 1998;
7. Personal data shall be kept secure i.e. protected by an appropriate degree of security;
8. Personal data shall not be transferred to a country or territory outside the European Economic Area, unless that country or territory ensures an adequate level of data protection.



General Statement

The school is committed to maintaining the above principles at all times. Therefore the school will:

- Inform individuals why the information is being collected when it is collected
- Inform individuals when their information is shared, and why and with whom it was shared
- Check the quality and the accuracy of the information it holds
- Ensure that information is not retained for longer than is necessary
- Ensure that when obsolete information is destroyed that it is done so appropriately and securely
- Ensure that clear and robust safeguards are in place to protect personal information from loss, theft and unauthorised disclosure, irrespective of the format in which it is recorded
- Share information with others only when it is legally appropriate to do so
- Set out procedures to ensure compliance with the duty to respond to requests for access to personal information, known as Subject Access Requests
- Ensure our staff are aware of and understand our policies and procedures

Complaints

Complaints will be dealt with in accordance with the school's complaints policy. Complaints relating to information handling may be referred to the Information Commissioner (the statutory regulator).

Review

This policy will be reviewed as it is deemed appropriate, but no less frequently than every 2 years. The policy review will be undertaken by the Headteacher, or nominated representative.

Contacts

If you have any enquires in relation to this policy, please contact **Miss Meinir Jones** who will also act as the contact point for any subject access requests.

Further advice and information is available from the Information Commissioner's Office, www.ico.gov.uk or telephone 01625 545745 3

Appendix 1

Ysgol Bro Gwydir

Procedures for responding to subject access requests made under the Data Protection Act 1998

Rights of access to information

There are two distinct rights of access to information held by schools about pupils.

1. Under the Data Protection Act 1998 any individual has the right to make a request to access the personal information held about them.
2. The right of those entitled to have access to curricular and educational records as defined within the Education Pupil Information (Wales) Regulations 2004.

These procedures relate to subject access requests made under the Data Protection Act 1998.

Actioning a subject access request

1. Requests for information must be made in writing; which includes email, and be addressed to Miss Meinir Jones. If the initial request does not clearly identify the information required, then further enquiries will be made.
2. The identity of the requestor must be established before the disclosure of any information, and checks should also be carried out regarding proof of relationship to the child. Evidence of identity can be established by requesting production of:

- passport
- driving licence
- utility bills with the current address
- Birth / Marriage certificate
- P45/P60
- Credit Card or Mortgage statement

This list is not exhaustive.

3. Any individual has the right of access to information held about them. However with children, this is dependent upon their capacity to understand (normally age 12 or above) and the nature of the request. The Headteacher should discuss the request with the child and take their views into account when making a decision. A child with competency to understand can refuse to consent to the request for their records. Where the child is not deemed to be competent an individual with parental responsibility or guardian shall make the decision on behalf of the child.

4. The school may make a charge for the provision of information, dependant upon the following:

- Should the information requested contain the educational record then the amount charged will be dependant upon the number of pages provided.
- Should the information requested be personal information that does not include any information contained within educational records schools can charge up to £10 to provide it.
- If the information requested is only the educational record viewing will be free, but a charge not exceeding the cost of copying the information can be made by the Headteacher.



5. The response time for subject access requests, once officially received, is 40 days (**not working or school days but calendar days, irrespective of school holiday periods**). However the 40 days will not commence until after receipt of fees or clarification of information sought
6. The Data Protection Act 1998 allows exemptions as to the provision of some information; **therefore all information will be reviewed prior to disclosure.**
7. Third party information is that which has been provided by another, such as the Police, Local Authority, Health Care professional or another school. Before disclosing third party information consent should normally be obtained. There is still a need to adhere to the 40 day statutory timescale.
8. Any information which may cause serious harm to the physical or mental health or emotional condition of the pupil or another should not be disclosed, nor should information that would reveal that the child is at risk of abuse, or information relating to court proceedings.
9. If there are concerns over the disclosure of information then additional advice should be sought.
10. Where redaction (information blacked out/removed) has taken place then a full copy of the information provided should be retained in order to establish, if a complaint is made, what was redacted and why.
11. Information disclosed should be clear, thus any codes or technical terms will need to be clarified and explained. If information contained within the disclosure is difficult to read or illegible, then it should be retyped.
12. Information can be provided at the school with a member of staff on hand to help and explain matters if requested, or provided at face to face handover. The views of the applicant should be taken into account when considering the method of delivery. If postal systems have to be used then registered/recorded mail must be used.

Complaints

Complaints about the above procedures should be made to the Chairperson of the Governing Body who will decide whether it is appropriate for the complaint to be dealt with in accordance with the school's complaint procedure.

Complaints which are not appropriate to be dealt with through the school's complaint procedure can be dealt with by the Information Commissioner. Contact details of both will be provided with the disclosure information.

Contacts

If you have any queries or concerns regarding these policies / procedures then please contact **Miss Meinir Jones**, Headteacher.

Further advice and information can be obtained from the Information Commissioner's Office, www.ico.gov.uk or telephone.