

North Herts Education Support Centre
eSafety and ICT Acceptable Use Policy

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Introduction

ICT in the 21st Century is seen as an essential resource to support learning and teaching, as well as playing an important role in the everyday lives of children, young people and adults. Consequently, Centres need to build in the use of these technologies in order to arm our young people with the skills to access life-long learning and employment.

Information and Communications Technology covers a wide range of resources including; web-based and mobile learning. It is also important to recognise the constant and fast paced evolution of ICT within our society as a whole. Currently the internet technologies children and young people are using both inside and outside of the classroom include:

- Websites
- Apps
- E-mail, Instant Messaging and chat rooms
- Social Media, including Facebook and Twitter
- Mobile/ Smart phones with text, video and/ or web functionality
- Other mobile devices including tablets and gaming devices
- Online Games
- Learning Platforms and Virtual Learning Environments
- Blogs and Wikis
- Podcasting
- Video sharing
- Downloading
- On demand TV and video, movies and radio / Smart TVs

Whilst exciting and beneficial both in and out of the context of education, much ICT, particularly web-based resources, are not consistently policed. All users need to be aware of the range of risks associated with the use of these Internet technologies and that some have minimum age requirements.

At **North Herts Education Support Centre**, we understand the responsibility to educate our students on eSafety Issues; teaching them the appropriate behaviours and critical thinking skills to enable them to remain both safe and legal when using the internet and related technologies, in and beyond the context of the classroom.

Our Centre holds personal data on learners, staff and others to help them conduct their day-to-day activities. Some of this information is sensitive and could be used by another person or criminal organisation to cause harm or distress to an individual. The loss of sensitive information can result in media coverage, and potentially damage the reputation of the Centre. This could make it more difficult for us to use technology to benefit learners.

Everybody in the Centre community has a shared responsibility to secure any sensitive information used in their day to day professional duties and even staff not directly involved in data handling should be made aware of the risks and threats and how to minimise them.

Both this policy and the Acceptable Use Agreement (for all staff, members of the management committee, regular visitors [for regulated activities] and students) are inclusive of both fixed and mobile internet; technologies provided by the Centre (such as PCs, laptops, mobile devices, webcams, whiteboards, digital video equipment, etc); and technologies owned by students and staff, but brought onto Centre premises (such as laptops, mobile phones and other mobile devices).

Monitoring

Authorised ICT staff may inspect any ICT equipment owned or leased by the Centre at any time without prior notice. If you are in doubt as to whether the individual requesting such access is authorised to do so, please ask for their name and contact Ian Gamble. Any ICT authorised staff member will be happy to comply with this request.

ICT authorised staff may monitor, intercept, access, inspect, record and disclose telephone calls, e-mails, instant messaging, internet/intranet use and any other electronic communications (data, voice, video or image) involving its employees or contractors, without consent, to the extent permitted by law. This may be to confirm or obtain Centre business related information; to confirm or investigate compliance with Centre policies, standards and procedures; to ensure the effective operation of Centre ICT; for quality control or training purposes; to comply with a Subject Access Request under the Data Protection Act 1998, or to prevent or detect crime.

ICT authorised staff may, without prior notice, access the e-mail or voice-mail account where applicable, of someone who is absent in order to deal with any business-related issues retained on that account.

All monitoring, surveillance or investigative activities are conducted by ICT authorised staff and comply with the Data Protection Act 1998, the Human Rights Act 1998, the Regulation of Investigatory Powers Act 2000 (RIPA) and the Lawful Business Practice Regulations 2000.

Please note that personal communications using Centre ICT may be unavoidably included in any business communications that are monitored, intercepted and/or recorded.

Breaches

A breach or suspected breach of policy by a Centre employee, contractor or student may result in the temporary or permanent withdrawal of Centre ICT hardware, software or services from the offending individual.

For staff any policy breach is grounds for disciplinary action in accordance with the Centre Disciplinary Procedure or, for Support Staff, in their Probationary Period as stated.

Policy breaches may also lead to criminal or civil proceedings.

The Information Commissioner's powers to issue monetary penalties came into force on 6 April 2010, allowing the Information Commissioner's office to serve notices requiring organisations to pay up to £500,000 for serious breaches of the Data Protection Act.

The data protection powers of the Information Commissioner's Office are to:

- Conduct assessments to check organisations are complying with the Act;
- Serve information notices requiring organisations to provide the Information Commissioner's Office with specified information within a certain time period;
- Serve enforcement notices and 'stop now' orders where there has been a breach of the Act, requiring organisations to take (or refrain from taking) specified steps in order to ensure they comply with the law;
- Prosecute those who commit criminal offences under the Act;
- Conduct audits to assess whether organisations' processing of personal data follows good practice,
- Report to Parliament on data protection issues of concern

Incident Reporting

Any security breaches or attempts, loss of equipment and any unauthorised use or suspected misuse of ICT must be immediately reported to the Centre's relevant responsible person. Additionally, all security breaches, lost/stolen equipment or data (including remote access SecureID tokens and PINs), virus notifications, unsolicited emails, misuse or unauthorised use of ICT and all other policy non-compliance must be reported to the relevant responsible person. The relevant responsible individuals in the Centre are as follows: Ian Gamble, Debbie Ansell.

Please refer to the relevant section on Incident Reporting, eSafety Incident Log & Infringements.

Acceptable Use Agreement: Students - NHESC

- I will only use ICT systems in Centre, including the internet, e-mail, digital video, and mobile technologies for Centre purposes
- I will not download or install software on Centre technologies
- I will only log on to the Centre network, other systems and resources with my own user name
- I will only use my Centre e-mail address
- I will make sure that all ICT communications with students, teachers or others is responsible and sensible
- I will be responsible for my behaviour when using the Internet. This includes resources I access and the language I use
- I will not browse, download, upload or forward material that could be considered offensive or illegal. If I accidentally come across any such material I will report it immediately to my teacher
- I will not give out any personal information such as name, phone number or address. I will not arrange to meet someone unless this is part of a Centre project approved by my teacher
- I will ensure that my online activity, both in Centre and outside Centre, will not cause my Centre, the staff, students or others distress or bring the Centre community into disrepute, including through uploads of images, video, sounds or texts
- I will support the Centre approach to online safety and not upload or add any images, video, sounds or text that could upset any member of the Centre community
- I will respect the privacy and ownership of others' work on-line at all times
- I will not attempt to bypass the internet filtering system
- I understand that all my use of the Internet and other related technologies can be monitored and logged and can be made available to my teachers
- I understand that these rules are designed to keep me safe and that if they are not followed, Centre sanctions will be applied and my parent/ carer may be contacted

Acceptable Use Agreement

Dear Parent/ Carer

ICT including the internet, e-mail, mobile technologies and online resources have become an important part of learning in our school. We expect all students to be safe and responsible when using any ICT. It is essential that students are aware of eSafety and know how to stay safe when using any ICT.

Pupils are expected to read and discuss this agreement with their parent/ carer and then to sign and follow the terms of the agreement. Any concerns or explanation can be discussed with our ICT Co-ordinator Ian Gamble.

Please return the bottom section of this form which will be kept on record at the school



Parent/ carer signature

We have discussed this document with..... (child's name)
and we agree to follow the eSafety rules and to support the safe use of ICT at NHESC.

Parent/ Carer Signature

Student Signature.....

Date

Acceptable Use Agreement: Staff, Members of the management committee and Visitors

Staff, Members of the Management Committee and Visitor Acceptable Use Agreement / Code of Conduct

ICT (including data) and the related technologies such as e-mail, the internet and mobile devices are an expected part of our daily working life in school. This policy is designed to ensure that all staff are aware of their professional responsibilities when using any form of ICT. All staff are expected to sign this policy and adhere at all times to its contents. Any concerns or clarification should be discussed with Ian Gamble.

- I will only use the school's email / Internet / Intranet / Learning Platform and any related technologies for professional purposes or for uses deemed acceptable by the Head or Management committee
- I will comply with the ICT system security and not disclose any passwords provided to me by the school or other related authorities
- I will ensure that all electronic communications with students and staff are compatible with my professional role
- I will not give out my own personal details, such as mobile phone number, personal e-mail address, personal Twitter account, or any other social media link, to students
- I will only use the approved, secure e-mail system(s) for any school business
- I will ensure that personal data (such as data held on MIS software) is kept secure and is used appropriately, whether in school, taken off the school premises or accessed remotely. Personal data can only be taken out of school or accessed remotely when authorised by the Head or Management committee. Personal or sensitive data taken off site must be encrypted, e.g. on a password secured laptop or memory stick
- I will not install any hardware or software without permission of Ian Gamble.
- I will not browse, download, upload or distribute any material that could be considered offensive, illegal or discriminatory
- Images of students and/ or staff will only be taken, stored and used for professional purposes in line with school policy and with written consent of the parent, carer or staff member
- Images will not be distributed outside the school network without the permission of the parent/ carer, member of staff or Head Teacher
- I will support the school approach to online safety and not upload or add any images, video, sounds or text linked to or associated with the school or its community'
- I understand that all my use of the Internet and other related technologies can be monitored and logged and can be made available, on request, to my Line Manager or Head Teacher
- I will respect copyright and intellectual property rights
- I will ensure that my online activity, both in school and outside school, will not bring the school, my professional reputation, or that of others, into disrepute
- I will support and promote the school's e-Safety and Data Security policies and help students to be safe and responsible in their use of ICT and related technologies
- I will not use personal electronic devices (including smart watches) in public areas of the school between the hours of 8.30am and 3.30pm, except in the staff room and where there are signs to indicate this.
- I understand this forms part of the terms and conditions set out in my contract of employment

User Signature

I agree to follow this code of conduct and to support the safe and secure use of ICT throughout the school

Signature Date

Full Name(printed)

Job title

Staff Professional Responsibilities

The HSCB eSafety subgroup group have produced a clear summary of **professional responsibilities related to the use of ICT** which has been endorsed by unions. To download visit <http://www.thegrid.org.uk/eservices/safety/policies.shtml>



PROFESSIONAL RESPONSIBILITIES **When using any form of ICT, including the Internet,** **in school and outside school**



For your own protection we advise that you:

- Ensure all electronic communication with pupils, parents, carers, staff and others is compatible with your professional role and in line with school policies.



- Do not talk about your professional role in any capacity when using social media such as Facebook and YouTube.
- Do not put online any text, image, sound or video that could upset or offend any member of the whole school community or be incompatible with your professional role.



- Use school ICT systems and resources for all school business. This includes your school email address, school mobile phone and school video camera.



- Do not give out your own personal details, such as mobile phone number, personal e-mail address or social network details to pupils, parents, carers and others.
- Do not disclose any passwords and ensure that personal data (such as data held on MIS software) is kept secure and used appropriately.



- Only take images of pupils and/ or staff for professional purposes, in accordance with school policy and with the knowledge of SLT.
- Do not browse, download, upload or distribute any material that could be considered offensive, illegal or discriminatory.



- Ensure that your online activity, **both in school and outside school**, will not bring your organisation or professional role into disrepute.

You have a duty to report any eSafety incident which may impact on you, your professionalism or your organisation.

For HR support and guidance please contact 01438 844933
For eSafety support and guidance please contact 01438 844893



Computer Viruses

- All files downloaded from the Internet, received via e-mail or on removable media such as a memory stick must be checked for any viruses using school provided anti-virus software before being used.
- Never interfere with any anti-virus software installed on school ICT equipment.
- If your machine is not routinely connected to the school network, you must make provision for regular virus updates through your IT team.
- If you suspect there may be a virus on any school ICT equipment, stop using the equipment and contact your ICT support provider immediately. The ICT support provider will advise you what actions to take and be responsible for advising others that need to know.

Data Security

- The Centre gives relevant staff access to its Management Information System, with a unique username and password
- It is the responsibility of everyone to keep passwords secure
- Staff are aware of their responsibility when accessing school data
- Staff have been issued with the relevant guidance documents and the Policy for ICT Acceptable Use
- Staff have read the relevant guidance documents available on the SITSS website concerning 'Safe Handling of Data' (available on the grid at - <http://www.thegrid.org.uk/info/dataprotection/index.shtml#securedata>)
- Leadership have identified relevant responsible persons as defined in the guidance documents on the SITSS website (available - <http://www.thegrid.org.uk/info/traded/sitss/>)
- Staff keep all school related data secure. This includes all personal, sensitive, confidential or classified data
- Staff should avoid leaving any portable or mobile ICT equipment or removable storage media in unattended vehicles. Where this is not possible, keep it locked out of sight
- Staff should always carry portable and mobile ICT equipment or removable media as hand luggage, and keep it under your control at all times
- It is the responsibility of individual staff to ensure the security of any personal, sensitive, confidential and classified information contained in documents faxed, copied, scanned or printed. This is particularly important when shared copiers (multi-function print, fax, scan and copiers) are used

Relevant Responsible Persons

Senior members of staff should be familiar with information risks and the school's response.

- they lead on the information risk policy and risk assessment
- they advise school staff on appropriate use of school technology
- they act as an advocate for information risk management

The Office of Public Sector Information has produced [Managing Information Risk](http://www.nationalarchives.gov.uk/services/publications/information-risk.pdf), [\[http://www.nationalarchives.gov.uk/services/publications/information-risk.pdf\]](http://www.nationalarchives.gov.uk/services/publications/information-risk.pdf) to support relevant responsible staff members in their role.

Information Asset Owner (IAO)

Any information that is sensitive needs to be protected. This will include the personal data of learners and staff; such as assessment records, medical information and special educational needs data. A responsible member of staff should be able to identify across the school:

- what information is held, and for what purposes
- what information needs to be protected, how information will be amended or added to over time
- who has access to the data and why
- how information is retained and disposed of

As a result this manager is able to manage and address risks to the information and make sure that information handling complies with legal requirements.

However, it should be clear to all staff that the handling of secured data is everyone's responsibility – whether they are an employee, consultant, software provider or managed service provider. Failing to apply appropriate controls to secure data could amount to gross misconduct or even legal action.

Disposal of Redundant ICT Equipment Policy

- All redundant ICT equipment will be disposed of through an authorised agency. This should include a written receipt for the item including an acceptance of responsibility for the destruction of any personal data
- All redundant ICT equipment that may have held personal data will have the storage media over written multiple times to ensure the data is irretrievably destroyed. Or if the storage media has failed it will be physically destroyed. We will only use authorised companies who will supply a written guarantee that this will happen
- Disposal of any ICT equipment will conform to:

The Waste Electrical and Electronic Equipment Regulations 2006

The Waste Electrical and Electronic Equipment (Amendment) Regulations 2007

<http://www.environment-agency.gov.uk/business/topics/waste/32084.aspx>

http://www.opsi.gov.uk/si/si2006/uksi_20063289_en.pdf

http://www.opsi.gov.uk/si/si2007/pdf/uksi_20073454_en.pdf?lang=e

Data Protection Act 1998

<https://ico.org.uk/for-organisations/education/>

Electricity at Work Regulations 1989

http://www.opsi.gov.uk/si/si1989/Uksi_19890635_en_1.htm

- The school will maintain a comprehensive inventory of all its ICT equipment including a record of disposal
- The school's disposal record will include:
 - Date item disposed of
 - Authorisation for disposal, including:
 - verification of software licensing
 - any personal data likely to be held on the storage media? *
 - How it was disposed of eg waste, gift, sale
 - Name of person & / or organisation who received the disposed item

* if personal data is likely to be held the storage media will be over written multiple times to ensure the data is irretrievably destroyed.

- Any redundant ICT equipment being considered for sale / gift will have been subject to a recent electrical safety check and hold a valid PAT certificate

Further information available at:

Waste Electrical and Electronic Equipment (WEEE) Regulations

Environment Agency web site

Introduction

<http://www.environment-agency.gov.uk/business/topics/waste/32084.aspx>

The Waste Electrical and Electronic Equipment Regulations 2006

http://www.opsi.gov.uk/si/si2006/uksi_20063289_en.pdf

The Waste Electrical and Electronic Equipment (Amendment) Regulations 2007

http://www.opsi.gov.uk/si/si2007/pdf/uksi_20073454_en.pdf?lang=e

Information Commissioner website

<https://ico.org.uk/>

Data Protection Act – data protection guide, including the 8 principles

<https://ico.org.uk/for-organisations/education/>

PC Disposal – SITSS Information

http://www.thegrid.org.uk/info/traded/sitss/services/computer_management/pc_disposal

e-mail

The use of e-mail within most schools is an essential means of communication for both staff and students. In the context of school, e-mail should not be considered private. Educationally, e-mail can offer significant benefits including; direct written contact between schools on different projects, be they staff based or student based, within school or international. We recognise that students need to understand how to style an e-mail in relation to their age and how to behave responsible online.

Managing e-mail

- The school gives all staff, their own e-mail account to use for all school business as a work based tool This is to protect staff, minimise the risk of receiving unsolicited or malicious e-mails and avoids the risk of personal profile information being revealed
- Staff should use their school email for all professional communication.
- It is the responsibility of each account holder to keep the password secure. For the safety and security of users and recipients, all mail is filtered and logged; if necessary e-mail histories can be traced. The school email account should be the account that is used for all school business
- Under no circumstances should staff contact students, parents or conduct any school business using personal e-mail addresses
- The school requires a standard disclaimer to be attached to all e-mail correspondence, stating that, 'the views expressed are not necessarily those of the school or the LA'. The responsibility for adding this disclaimer lies with the account holder
- All e-mails should be written and checked carefully before sending, in the same way as a letter written on school headed paper
- Pupils may only use school approved accounts on the school system and only under direct teacher supervision for educational purposes
- E-mails created or received as part of your school job will be subject to disclosure in response to a request for information under the Freedom of Information Act 2000. You must therefore actively manage your e-mail account as follows:
 - Delete all e-mails of short-term value
 - Organise e-mail into folders and carry out frequent house-keeping on all folders and archives

- Staff must inform (the eSafety co-ordinator or line manager) if they receive an offensive e-mail
- Pupils are introduced to e-mail as part of the Computing Programme of Study
- However you access your school e-mail (whether directly, through webmail when away from the office or on non-school hardware) all the school e-mail policies apply

Receiving e-mails

- Check your e-mail regularly
- Never open attachments from an untrusted source; consult your network manager first
- Do not use the e-mail systems to store attachments. Detach and save business related work to the appropriate shared drive/folder
- The automatic forwarding and deletion of e-mails is not allowed

e-mailing Personal, Sensitive, Confidential or Classified Information

- Where your conclusion is that e-mail must be used to transmit such data:

Either:

Obtain express consent from your manager to provide the information by e-mail and exercise caution when sending the e-mail and always follow these checks before releasing the e-mail:

- Encrypt or password protect. See <http://www.thegrid.org.uk/info/dataprotection/#securedata>
 - Verify the details, including accurate e-mail address, of any intended recipient of the information
 - Verify (by phoning) the details of a requestor before responding to e-mail requests for information
 - Do not copy or forward the e-mail to any more recipients than is absolutely necessary
-
- Do not send the information to any person whose details you have been unable to separately verify (usually by phone)
 - Send the information as an encrypted or password protected document **attached** to an e-mail
 - Provide the encryption key or password by a **separate** contact with the recipient(s)
 - Do not identify such information in the subject line of any e-mail
 - Request confirmation of safe receipt

OR:

Use Hertsfx or Schools fx, Hertfordshire's web-based Secure File Exchange portal that enables schools to send and receive confidential files securely <http://www.thegrid.org.uk/eservices/schoolsfx.shtml>

Equal Opportunities

Students with Additional Needs

The Centre endeavours to create a consistent message with parents/carers for all students and this in turn should aid establishment and future development of the schools' eSafety rules.

However, staff are aware that some students may require additional support or teaching including reminders, prompts and further explanation to reinforce their existing knowledge and understanding of eSafety issues.

Where a student has poor social understanding, careful consideration is given to group interactions when raising awareness of eSafety. Internet activities are planned and well managed for these children and young people.

eSafety - Roles and Responsibilities

As eSafety is an important aspect of strategic leadership within the school, the Head and members of the Management Committee have ultimate responsibility to ensure that the policy and practices are embedded and monitored. The named eSafety co-ordinator in this school is Ian Gamble who has been designated this role as a member of the senior leadership team. All members of the school community have been made aware of who holds this post. It is the role of the eSafety co-ordinator to keep abreast of current issues and guidance through organisations such as Herts LA, Herts for Learning Ltd, CEOP (Child Exploitation and Online Protection) and Childnet.

Senior Management and members of the management committee are updated by the Head/ eSafety co-ordinator and all members of the management committee have an understanding of the issues and strategies at our school in relation to local and national guidelines and advice.

This policy, supported by the school's acceptable use agreements for staff, members of the management committee, visitors and students, is to protect the interests and safety of the whole school community. It is linked to the following mandatory school policies: child protection, health and safety, home-school agreements, and behaviour/student discipline (including the anti-bullying) policy and PSHCE.

eSafety in the Curriculum

ICT and online resources are increasingly used across the curriculum. We believe it is essential for eSafety guidance to be given to the students on a regular and meaningful basis. eSafety is embedded within our curriculum and we continually look for new opportunities to promote eSafety.

- The school has a framework for teaching internet skills in Computing/ICT/ PSCHE lessons.
- The school provides opportunities within a range of curriculum areas to teach about eSafety
- Educating students about the online risks that they may encounter outside school is done informally when opportunities arise and as part of the eSafety curriculum
- Pupils are aware of the relevant legislation when using the internet such as data protection and intellectual property which may limit what they want to do but also serves to protect them
- Pupils are taught about copyright, respecting other people's information, safe use of images and other important areas through discussion, modeling and appropriate activities
- Pupils are aware of the impact of Cyberbullying and know how to seek help if

they are affected by any form of online bullying. Pupils are also aware of where to seek advice or help if they experience problems when using the internet and related technologies; i.e. parent/ carer, teacher/ trusted staff member, or an organisation such as Cyber mentors, Child line or CEOP report abuse button

- Pupils are taught to critically evaluate materials and learn good searching skills through cross curricular teacher models, discussions and via the Computing curriculum.

eSafety Skills Development for Staff

- New staff receive information on the school's acceptable use policy as part of their induction
- All staff have been made aware of their individual responsibilities relating to the safeguarding of children within the context of eSafety and know what to do in the event of misuse of technology by any member of the school community (see eSafety Co-ordinator)
- All staff are encouraged to incorporate eSafety activities and awareness within their curriculum areas and ensure they are adequately informed with up-to-date areas of concern.

Managing the School eSafety Messages

- We endeavour to embed eSafety messages across the curriculum whenever the internet and/or related technologies are used
- The eSafety policy will be introduced to the students at the start of each school year
- eSafety posters will be prominently displayed
- The key eSafety advice will be promoted widely through school displays, newsletters, class activities and so on

Incident Reporting, eSafety Incident Log & Infringements

Incident Reporting

Any security breaches or attempts, loss of equipment and any unauthorised use or suspected misuse of ICT must be immediately reported to the school's relevant responsible person or eSafety Co-ordinator.

Misuse and Infringements

Complaints

Complaints and/ or issues relating to eSafety should be made to the eSafety co-ordinator or Head Teacher. Incidents should be logged and the **Hertfordshire Flowcharts for Managing an eSafety Incident** should be followed.

Inappropriate Material

- All users are aware of the procedures for reporting accidental access to inappropriate materials. The breach must be immediately reported to the eSafety co-ordinator
 - Deliberate access to inappropriate materials by any user will lead to the incident being logged by the relevant responsible person, and an investigation by the Head Teacher and Ian Gamble. Depending on the seriousness of the offence, sanctions could include immediate suspension, possibly leading to dismissal and involvement of police for very serious offences (see flowchart)
-

Flowcharts for Managing an eSafety Incident

These three flowcharts have been developed by the HSCB eSafety subgroup and are designed to help schools successfully manage eSafety incidents
<http://www.thegrid.org.uk/eservices/safety/incident.shtml>

Hertfordshire Flowchart to support decisions related to an illegal eSafety Incident For Head Teachers, Senior Leaders and eSafety Coordinators

Following an Incident the eSafety Coordinator and/or Head Teacher will need to decide quickly if the incident involved any illegal activity

If you are not sure if the incident has any illegal aspects, contact for advice:

- Herts eSafety Adviser 01438 844893 - Richard Maskrey.
- Youth Crime Reduction Officer.
- Local Safe Neighbourhood Officer.

Illegal means something against the law such as:

- Downloading child pornography
- Passing onto others images or video containing child pornography
- Inciting racial or religious hatred
- Extreme cases of Cyber bullying
- Promoting illegal acts

1. Inform police and the Herts eSafety Adviser (above). Follow any advice given by the police otherwise:
2. Confiscate any laptop or other device and if related to Centre network disable user account
3. Save **ALL** evidence but **DO NOT** view or copy. Let the Police review the evidence

☎ If a student is involved inform the Child Protection Centre Liaison Officer (CSPLO) on 01992 588182.

☎ If a member of staff, contact the Local Authority Designated Officer for Allegations Management (LADO) on 01992 5556979

Was illegal material or activity found or suspected?

Yes

No

If the incident **did not** involve any **illegal activity** then follow the **next flowchart** relating to non-illegal incidents

Users must know to switch off their monitor or close laptop if they find something unpleasant or frightening and then talk to a member of staff or the eSafety Coordinator

If the incident **did not** involve and illegal activity then follow this flowchart

Hertfordshire Managing an eSafety Incident Flowchart

For Head Teachers, Senior Leaders and eSafety Coordinators

If member of staff has:

- Behaved in a way that has harmed a child, or may have harmed a child.
- Possibly committed a criminal offence against or related to a child; or
- Behaved towards a child or children in a way that indicates he or she would pose a risk of harm if they work regularly or closely with children.

Contact the LADO on: 01992 556979 If the incident **does not** satisfy the criteria in **10.1.1** of the **HSCB procedures 2007**, then follow the bullet points below:

- Review the evidence and determine if the incident is accidental or deliberate
- Decide upon the appropriate course of action
- Follow the school disciplinary procedures (if deliberate) and contact school HR, Rachel Hurst or Christopher Williams on 01438 844933

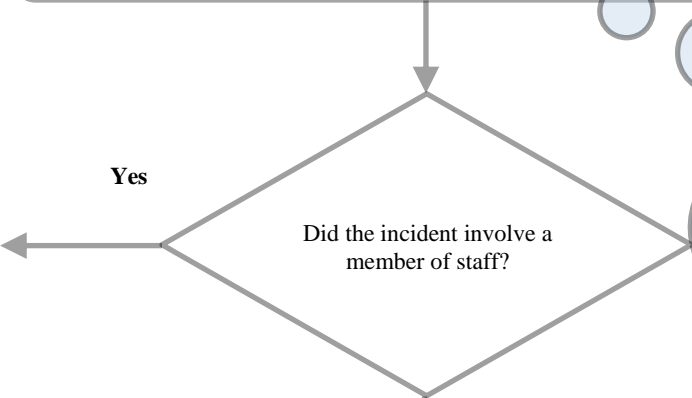
In – school action to support student by one or more of the following:

- Class teacher
- eSafety Coordinator
- Senior Leader or Head Teacher
- Designated Senior Person for Child Protection (DSP)
- School PCSO

Inform parents/ carer as appropriate
If the child is at risk inform CSPLO immediately
 Confiscate the device, if appropriate.

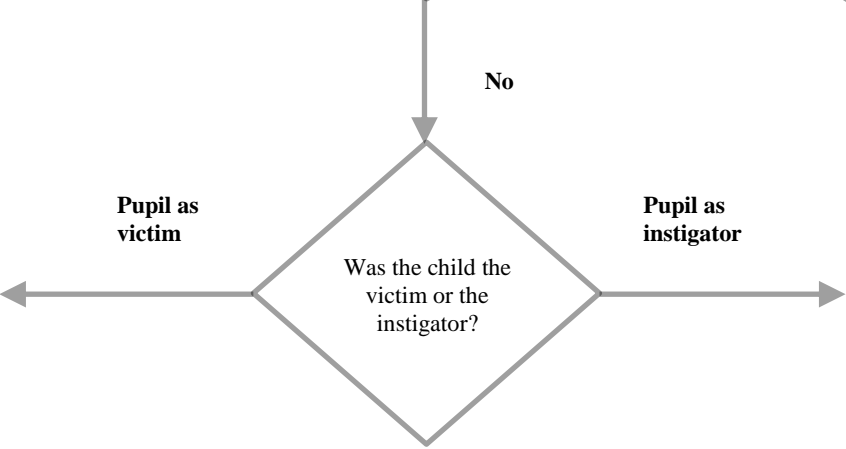
The eSafety Coordinator and/ or Head Teacher should:

- Record in the school eSafety Incident Log
- Keep any evidence



Incident could be:

- Using another person's user name and password
- Accessing websites which are against school policy e.g. games, social networks
- Using a mobile phone to take video during a lesson
- Using the technology to upset or bully (in extreme cases could be illegal) – talk to Herts. Anti-Bullying Adviser Karin Hutchinson 01438 844767

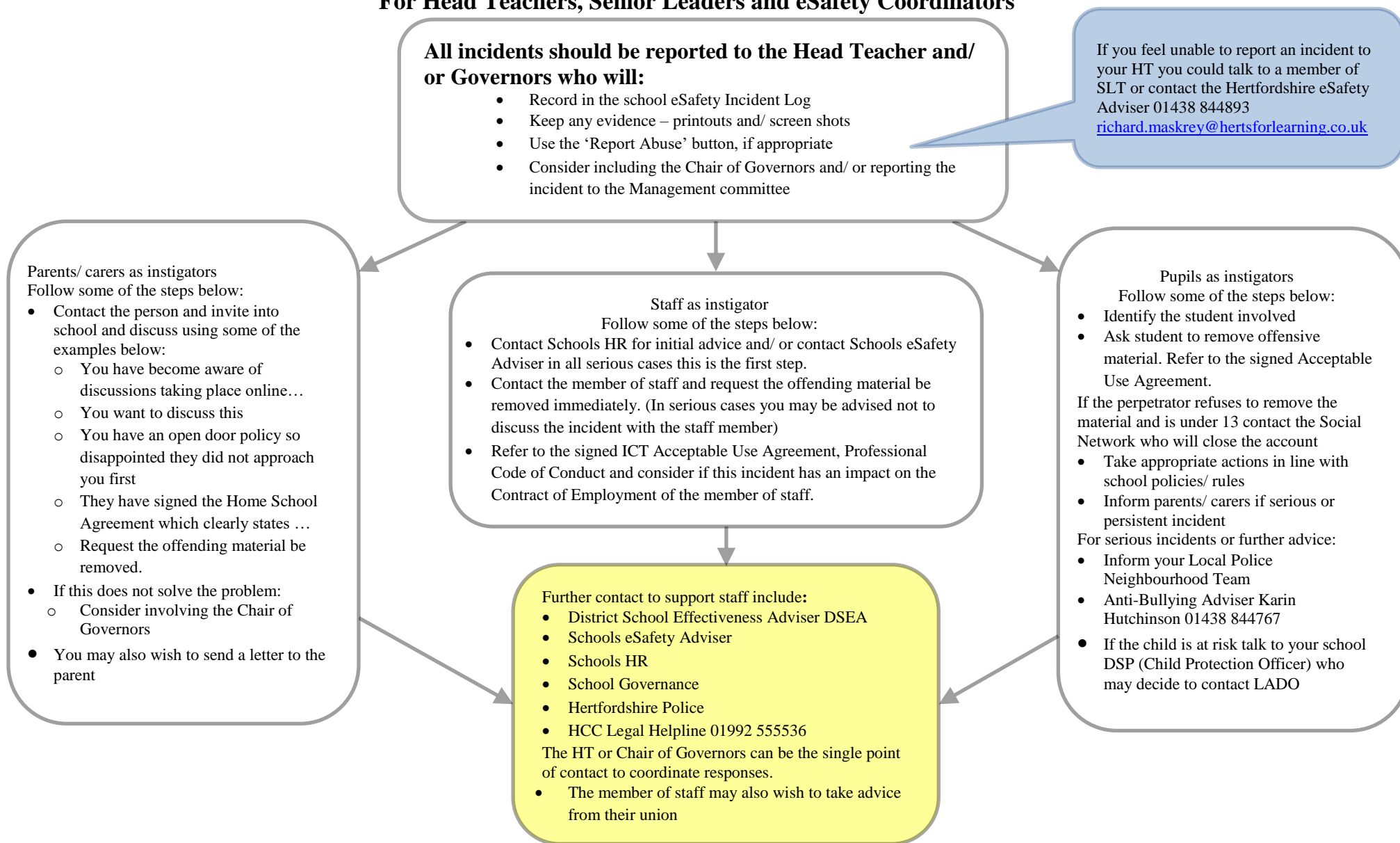


Users must know to switch off their monitor or close laptop if they find something unpleasant or frightening and then talk to a member of staff or the eSafety Coordinator

- Review incident and identify if other students were involved
- Decide appropriate sanctions and/ or support based on school rules/ guidelines
- Inform parents/ carers if serious or persistent incident
- In serious incidents consider informing the CPSLO as the child instigator could be at risk
- Review school procedures/ policies to develop best practice

Hertfordshire Managing an eSafety Incident Flowchart involving staff as victims

For Head Teachers, Senior Leaders and eSafety Coordinators



Internet Access

The internet is an open worldwide communication medium, available to everyone, at all times. Anyone can view information, send messages, discuss ideas and publish material which makes it both an invaluable resource for education, business and social interaction, as well as a potential risk to young and vulnerable people. All internet use through the HICS network (Hertfordshire Internet Connectivity Service) is logged and the logs are randomly but regularly monitored. Whenever any inappropriate use is detected it will be followed up.

Managing the Internet

- The school provides students with supervised access to Internet resources (where reasonable) through the school's fixed and mobile internet connectivity
 - Staff will preview any recommended sites, online services, software and apps before use
 - If Internet research is set for homework, specific sites will be suggested that have previously been checked by the teacher. It is advised that parents recheck these sites and supervise this work. Parents will be advised to supervise any further research
 - All users must observe software copyright at all times. It is illegal to copy or distribute school software or illegal software from other sources
 - All users must observe copyright of materials from electronic resources
-

Internet Use

- You must not post personal, sensitive, confidential or classified information or disseminate such information in any way that may compromise the intended restricted audience
- Do not reveal names of colleagues, students, others or any other confidential information acquired through your job on any social networking site or other online application
- On-line gambling or gaming is not allowed

It is at the Head Teacher's discretion as to what internet activities are permissible for staff and students and how this is disseminated.

Infrastructure

- Hertfordshire Local Authority has a monitoring solution via the Hertfordshire Grid for Learning where web-based activity is monitored and recorded
- School internet access is controlled through the HICS web filtering service. For further information relating to filtering please go to

<http://www.thegrid.org.uk/eservices/safety/filtered.shtml>

- NHESC is aware of its responsibility when monitoring staff communication under current legislation and takes into account; Data Protection Act 1998, The Telecommunications (Lawful Business Practice) (Interception of Communications) Regulations 2000, Regulation of Investigatory Powers Act 2000, Human Rights Act 1998
- Staff and students are aware that Centre based email and internet activity can be monitored and explored further if required
- The Centre does not allow students access to internet logs
- If staff or students discover an unsuitable site, the screen must be switched off/ closed and the incident reported immediately to the e-safety coordinator or teacher as appropriate
- It is the responsibility of the Centre, by delegation to the network manager, to ensure that anti-virus protection is installed and kept up-to-date on all Centre machines
- Staff using personal removable media are responsible for measures to protect against viruses, for example making sure that additional systems used have up-to-date virus protection software. It is not the Centre's responsibility, nor the network managers to install or maintain virus protection on personal systems.
- Pupils and staff are not permitted to download programs or files on Centre based technologies without seeking prior permission from Ian Gamble
- If there are any issues related to viruses or anti-virus software, the network manager should be informed

Managing Other Online Technologies

Online technologies, including social networking sites, if used responsibly both outside and within an educational context can provide easy to use, creative, collaborative and free facilities. However it is important to recognise that there are issues regarding the appropriateness of some content, contact, culture and commercialism. To this end, we encourage our students to think carefully about the way that information can be added and removed by all users, including themselves, from these sites.

- At present, the Centre endeavors to deny access to social networking and online games websites to students within the Centre
- All students are advised to be cautious about the information given by others on such websites, for example users not being who they say they are
- Pupils are taught to avoid placing images of themselves (or details within images that could give background details) on such websites and to consider the appropriateness of any images they post due to the difficulty of removing an image once online
- Pupils are always reminded to avoid giving out personal details on websites which may identify them or where they are (full name, address, mobile/ home phone numbers, Centre details, IM/ email address, specific hobbies/ interests)
- Our students are advised to set and maintain their online profiles to maximum privacy and deny access to unknown individuals
- Pupils are encouraged to be wary about publishing specific and detailed private thoughts and information online
- Our students are asked to report any incidents of Cyber-bullying to the Centre
- Staff may only create blogs, wikis or other online areas in order to communicate with students using the Centre learning platform or other systems approved by the Head Teacher

Parental Involvement

We believe that it is essential for parents/carers to be fully involved with promoting eSafety both in and outside of Centre and to be aware of their responsibilities. We regularly consult and discuss eSafety with parents/ carers and seek to promote a wide understanding of the benefits of new technologies, together with the associated risks.

- Parents/carers are asked to read through and sign acceptable use agreements on behalf of their child on admission to the Centre
- Parents/carers are required to make a decision as to whether they consent to images of their child being taken and used in the public domain (e.g., on Centre website)
- The Centre disseminates information to parents relating to eSafety where appropriate in the form of;
 - Centre website information
 - Newsletter items

Passwords and Password Security

Passwords

Please refer to the document on the grid for guidance on How to Encrypt Files which contains guidance on creating strong passwords and password security

<http://www.thegrid.org.uk/info/dataprotection/index.shtml#securedata>

- **Always use your own** personal passwords
- Make sure you enter your personal passwords each time you logon. Do not include passwords in any automated logon procedures
- Staff should change temporary passwords at first logon
- Change passwords whenever there is any indication of possible system or password compromise
- Do not record passwords or encryption keys on paper or in an unprotected file
- **Only disclose your personal password to authorised ICT support staff when necessary, and never to anyone else.** Ensure that all personal passwords that have been disclosed are changed once the requirement is finished
- **Never tell a child or colleague your password**
- **If you aware of a breach of security with your password or account inform Ian Gamble immediately**

If you think your password may have been compromised or someone else has become aware of your password report this to your ICT support team

Password Security

Password security is essential for staff, particularly as they are able to access and use student data. Staff are expected to have secure passwords which are not shared with anyone. The students are expected to keep their passwords private and not to share with others, particularly their friends. Staff and students are regularly reminded of the need for password security.

- All users read and sign an Acceptable Use Agreement to demonstrate that they have understood the Centre's e-Safety Policy and Data Security
- Users are provided with an individual network, email and Management Information System log-in username. They are also expected to use a personal password and keep it private
- Pupils are not permitted to deliberately access on-line materials or files on the Centre network or local storage devices of their peers, teachers or others

- Staff are aware of their individual responsibilities to protect the security and confidentiality of the Centre networks, MIS systems and/or learning platform, including ensuring that passwords are not shared and are changed periodically. Individual staff users must also make sure that workstations are not left unattended and are locked.
 - In our Centre, all ICT password policies are the responsibility of **Ian Gamble** and all staff and students are expected to comply with the policies at all times
-

Zombie Accounts

'Zombie accounts' refers to accounts belonging to users who have left the Centre and therefore no longer have authorised access to the Centre's systems. Such Zombie accounts when left active can cause a security threat by allowing unauthorised access.

- Ensure that all user accounts are disabled once the member of the Centre has left
- Prompt action on disabling accounts will prevent unauthorized access
- Regularly change generic passwords to avoid unauthorised access

Personal or Sensitive Information

Protecting Personal, Sensitive, Confidential and Classified Information

- Ensure that any Centre information accessed from your own PC or removable media equipment is kept secure, and remove any portable media from computers when not attended.
- Ensure you lock your screen before moving away from your computer during your normal working day to prevent unauthorised access
- Ensure the accuracy of any personal, sensitive, confidential and classified information you disclose or share with others
- Ensure that personal, sensitive, confidential or classified information is not disclosed to any unauthorised person
- Ensure the security of any personal, sensitive, confidential and classified information contained in documents you fax, copy, scan or print. This is particularly important when shared mopiers (multi-function print, fax, scan and copiers) are used and when access is from a non-Centre environment
- Only download personal data from systems if expressly authorised to do so by your manager
- You must not post on the internet personal, sensitive, confidential, or classified information, or disseminate such information in any way that may compromise its intended restricted audience
- Keep your screen display out of direct view of any third parties when you are accessing personal, sensitive, confidential or classified information
- Ensure hard copies of data are securely stored and disposed of after use in accordance with the document labeling

Storing/Transferring Personal, Sensitive, Confidential or Classified Information Using Removable Media

- Ensure removable media is purchased with encryption
- Store all removable media securely
- Securely dispose of removable media that may hold personal data
- Encrypt all files containing personal, sensitive, confidential or classified data
- Ensure hard drives from machines no longer in service are removed and stored securely or wiped clean

Please refer to the document on the grid for guidance on How to Encrypt Files

- <http://www.thegrid.org.uk/info/dataprotection/index.shtml#securedata>

Remote Access

- You are responsible for all activity via your remote access facility
- Only use equipment with an appropriate level of security for remote access
- To prevent unauthorised access to Centre systems, keep all dial-up access information such as telephone numbers, logon IDs and PINs confidential and do not disclose them to anyone
- Select PINs to ensure that they are not easily guessed, e.g. do not use your house or telephone number or choose consecutive or repeated numbers
- Avoid writing down or otherwise recording any network access information. Any such information that is written down must be kept in a secure place and disguised so that no other person will be able to identify what it is
- Protect Centre information and data at all times, including any printed material produced while using the remote access facility. Take particular care when access is from a non-Centre environment

Safe Use of Images

Taking of Images and Film

Digital images are easy to capture, reproduce and publish and, therefore, misuse. We must remember that it is not always appropriate to take or store images of any member of the Centre community or public, without first seeking consent and considering the appropriateness. HCC guidance can be found:

<http://www.thegrid.org.uk/eservices/safety/research/index.shtml#safeuse>

- With the written consent of parents (on behalf of students) and staff, the Centre permits the appropriate taking of images by staff and students with Centre equipment
- Staff are not permitted to use personal digital equipment, such as mobile phones and cameras, to record images of students, this includes when on field trips. However with the express permission of the Head Teacher, images can be taken provided they are transferred immediately and solely to the Centre's network and deleted from the staff device
- Pupils are not permitted to use personal digital equipment, including mobile phones and cameras, to record images of students, staff and others without advance permission from the Head Teacher
- Pupils and staff must have permission from the Head Teacher before any image can be uploaded for publication

Consent of Adults Who Work at the Centre

- Permission to use images of all staff who work at the Centre is sought on induction and a copy is located in the personnel file

Publishing Pupil's Images and Work

On a child's entry to the Centre, all parents/carers will be asked to give permission to use their child's work/photos in the following ways:

- on the Centre web site
- in the Centre prospectus and other printed publications that the Centre may produce for promotional purposes
- in display material that may be used in the Centre's communal areas

This consent form is considered valid for the entire period that the child attends this Centre unless there is a change in the child's circumstances where consent could be an issue, e.g. divorce of parents, custody issues, etc.

Parents or carers may withdraw permission, in writing, at any time. Consent must also be given in writing and will be kept on record by the Centre.

Pupils' names will not be published alongside their image and vice versa. E-mail and postal addresses of students will not be published. Pupils' full names will not be published.

Before posting student work on the Internet, a check needs to be made to ensure that permission has been given for work to be displayed.

Only the ICT Manager or delegated members of ICT staff have authority to upload to the internet.

For further information relating to issues associated with Centre websites and the safe use of images in Hertfordshire Centres, see

<http://www.thegrid.org.uk/schoolweb/safety/index.shtml>

<http://www.thegrid.org.uk/info/csf/policies/index.shtml#images>

Storage of Images

- Images/ films of children are stored on the Centre's network
 - Pupils and staff are not permitted to use personal portable media for storage of images (e.g., USB sticks) without the express permission of the Head Teacher
 - Rights of access to this material are restricted to the teaching staff and students within the confines of the Centre network or other online Centre resource
 - longer required, or when the pupil has left the school
-

Webcams and Surveillance Cameras

- The school uses surveillance cameras for security and safety. The only people with access to this are **Debbie Ansell, Ian Gamble and Rafe Holden**. Notification of camera use is displayed at the front of the school.

Centre ICT Equipment including Portable & Mobile ICT Equipment & Removable Media

Centre ICT Equipment

- As a user of the Centre ICT equipment, you are responsible for your activity
- It is recommended that Centres log ICT equipment issued to staff and record serial numbers as part of the Centre's inventory
- Do not allow your visitors to plug their ICT hardware into the Centre network points (unless special provision has been made). They should be directed to the wireless ICT facilities if available
- Ensure that all ICT equipment that you use is kept physically secure
- Do not attempt unauthorised access or make unauthorised modifications to computer equipment, programs, files or data. This is an offence under the Computer Misuse Act 1990
- It is imperative that you save your data on a frequent basis to the Centre's network. You are responsible for the backup and restoration of any of your data that is not held on the Centre's network
- Personal or sensitive data should not be stored on the local drives of desktop PC, laptop, USB memory stick or other portable device. If it is necessary to do so the local drive must be encrypted
- Privately owned ICT equipment should not be used on a Centre network
- On termination of employment, resignation or transfer, return all ICT equipment to your Manager. You must also provide details of all your system logons so that they can be disabled
- It is your responsibility to ensure that any information accessed from your own PC or removable media equipment is kept secure, and that no personal, sensitive, confidential or classified information is disclosed to any unauthorised person
- All ICT equipment allocated to staff must be authorised by the appropriate Line Manager. Authorising Managers are responsible for:
 - maintaining control of the allocation and transfer within their unit
 - recovering and returning equipment when no longer needed
- All redundant ICT equipment is disposed of in accordance with Waste Electrical and Electronic Equipment (WEEE) directive and Data Protection Act (DPA)

Portable & Mobile ICT Equipment

This section covers such items as laptops, mobile devices and removable data storage devices. Please refer to the relevant sections of this document when considering storing or transferring personal or sensitive data

- All activities carried out on Centre systems and hardware will be monitored in accordance with the general policy
- Staff must ensure that all Centre data is stored on the Centre network, and not kept solely on the laptop. Any equipment where personal data is likely to be stored must be encrypted
- Equipment must be kept physically secure in accordance with this policy to be covered for insurance purposes. When travelling by car, best practice is to place the laptop in the boot of your car before starting your journey
- Synchronise all locally stored data, including diary entries, with the central Centre network server on a frequent basis
- Ensure portable and mobile ICT equipment is made available as necessary for anti-virus updates and software installations, patches or upgrades
- The installation of any applications or software packages must be authorised by the ICT support team, fully licensed and only carried out by your ICT support
- In areas where there are likely to be members of the general public, portable or mobile ICT equipment must not be left unattended and, wherever possible, must be kept out of sight
- Portable equipment must be transported in its protective case if supplied

Mobile Technologies

Many emerging technologies offer new opportunities for teaching and learning including a move towards personalised learning and 1:1 device ownership for children and young people. Mobile technologies such as Smartphones, Blackberries, iPads, games players, are generally very familiar to children outside of Centre. They often provide a collaborative, well-known device with possible internet access and thus open up risk and misuse associated with communication and internet use. Emerging technologies will be examined for educational benefit and the risk assessed before use in Centre is allowed. Our Centre chooses to manage the use of these devices in the following ways so that users exploit them appropriately.

Personal Mobile Devices (including phones)

- The Centre allows staff to bring in personal mobile phones and devices for their own use. Under no circumstances does the Centre allow a member of staff to contact a student or parent/ carer using their personal device
- Pupils are allowed to bring personal mobile devices/phones to Centre but must not use them for personal purposes within lesson time. At all times the device must be switched onto silent
- This technology may be used for educational purposes, as mutually agreed with the Head Teacher. The device user, in this instance, must always ask the prior permission of the bill payer
- The Centre is not responsible for the loss, damage or theft of any personal mobile device
- The sending of inappropriate text messages between any member of the Centre community is not allowed
- Permission must be sought before any image or sound recordings are made on these devices of any member of the Centre community
- Users bringing personal devices into Centre must ensure there is no inappropriate or illegal content on the device

Centre Provided Mobile Devices (including phones)

- The sending of inappropriate text messages between any member of the Centre community is not allowed
- Permission must be sought before any image or sound recordings are made on the devices of any member of the Centre community
- Where the Centre provides mobile technologies such as phones, laptops and iPads for offsite visits and trips, only these devices should be used
- Where the Centre provides a laptop for staff, only this device may be used to conduct Centre business outside of Centre
- Never use a hand-held mobile phone whilst driving a vehicle

Telephone Services

- You may make or receive personal telephone calls provided:
 1. They are infrequent, kept as brief as possible and do not cause annoyance to others
 2. They are not for profit or to premium rate services
 3. They conform to this and other relevant HCC and Centre policies.
 - Centre telephones are provided specifically for Centre business purposes and personal usage is a privilege that will be withdrawn if abused
 - Be aware that the laws of slander apply to telephone calls. Whilst a telephone call may seem to have a temporary and private existence it still qualifies as admissible evidence in slander law cases
 - Ensure that your incoming telephone calls can be handled at all times
 - Follow the appropriate procedures in the event of receiving a telephone call containing a bomb threat. These procedures should be made readily available throughout your office. If you do not have a copy, please ask Debbie Ansell
-

Removable Media

If storing or transferring personal, sensitive, confidential or classified information using Removable Media please refer to the section '**Storing/Transferring Personal, Sensitive, Confidential or Classified Information Using Removable Media**'

- Always consider if an alternative solution already exists
- Only use recommended removable media
- Encrypt and password protect
- Store all removable media securely
- Removable media must be disposed of securely by your ICT support team

Servers

- Always keep servers in a locked and secure environment
- Limit access rights
- Always password protect and lock the server
- Existing servers should have security software installed appropriate to the machine's specification
- Backup tapes should be encrypted by appropriate software
- Data must be backed up regularly
- Backup tapes/discs must be securely stored in a fireproof container
- Back up media stored off-site must be secure
- Remote backups should be automatically securely encrypted. SITSS provide an encrypted remote back up service. Please contact the SITSS helpdesk for further information – 01438 844777
- Newly installed Office Master PCs acting as servers and holding personal data should be encrypted, therefore password protecting data. At the moment SITSS do not encrypt servers, however Office PCs (including Office Master PCs) installed by SITSS are supplied with encryption software installed

Smile and Stay Safe Poster



Staying safe means keeping your personal details private, such as full name, phone number, home address, photos or Centre. Never reply to ASL (age, sex, location)

Meeting up with someone you have met online can be dangerous. Only meet up if you have first told your parent or carer and they can be with you

Information online can be untrue, biased or just inaccurate. Someone online may not be telling the truth about who they are - they may not be a 'friend'

Let a parent, carer, teacher or trusted adult know if you ever feel worried, uncomfortable or frightened about something online or someone you have met or who has contacted you online

Emails, downloads, IM messages, photos and anything from someone you do not know or trust may contain a virus or unpleasant message. So do not open or reply

Social Media, including Facebook and Twitter

Facebook, Twitter and other forms of social media are increasingly becoming an important part of our daily lives.

- Staff are permitted to access their personal social media accounts using Centre equipment when not working with students
- Pupils are not permitted to access their social media accounts whilst at Centre
- Staff, members of the management committee, students, parents and carers are regularly provided with information on how to use social media responsibly and what to do if they are aware of inappropriate use by others
- Staff, members of the management committee, students, parents and carers are aware that the information, comments, images and video they post online can be viewed by others, copied and stay online forever
- Staff, members of the management committee, students, parents and carers are aware that their online behaviour should at all times be compatible with UK law

Systems and Access

- You are responsible for all activity on Centre systems carried out under any access/account rights assigned to you, whether accessed via Centre ICT equipment or your own PC
- Do not allow any unauthorised person to use Centre ICT facilities and services that have been provided to you
- Ensure you remove portable media from your computer when it is left unattended
- Use only your own personal logons, account IDs and passwords and do not allow them to be used by anyone else
- Keep your screen display out of direct view of any third parties when you are accessing personal, sensitive, confidential or classified information
- Ensure you lock your screen before moving away from your computer during your normal working day to protect any personal, sensitive, confidential or otherwise classified data and to prevent unauthorised access
- Ensure that you logoff from the PC completely when you are going to be away from the computer for a longer period of time
- Do not introduce or propagate viruses
- It is imperative that you do not access, load, store, post or send from Centre ICT any material that is, or may be considered to be, illegal, offensive, libelous, pornographic, obscene, defamatory, intimidating, misleading or disruptive to the Centre or may bring the Centre or HCC into disrepute. This includes, but is not limited to, jokes, chain letters, files, emails, clips or images that are not part of the Centre's business activities; sexual comments or images, nudity, racial slurs, gender specific comments, or anything that would offend someone on the basis of their age, sexual orientation, religious or political beliefs, national origin, or disability (in accordance with the Sex Discrimination Act, the Race Relations Act and the Disability Discrimination Act)
- Any information held on Centre systems, hardware or used in relation to Centre business may be subject to The Freedom of Information Act
- Where necessary, obtain permission from the owner or owning authority and pay any relevant fees before using, copying or distributing any material that is protected under the Copyright, Designs and Patents Act 1998
- It is essential that any hard drives which may have held personal or confidential data are 'scrubbed' in way that means the data can no longer be read. It is not sufficient to simply delete the files or reformat the hard drive. Whoever you appoint to dispose of the equipment must provide a **written guarantee** that they will irretrievably destroy the data by multiple over writing the data.

Writing and Reviewing this Policy

Review Procedure

There will be on-going opportunities for staff to discuss with the eSafety coordinator any eSafety issue that concerns them

There will be on-going opportunities for staff to discuss with the AIO any issue of data security that concerns them

This policy will be reviewed every (12) months and consideration will be given to the implications for future whole Centre development planning

The policy will be amended if new technologies are adopted or Central Government change the orders or guidance in any way

This policy has been read, amended and approved by the staff, Head Teacher and members of the management committee on

Further help and support

Your organisation has a legal obligation to protect sensitive information under the Data Protection Act 1998. For more information visit the website of the Information Commissioner's Office <https://ico.org.uk/>

Advice on eSafety - <http://www.thegrid.org.uk/eservices/safety/index.shtml>

Further guidance - <http://www.thegrid.org.uk/info/dataprotection/index.shtml#securedata>

Centre's toolkit is available - Record Management Society website – <http://www.rms-gb.org.uk/resources/848>

Test your online safety skills <http://www.getsafeonline.org>

Data Protection Team – email - data.protection@hertfordshire.gov.uk

Information Commissioner's Office – www.ico.org.uk

Cloud (Educational Apps) Software Services and the Data Protection Act – Departmental advice for local authorities, Centre leaders, Centre staff and governing bodies, October 2015. This is an advice and information document issued by the Department for Education. The advice is non-statutory, and has been produced to help recipients understand some of the key principles and their obligations and duties in relation to the Data Protection Act 1998 (the DPA), particularly when considering moving some or all of their software services to internet-based “cloud” service provision –

<https://www.gov.uk/government/publications/cloud-software-services-and-the-data-protection-act>

For additional help, email school.ictsupport@education.gsi.gov.uk

Current Legislation

Acts Relating to Monitoring of Staff email

Data Protection Act 1998

The Act requires anyone who handles personal information to comply with important data protection principles when treating personal data relating to any living individual. The Act grants individuals rights of access to their personal data, compensation and prevention of processing.

<http://www.hmsso.gov.uk/acts/acts1998/19980029.htm>

The Telecommunications (Lawful Business Practice)

(Interception of Communications) Regulations 2000

<http://www.hmsso.gov.uk/si/si2000/20002699.htm>

Regulation of Investigatory Powers Act 2000

Regulating the interception of communications and making it an offence to intercept or monitor communications without the consent of the parties involved in the communication. The RIP was enacted to comply with the Human Rights Act 1998. The Telecommunications (Lawful Business Practice) (Interception of Communications) Regulations 2000, however, permit a degree of monitoring and record keeping, for example, to ensure communications are relevant to Centre activity or to investigate or detect unauthorised use of the network. Nevertheless, any monitoring is subject to informed consent, which means steps must have been taken to ensure that everyone who may use the system is informed that communications may be monitored. Covert monitoring without informing users that surveillance is taking place risks breaching data protection and privacy legislation.

<http://www.hmsso.gov.uk/acts/acts2000/20000023.htm>

Human Rights Act 1998

<http://www.hmsso.gov.uk/acts/acts1998/19980042.htm>

Other Acts Relating to eSafety

Racial and Religious Hatred Act 2006

It is a criminal offence to threaten people because of their faith, or to stir up religious hatred by displaying, publishing or distributing written material which is threatening. Other laws already protect people from threats based on their race, nationality or ethnic background.

Sexual Offences Act 2003

The new grooming offence is committed if you are over 18 and have communicated with a child under 16 at least twice (including by phone or using the Internet) it is an offence to meet them or travel to meet them anywhere in the world with the intention of committing a sexual offence. Causing a child under 16 to watch a sexual act is illegal, including looking at images such as videos, photos or webcams, for your own gratification. It is also an offence for a person in a position of trust to engage in sexual activity with any person under 18, with whom they are in a position of trust. Centres should already have a copy of "Children & Families: Safer from Sexual Crime" document as part of their child protection packs.

Communications Act 2003 (section 127)

Sending by means of the Internet a message or other matter that is grossly offensive or of an indecent, obscene or menacing character; or sending a false message by means of or persistently making use of the Internet for the purpose of causing annoyance, inconvenience or needless anxiety is guilty of an offence liable, on conviction, to imprisonment. This wording is important because an offence is complete as soon as the message has been sent: there is no need to prove any intent or purpose.

The Computer Misuse Act 1990 (sections 1 – 3)

Regardless of an individual's motivation, the Act makes it a criminal offence to gain:

- access to computer files or software without permission (for example using another person's password to access files)
- unauthorised access, as above, in order to commit a further criminal act (such as fraud)
- impair the operation of a computer or program

UK citizens or residents may be extradited to another country if they are suspected of committing any of the above offences.

Malicious Communications Act 1988 (section 1)

This legislation makes it a criminal offence to send an electronic message (e-mail) that conveys indecent, grossly offensive, threatening material or information that is false; or is of an indecent or grossly offensive nature if the purpose was to cause a recipient to suffer distress or anxiety.

Copyright, Design and Patents Act 1988

Copyright is the right to prevent others from copying or using work without permission. Works such as text, music, sound, film and programs all qualify for copyright protection. The author of the work is usually the copyright owner, but if it was created during the course of employment it belongs to the employer. Copyright infringement is to copy all or a substantial part of anyone's work without obtaining their author's permission. Usually a licence associated with the work will allow a user to copy or use it for limited purposes. It is advisable always to read the terms of a licence before you copy or use someone else's material. It is also illegal to adapt or use software without a licence or in ways prohibited by the terms of the software licence.

Public Order Act 1986 (sections 17 – 29)

This Act makes it a criminal offence to stir up racial hatred by displaying, publishing or distributing written material which is threatening. Like the Racial and Religious Hatred Act 2006 it also makes the possession of inflammatory material with a view of releasing it a criminal offence.

Protection of Children Act 1978 (Section 1)

It is an offence to take, permit to be taken, make, possess, show, distribute or advertise indecent images of children in the United Kingdom. A child for these purposes is anyone under the age of 18. Viewing an indecent image of a child on your computer means that you have made a digital image. An image of a child also covers pseudo-photographs (digitally collated or otherwise). A person convicted of such an offence may face up to 10 years in prison.

Obscene Publications Act 1959 and 1964

Publishing an “obscene” article is a criminal offence. Publishing includes electronic transmission.

Protection from Harassment Act 1997

A person must not pursue a course of conduct, which amounts to harassment of another, and which he knows or ought to know amounts to harassment of the other.

A person whose course of conduct causes another to fear, on at least two occasions, that violence will be used against him is guilty of an offence if he knows or ought to know that his course of conduct will cause the other so to fear on each of those occasions.

Acts Relating to the Protection of Personal Data

Data Protection Act 1998

http://www.opsi.gov.uk/acts/acts1998/ukpga_19980029_en_1

The Freedom of Information Act 2000

<https://ico.org.uk/for-organisations/guide-to-freedom-of-information/>

Counter-Terrorism and Security Act 2015 (Prevent), Anti-Radicalisation & Counter-Extremism Guidance

<https://www.gov.uk/government/publications/preventing-extremism-in-schools-and-childrens-services>

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