

SIEVEMK GATEWAY

Data Protection Policy

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SIEVEMK GATEWAY

Creating Opportunities • Delivering Excellence • Changing Lives

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Our Commitment

The Centre is committed to the protection of all personal and sensitive data for which it holds responsibility as the Data Controller and the handling of such data in line with the data protection principles and the General Data Protection Act Regulation (GDPR).

Changes to data protection legislation (GDPR May 2018) shall be monitored and implemented to remain compliant with all requirements.

The legal bases for processing data are as follows –

(a) Consent: member of staff/learner/parent has given clear consent for the Centre to process their personal data for a specific purpose.

(b) Contract: processing is necessary for the member of staff's employment contract or learner placement contract.

(c) Legal obligation: processing is necessary for the Centre to comply with the law (not including contractual obligations).

The members of staff responsible for data protection are mainly Tony Oyakhire (CEO and Data Protection Officer) and Claire Hodgskiss (Project Director). However, all staff must treat all customer information in a confidential manner and follow the guidelines as set out in this document. The Centre is also committed to ensuring that its staff are aware of data protection policies, legal requirements and adequate training will be provided as necessary.

The requirements of this policy are mandatory for all staff employed by the Centre and any third party contracted to provide services within the Centre. It should be read in conjunction with our Privacy Policy.

Notification

Our data processing activities will be registered with the Information Commissioner's Office (ICO) as required of a recognised Data Controller.

Details are available from the ICO:

<https://ico.org.uk/about-the-ico/what-we-do/register-of-data-controllers/>

Changes to the type of data processing activities being undertaken shall be notified to the ICO and details amended in the register.

Breaches of personal or sensitive data shall be notified within 72 hours to the individual(s) concerned and the ICO.

Introduction

The Centre holds and processes information about employees, learners, and other data subjects for academic, administrative and commercial purposes. When handling such information, The Centre, and all staff or others who process or use any personal information, must comply with the Data Protection Principles which are set out in the Updated Data Protection Act 2018 (the Act). In summary these state that personal data shall:

- be processed fairly and lawfully,
- be obtained for a specified and lawful purpose and shall not be processed in any manner incompatible with the purpose,
- be adequate, relevant and not excessive for the purpose
- be accurate and up-to-date,
- not be kept for longer than necessary for the purpose,
- be processed in accordance with the data subject's rights,
- be kept safe from unauthorised processing, and accidental loss, damage or destruction,
- not to be transferred to a country outside the European Economic Area, unless that country has equivalent levels of protection for personal data, except in specified circumstances.

Definitions

- "Data controller" further information about Learning Centre data controllers is available from the Data Protection Officer.
- "Staff", "learners" and "other data subjects" may include past, present and potential members of those groups.
- "Other data subjects" and "third parties" may include contractors, suppliers, contacts, partners, referees, friends or family members.
- "Processing" refers to any action involving personal information, including obtaining, viewing, copying, amending, adding, deleting, extracting, storing, disclosing or destroying information.

Notification of Data Held

The Centre shall notify all staff and learners and other relevant data subjects of the types of data held and processed by The Centre concerning them, and the reasons for which it is processed. The information which is currently held by The Centre and the purposes for which it is processed are set out in the relevant Privacy Notice. When processing for a new or different purpose is introduced, the individuals affected by that change will be informed.

Staff Responsibilities

Staff, and trustees, are all encouraged to use the DfE Data Protection guidance for schools (<https://www.gov.uk/guidance/data-protection-in-schools>) to understand data protection in our setting and in order to follow best practice as set out within Keeping Children Safe in Education (2024).

All staff shall

- ensure that all personal information which they provide to The Centre in connection with their employment is accurate and up-to-date;
- inform The Centre of any changes to information, for example, changes of address;
- check the information which The Centre shall make available from time to time, in written or automated form, and inform The Centre of any errors or, where appropriate, follow

procedures for up-dating entries on computer forms. The Centre shall not be held responsible for errors of which it has not been informed

When staff hold or process information about learners, colleagues or other data subjects (for example, learners' course work, pastoral files, references to other academic institutions, or details of personal circumstances), they should comply with all Data Protection guidelines.

Staff shall ensure that

- all personal information is kept securely;
- personal information is not disclosed either orally or in writing, accidentally or otherwise to any unauthorised third party.

Unauthorised disclosure may be a disciplinary matter and may be considered gross misconduct in some cases.

When staff supervise learners doing work which involves the processing of personal information, they must ensure that those learners are aware of the Data Protection Principles in particular, the requirement to obtain the data subject's consent where appropriate.

Learner Responsibilities

All learners shall

- ensure that all personal information which they provide to The Centre is accurate and up-to-date;
- inform The Centre of any changes to that information, for example, changes of address;
- check the information which The Centre shall make available from time to time, in written or automated form, and inform The Centre of any errors or, where appropriate, follow procedures for up-dating entries on computer forms. The Centre shall not be held responsible for errors of which it has not been informed.

Learners who use The Centre computer facilities may, from time to time, process personal information (for example, in course work or research). In those circumstances, they must notify the Data Controller in the relevant department, who will provide further information about this requirement.

Rights to Access Information

Staff, learners and other data subjects in The Centre have the right to access any personal data that is being kept about them either on compute or in structured and accessible manual files. Any person may exercise this right by submitting a request in writing to the appropriate designated data controller.

The Centre will reserve the right to make a charge of £10 for each official Subject Access Request under the Act.

The Centre aims to comply with requests for access to personal information as quickly as possible but will ensure that it is provided within 40 days unless there is good reason for delay. In such cases, the reason for the delay will be explained in writing by the designated data controller to the data subject making the request.

Subject Consent

In some cases, such as the handling of sensitive information or the processing of research data, The Centre is entitled to process personal data only with the consent of the individual. Agreement to The Centre processing some specified classes of personal data is a condition of acceptance of a learner on to any course, and a condition of employment for staff.

The Centre may process sensitive information about a person's health, disabilities, criminal convictions, race or ethnic origin, or trade union membership in pursuit of the legitimate interests of The Centre. For example, some jobs or courses will bring the applicants into contact with children, including young people between the ages of 16 and 18, and The Centre has a duty under the Children Act 1989 and other enactments to ensure that staffs are suitable for the job, and learners for the courses offered. The Centre may also require such information for the administration of the sick pay policy, the absence policy or the equal opportunities policy, or for academic assessment.

The Centre also asks for information about particular health needs, such as allergies to particular forms of medication, or conditions such as asthma or diabetes. The Centre will only use such information to protect the health and safety of the individual, for example, in the event of a medical emergency. The consent of the data subject will always be sought prior to the collection of any sensitive data as defined by the Act.

Data may be disclosed to the following third parties without consent:

- **Other Centres**

If a learner is recommended for a bursary then any records held or obtained from them will be forwarded onto the new Centre. This will support a smooth transition from one Centre to the next and ensure that the child is provided for as is necessary. It will aid continuation which should ensure that there is minimal impact on the child's academic progress because of the move.

- **Examination authorities**

This may be for registration purposes, to allow the learner at our Centre to sit examinations set by external exam bodies.

- **Health authorities**

As obliged under health legislation, the Centre may pass on information regarding the health of learner in the Centre to monitor and avoid the spread of contagious diseases in the interest of public health.

- **Police and courts**

If a situation arises where a criminal investigation is being carried out we may have to forward information on to the police to aid their investigation. We will pass information onto courts as and when it is ordered.

- **Social workers and support agencies**

In order to protect or maintain the welfare of our learners, and in cases where the safeguarding/child protection policy may be relevant, it may be necessary to pass personal data on to social workers or support agencies.

- **Educational division**

Centres may be required to pass data on in order to help the government to monitor the national educational system and enforce laws relating to education.

Right to be Forgotten

Where any personal data is no longer required for its original purpose, an individual can demand that the processing is stopped, and all their personal data is erased by the Centre including any data held by contracted processors.

Photographs and Video

Images of staff and learners may be captured at appropriate times and as part of educational activities for use in Centre only. Unless prior consent from parents/learners/staff has been given, the Centre shall not utilise such images for publication or communication to external sources. It is the Centre's policy that external parties (including parents) may not capture images of staff or learners during such activities without prior consent.

The Data Controller and the Designated Data Controllers

The Trustees for The Centre act as the data controller under the Act, and the CEO is ultimately responsible for implementation. Responsibility for day-to-day matters will be delegated to the relevant staff as designated data controllers. Information and advice about the holding and processing of personal information is available from the Data Protection Officer.

Assessment Marks

Learners shall be entitled to information about their marks for assessments; however, this may take longer than other information to provide. The Centre may withhold enrolment, awards, certificates, accreditation or references in the event that monies are due to The Centre.

Retention of Data

The Centre will keep different types of information for differing lengths of time, depending on legal, academic and operational requirements.

Data Disposal

The Centre recognises that the secure disposal of redundant data is an integral element to compliance with legal requirements and an area of increased risk. All data held in any form of media (paper, tape, electronic) shall only be passed to a disposal partner with demonstrable competence in providing secure disposal services. All data shall be destroyed or eradicated to agreed levels meeting recognised national standards, with confirmation at completion of the disposal process. This includes IT assets holding data. All disposal shall be in compliance with ICO guidance for record management and security:

<https://ico.org.uk/for-organisations/uk-gdpr-guidance-and-resources/accountability-and-governance/accountability-framework/records-management-and-security/>

Compliance

Compliance with the Regulation is the responsibility of all members of staff, learners and others. Any deliberate or reckless breach of this Policy may lead to disciplinary, and where appropriate, legal proceedings. Any questions or concerns about the interpretation or operation of this policy should be taken up with the CEO.

Any individual, who considers that the policy has not been followed in respect of personal data about him or herself, should raise the matter with the designated data controller initially. If the matter is not resolved it should be referred to the Complaints Procedure.

Granting Access

SIEVEMK shall grant reasonable and required access to all its awarding bodies, partnering institutions, sponsors and grants awarding bodies.