

# G12 Data Protection Policy

The Ryes Education and Children's Homes

Approved by:	Kate Yarbo	<b>Date:</b> November 2020
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## 1 Data Protection

- 1.1 It is a legal requirement for the company to comply with the Data Protection Act, 2018. It is also company policy to ensure that every employee maintains the confidentiality of any personal data held by the company in whatever form.

## 2 Data protection principles

- 2.1 The company needs to retain certain information about its employees, customers and suppliers for financial and commercial reasons and to enable us to monitor performance, to ensure legal compliance and for health and safety purposes. To comply with the law, information must be collected and used fairly, stored safely and not disclosed to any other person unlawfully. This means that we must comply with the Data Protection Principles set out in the Data Protection Act, 2018.

- 2.2 These principles require that personal data must be:

- obtained fairly and lawfully and shall not be processed unless certain conditions are met;
- obtained for specified and lawful purposes and not further processed in a manner incompatible with that purpose;
- adequate, relevant and not excessive;
- accurate and up to date;
- kept for no longer than necessary;
- processed in accordance with data subjects' rights;
- protected by appropriate security;
- not transferred to a country outside the European Union without adequate protection.

- 2.3 In processing or using any personal information the above principles are adhered to at all times.

## 3 Data protection coordinator

- 3.1 To ensure the implementation of this policy the company has designated Carly Priest as the company's data protection coordinator. All enquiries relating to the holding of personal data should be referred to the finance manager in the first instance.

## 4 General Statement

- 4.1 Throughout employment it is necessary for us to obtain, process and retain legitimate personal information about staff and young people. We, our representatives or appropriate third parties may need such information. Normally this is to fulfil contractual provisions such as paying staff or recording sickness absence. We must also use it to fulfil legal obligations such as paying tax or ensuring staff receive statutory benefits.

Less frequently, we may have an additional, legitimate interest in collecting and processing such data. This could be to measure the ethnic diversity of our workforce, absence levels, gender pay gaps etc. We will anonymise such information where possible. No decision that

affects staff personally is made relying solely on automated processing of such information. Decisions that affect staff personally are always made by appropriate managerial input.

### **The organisation 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

### **When staff join us**

- We establish a personnel file for them. This contains relevant personal details. Typically, it will contain an application form, letter of engagement and a copy of their written terms of employment. It may also contain induction details, personal contact information and the identity of next of kin. We inevitably add relevant information during the course of staff employment. This could be training records, details of pay awards, annual appraisals, grievances, disciplinary outcomes etc.
- We and/or our representatives retain such personal data and other relevant information on HR systems. Such data may be collected, processed and retained securely in paper form or electronically. We only collect and process the minimum amount of personal information necessary to fulfil each specific purpose.
- Privacy considerations are uppermost in the design and operation of our HR systems. We retain all information confidentially with strictly restricted access and only for as long as necessary. It is securely destroyed or erased when its use has been fulfilled. We appreciate that an inadvertent breach of security may lead to destruction, loss, alteration, unauthorised disclosure or access of personal data.
- In the event of a significant breach to personal data (e.g. by hacking) we will advise individuals directly. A significant breach is typified as one that would potentially have detriment to an individual's rights or freedoms. In such circumstances we will advise the individual of the breach as promptly as possible. We may also have to inform the appropriate supervisory authority.

- Individuals have the right to seek access to personal information we hold about them without charge. This request should be set out in writing the specific information you want and passed to the Finance Manager. We will respond within one month. This period can be extended by up to two months where requests are complex or numerous. We can refuse manifestly unfounded or excessive requests; particularly those which are clearly repetitive. Alternately, we may charge reasonable fees reflecting our administrative costs in facilitating their provision. We may also charge for further copies of the same information, previously supplied. If individuals believe information we hold is incorrect or no longer retained for a relevant purpose, please advise us immediately. Individuals may ask us to erase personal data you believe no longer fulfils an appropriate purpose.
- We will advise individuals if we believe there is still a legitimate interest in maintaining such data. Where we do not propose to take any action regarding individuals' request, we will tell them why. They may then be able to raise their concern with the appropriate supervisory authority. In the UK this is normally the Office of the Information Commissioner.
- Where we rectify incorrect or incomplete information we will also advise any relevant third parties (e.g. HMRC).

## **5 Individual responsibility**

5.1 Employees are responsible for:

- checking that any information provided in connection with their employment is accurate and up to date;
- notifying the company of any changes to information provided, for example changes of address;
- ensuring that they are familiar with and follow the data protection policy.

5.2 Any breach of the data protection policy, either deliberate or through negligence, may lead to disciplinary action being taken and could in some cases result in a criminal prosecution.

## **6 Data security**

6.1 Employees are responsible for ensuring that:

- any personal data held, whether in electronic or paper format, is kept securely;
- personal information is not disclosed either verbally or in writing, accidentally or otherwise, to any unauthorized third party;
- items that are marked 'personal' or 'private and confidential', or appear to be of a personal nature, are opened by the addressee only.

6.2 The company address and work email addresses must not be used for matters that are not work related.

## 7 Privacy Statements

7.1 The organisation has two separate Privacy Statements

- Appendix 1 for: Young People
- Appendix 2 for: Staff

## 8 Subject Access Requests

8.1 The organisation's subject access request procedure can be found at appendix 3

## 9 Complaints

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

10 Review

10.1 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 Finance Manager, or nominated representative.

## 11 Contacts

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

11.2 Further advice and information is available from the Information Commissioner's Office, [www.ico.gov.uk](http://www.ico.gov.uk) or telephone 01625 545745 3

## Appendix 1 Privacy Notice for Young People

### 1. Privacy Notice - Data Protection Act 2018

We The Ryes College Ltd are a data controller for the purposes of the Data Protection Act. We collect personal information from you and may receive information about you from your previous school and/ or placements. We hold this personal data to:

- a. Support your placement;
- b. Support your learning;
- c. Monitor and report on your progress;
- d. Provide appropriate pastoral care, and
- e. Assess how well we are doing.

Information about you that we hold includes your contact details, national curriculum assessment results, school attendance information and personal characteristics such as your ethnic group, any special educational needs you may have and relevant medical information. If you are enrolling for post 14 qualifications the Learning Records Service will give us your unique learner number (ULN) and may also give us details about your learning or qualifications.

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

2. We are required by law to pass some information about you to our Local Authority (LA) and the Department for Education.
3. If you want to receive a copy of the information about you that we hold or share, please contact Kate Yarbo

If you need more information about how the LA store and use your information, then please go to the following website:

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

If you cannot access these websites, please ask us for the contact details of your Local Authority.

Please sign to confirm you have read or been read this information

Signature of YP .....

Date .....

Signature of Staff .....

Date .....

Please ensure one copy is placed in the Young Persons file, and one copy scanned and sent to an administrator for placing in the P drive.

## Appendix 2 Privacy Notice for Staff

### 1. Privacy Notice - Data Protection Act 2018

We The Ryes College Ltd. are the Data Controller for the purposes of the Data Protection Act.

Personal data is held by The Ryes College Ltd. about those employed or otherwise engaged to work in the organisation. This is to assist in the smooth running of the organisation and/or enables individuals to be paid. The collection of this information will benefit both national and local users by:

- Improving the management of workforce data;
- Enabling a comprehensive picture of the workforce and how it is deployed to be built up;
- Informing the development of recruitment and retention policies;
- Allowing better financial modeling and planning;
- Enabling ethnicity and disability monitoring;

This personal data includes some or all of the following - identifiers such as name and National Insurance Number and characteristics such as ethnic group; employment contract and remuneration details, qualifications and absence information.

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

We are required by law to pass on some of this data to:

2. We are required by law to pass some information about you to our Local Authority (LA) and the Department for Education.
3. If you want to receive a copy of the information about you that we hold or share, please contact Charlotte Marman

If you require more information about how the LA store and use this data please go to the following website:

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

If you are unable to access these websites, please contact the relevant LA

Please sign to confirm you have read or been read this information

Signature of Staff .....

Date .....

## Appendix 3

Procedures for responding to subject access requests made under the Data Protection Act 2018

### Rights of access to information

Under the Data Protection Act 2018 any individual has the right to make a request to access the personal information held about them.

### Procedure

These procedures relate to subject access requests made under the Data Protection Act 2018.

Actioning a subject access request

1. Requests for information must be made in writing; which includes email, and be addressed to Kate Yarbo, the Chief Executive. 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 if information is being requested on one of the young people. Evidence of identity will 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 Head of Care 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 response time for subject access requests, once officially received, is 30 days (**not working but calendar days, irrespective of school holiday periods**). However the 30 days will not commence until after receipt of fees or clarification of information sought
5. The Data Protection Act 2018 allows exemptions as to the provision of some information; **therefore all information will be reviewed prior to disclosure.**
6. 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 30 day statutory timescale.

7. 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.
8. If there are concerns over the disclosure of information then additional advice should be sought.
9. 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.
10. 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.
11. 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 Chief Executive 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 Kate Yarbo the Chief Executive.

Further advice and information can be obtained from the Information Commissioner's Office, [www.ico.gov.uk](http://www.ico.gov.uk) or telephone