



## Data Protection and Procedure Policy

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### Introduction

Integer is committed to preserving the privacy of its learners and employees and to complying with the Data Protection Acts 1998 and 2018. To achieve this commitment information about our learners, employees and other clients and contacts must be collected and used fairly, stored safely and not unlawfully disclosed to any other person.

Information that is already in the public domain is exempt from the Data Protection Act 1998 and 2000. It is Integer's policy to make as much information public as possible and in particular the following information will be available to the public.

- Names of our Directors
- Photographs of key staff i.e. members of the Executive and other managers
- List of staff
- Learner performance data

### Principles

Integer, its staff and others who process or use any personal information must ensure that they follow the data protection principles set out in the Data Protection Acts of 1998 and 2018. These are that personal data shall:

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

Integer will not release staff or learner data to third parties except to relevant statutory bodies. In all other circumstances Integer will obtain the consent of the individuals concerned before releasing personal data.

### Responsibilities

#### The Board

SMT are responsible for the oversight and implementation of this policy.

#### The MD and Senior Managers

It will be the responsibility of the MD and senior managers to ensure compliance with the policy and for communicating the policy to all staff.

#### Data Protection Coordinator

The nominated Data Protection Coordinator for Integer is the General Manager who has operational responsibility for the implementation of this policy.

#### Managers

All managers are responsible for ensuring that staff are aware of and abide by this policy.

#### All Staff

All staff are responsible for ensuring that any personal data which they hold is kept securely and personal information is not disclosed in any way and to any unauthorised third party.

## **All Students and Staff**

Learners and staff are responsible for ensuring that all personal data provided to Integer is accurate and up to date.

## **Compliance**

Failure to comply with the data protection policy and procedure could result in disciplinary action.

## **Review**

This policy and related procedures will be reviewed and issued on at least an annual basis.

## **Data Protection Procedure**

### **1. Introduction**

Integer needs to keep certain information about its employees, learners and other users to allow us to monitor recruitment, attendance, performance, achievements and health and safety. It is also necessary to process information so that staff can be recruited and paid, courses organised and legal obligations to funding bodies and government complied with. To comply with the law, information must be collected and used fairly, stored safely and not disclosed to any other person unlawfully. To do this, Integer must comply with the Data Protection Principles, which are set out in the Data Protection Acts of 1998 & 2018.

In summary these state that personal data shall:

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

Integer and all staff or others who process or use any personal information must ensure that they follow these principles at all times. In order to ensure that this happens, Integer has developed the Data Protection Policy, and make it available to all Staff.

Integer will keep a register of staff authorised to access and process learner and staff data and these members of staff will be asked to sign a confidentiality statement.

## **2. Responsibilities of staff**

### **2.1 Information about Yourself**

All staff are responsible for:

- Checking that any information they provide to Integer in connection with their employment is accurate and up-to-date.
- Informing Integer of any changes to information, which they have provided, i.e. change of address.
- Informing Integer of any errors or changes. Integer cannot be held responsible for any errors unless the staff member has informed us of them.

### **2.2 Information about Other People**

All staff must comply with the following guidelines:

All staff will process data about individuals on a regular basis, when marking registers, writing reports or references, or as part of a pastoral or academic supervisory role. Integer will ensure through registration procedures, that all individuals give their consent to this type of processing, and are notified of the categories of processing, as required by the 1998 & 2018 Acts. The information that staff deals with on a day-to-day basis will be 'standard' and will cover categories such as:

- General personal details such as name and address.
- Details about class attendance, course work marks and grades and associated comments.

- Notes of personal supervision, including matters about behaviour and discipline.

Information about an individual's physical or mental health; sexual orientation; political or religious views; trade union membership or ethnicity or race is sensitive and can only be collected and processed with consent.

All staff have a duty to make sure that they comply with the data protection principles, which are set out in the staff handbook and Integer Data Protection Policy. In particular, staff must ensure that records are:

- Accurate;
- Up-to-date;
- Fair;
- Kept and disposed of safely, and in accordance with Integer policy.

Integer will designate staff in the relevant area as 'authorised staff'. These staff are the only staff authorised to access data that is:

- Not standard data; or
- Sensitive data.

The only exception to this will be if a non-authorised member is satisfied and can demonstrate that the processing of the data is necessary:

- In the best interests of the individual or staff member, or a third person, or Integer AND
- He or she has either informed the authorised person of this, or has been unable to do so and processing is urgent and necessary in all the circumstances.
- This should only happen in very limited circumstances. E.g. an individual is injured and unconscious and in need of medical attention or a member of staff tells the hospital that the individual is pregnant or a Jehovah's Witness.

Authorised staff will be responsible for ensuring that all personal data is kept securely. In particular staff must ensure that personal data is:

- Put away in lockable storage
- Not left on unattended desks or tables.

Equally;

- Unattended ICT equipment should not be accessible to other users.
- ICT equipment used off-site must be password-protected.
- Data files on CD or memory stick or email attachments used off-site containing personal data must be password-protected.
- Paper records containing personal data must be shredded where appropriate.

Staff must not disclose personal data to any individual, unless for normal academic or pastoral purposes, without authorisation or agreement from the data controller, or in line with Integer policy.

Staff shall not disclose personal data to any other staff member except with the authorisation or agreement of the designated data controller, or in line with Integer policy.

Before processing any personal data, all staff should consider the following.

- Do you really need to record the information?
- Is the information 'sensitive'?
- If it is sensitive, do you have the data subject's express consent?
- Has the individual been told that this type of data will be processed?
- Are you authorised to collect/store/process the data?
- If yes, have you checked with the data subject that the data is accurate?
- Are you sure that the data is secure?
- If you do not have the data subject's consent to process, are you satisfied that it is in the best interests of the individual or the safety of others to collect and retain the data?

### **3. Rights to access information**

Staff, individuals and other users of Integer have the right to access any personal data that is being kept about them either on computer or in certain files. Any person who wishes to exercise this right should complete the Integer Standard Request Form for Access to Data and send it to the General Manager. This request should be made in writing using the Standard Form to Access Data (see appendix 2).

Integer will make a charge of £10 on each occasion that access is requested, although Integer have discretion to waive this. This charge will be automatically waived for staff.

Integer aims to comply with requests for access to personal information as quickly as possible, but will ensure that it is provided within 21 days unless there is good reason for delay. In such cases, the reason for delay will be explained in writing to the data subject making the request.

### **4. Rights to be forgotten**

GDPR introduces a right for individuals to be forgotten where individual can send a request to erase their personal data. Any person who wishes to exercise this right should complete the Integer Standard Request Form for Removal of Data and send it to the General Manager. This request should be made in writing using the Standard Form to Access Data (see appendix 3).

Integer aims to comply with requests for access to personal information as quickly as possible, but will ensure that it is provided within one month unless there is good reason for delay. In such cases, the reason for delay will be explained in writing to the data subject making the request.

### **5. Subject Consent**

In many cases, Integer can only process personal data with the consent of the individual. In some cases, if the data is sensitive, express consent must be obtained. Agreement to Integer processing some specified classes of personal data is a condition of acceptance of an individual onto any course, and a condition of employment for staff. This includes information about previous criminal convictions.

Integer also has a duty of care to all staff and learners and must therefore make sure those employees and those who use Integer facilities do not pose a threat or danger to other users.

Integer will also ask for information about particular health needs, such as allergies to particular forms of medication, or any conditions such as asthma or diabetes. Integer will only use the information in the protection of the health and safety of the individual, but will need consent to process in the event of a medical emergency, for example.

Therefore, all prospective staff and learners will be asked to sign either an appropriate HR form or an individual document regarding particular types of information when an offer of employment or a course place is made. A refusal to sign such documents may result in the offer being withdrawn.

### **6. The data controller and the designated data controller/s**

Integer as a corporate body is the data controller under the Act, and the Board is therefore ultimately responsible for implementation. However, the designated data controllers will deal with day-to-day matters.

The nominated Data Protection Coordinator is the General Manager, contact details are in the stall handbook and on the website. In the event of the General Manager being unavailable, the nominated Deputy is the HR manager or M.D.

Integer's designated data controller is the General Manager.

### **7. Retention of Date**

Please see appendix 1 the guidelines for the retention of personal data.

### **8. Conclusion**

Compliance with the 1998 & 2018 Acts is the responsibility of all members of Integer. Any breach of the data protection policy may lead to disciplinary action being taken, access to Integer being withdrawn, or even a criminal prosecution. Any questions or concerns about the interpretation of this policy should be referred to your line manager.

## Appendix 1

### GUIDELINES FOR RETENTION OF PERSONAL DATA

Type of Data	Suggested Retention Period	Reason
Personnel files including training records and notes of disciplinary and grievance hearings.	6 years from the end of employment	References and potential litigation
Application forms/interview notes	At least 6 months from the date of the interviews.	Time limits on litigation
Facts relating to redundancies where less than 20 redundancies	3 years from the date of redundancy	As above
Facts relating to redundancies where 20 or more redundancies	12 years from date of redundancies	Limitation Act 1980
Income Tax and NI returns, including correspondence with tax office	At least 3 years after the end of the financial year to which the records relate	Income Tax (Employment) Regulations 1993
Statutory Maternity Pay records and calculations	As Above	Statutory Maternity Pay (General) Regulations 1986
Statutory Sick Pay records and calculations	As Above	Statutory Sick Pay (General) Regulations 1982
Wages and Salary records	6 years	Taxes Management Act 1970
Accident books, and records and reports of accidents	3 years after the date of the last entry	RIDDOR 1985
Health records	During employment	Management of Health and Safety at Work Regulations
Health records where reason for termination of employment is connected with health, including stress related illness.	3 years	Limitation period for personal injury claims
Medical Records kept by reason of the Control of Substances Hazardous to Health Regulations 1994	40 years	COSHH 1994
Student records, including academic achievements, and conduct.	At least 6 years from the date the student leaves Integer, in case of litigation for negligence,  At least 10 years for personal and academic references, with the agreement of the student.  At least 3 years for retaining I.D. for those students taking the Door Supervisor qualification	Limitation period for negligence.

## Appendix 2

### STANDARD REQUEST FORM FOR ACCESS TO DATA

I, ..... wish to have access to either:

- 1) All the data that Integer currently has about me, either as part of an automated system or part of a relevant filing system; or
- 2) Data that Integer has about me in the following categories:
  - Academic marks or course work details
  - Academic or employment references
  - Disciplinary records
  - Health and medical matters
  - Political, religious or trade union information
  - Any statements of opinion about my abilities or performance
  - Personal details including name, address, date of birth etc
  - Other information

(Please tick as appropriate)

Signed: .....

Dated: .....

### Appendix 3

#### STANDARD REQUEST FORM FOR REMOVAL OF DATA

I, .....wish to make a request for removal of my data under Right to be Forgotten as per GDPR:

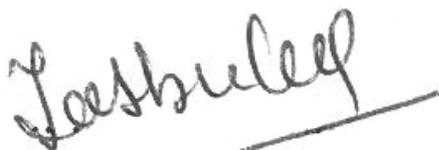
- 1) All the data that Integer currently has about me, either as part of an automated system or part of a relevant filing system; or
- 2) Data that Integer has about me in the following categories:
  - Academic marks or course work details
  - Academic or employment references
  - Disciplinary records
  - Health and medical matters
  - Political, religious or trade union information
  - Any statements of opinion about my abilities or performance
  - Personal details including name, address, date of birth etc
  - Other information

(Please tick as appropriate)

Signed: .....

Dated: .....

**Declaration:** I will review and revise this policy as necessary and at regular intervals:

A handwritten signature in black ink, appearing to read 'Jasbir Behal', written over a horizontal line.

Signature of Jasbir Behal, Managing Director, Integer Training Ltd

Date: 6 January 2020

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