



## Data Protection Policy

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## 1. Background

The Data Protection Act 1998 came into force in 1999. The Act relates not only to data processed by a computerised system but also to any information kept as part of a “relevant filing system”. This may include personnel records or learner registers or files which are indexed or any information collected with the intention that it will be filed in such a system. Data can be written information, photographs, or information such as voice recordings.

The Act applies to “personal information”. The Act makes a distinction between personal data and “sensitive” personal information.

Personal information is defined as data relating to a living individual who can be identified from that information. It includes names and addresses, features such as hair and eye colour which may be in the form of photographs, ethnic origin, qualifications and experience, details about sick leave and holidays taken, birthdays and marital status. Any opinion about, or intentions regarding, a person that are recorded will also be personal information.

Sensitive personal information is defined as personal data consisting of information as to:

- Racial or ethnic origin
- Political opinion
- Religious or other beliefs
- Trade union membership
- Physical or mental health or condition
- Sexual life
- Criminal proceedings or convictions

## 2. Introduction

Amac needs to keep certain information about its employees, learners and other users to allow it to monitor performance, achievements and health and safety, for example. 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, Amac must comply with the Data Protection Principles which are embodied in the Data Protection Act 1998. In summary these state that personal information 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 adequate and kept up to date

- Not be kept for 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.
- Amac and its 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, Amac has developed this Data Protection Policy.

### 3. **Status of the Policy**

This policy does not form part of the formal contract of employment, but it is a condition of employment that employees will abide by the rules and policies made by Amac from time to time. Any failures to follow the policy can therefore result in disciplinary proceedings.

Any member of staff who considers that the policy has not been followed in respect of personal information about themselves should raise the matter with the designated data controller initially. If the matter is not resolved it should be raised as a formal grievance.

### 4. **Notification of data held and processed**

All staff, learners and other users are entitled to know:

- What information Amac holds and processes about them and why
- How to gain access to it
- How to keep it up to date
- What Amac is doing to comply with its obligations under the 1998 Act

Amac will therefore provide all staff and learners and other relevant users with the standard form of notification. This will state all the types of data Amac holds and processes about them, and the reasons for which it is processed. Amac will try to do this at least once every year.

### 5. **Responsibilities of Staff**

All staff are responsible for:

- Checking that any information that they provide to Amac in connection with their employment is accurate and up to date
- Informing Amac of any changes to information which they have provided, e.g. change of address
- Checking the information that Amac will send out from time to time giving details of the information kept and processed about themselves
- Informing Amac of any errors or changes

Amac cannot be held responsible for any errors unless the staff member has informed Amac in writing.

If, and when, as part of their responsibilities, staff collect information about other people (e.g. about learners' course work, opinions about ability, references to other educational establishments, details of personal circumstances), they must comply with the guidelines for staff which are in Appendix 1.

## 6. **Data Security**

All staff are responsible for ensuring that:

- Any personal information which they hold is kept securely
- Personal information is not disclosed either orally or in writing or by electronic transfer or accidentally or otherwise to any unauthorised third party
- Students and Staff visible on the Company's social media and website pages have given the relevant permissions.

Staff should note that unauthorised disclosure will usually be a disciplinary matter, and may be considered gross misconduct in some cases.

Personal information should be:

- Kept in a locked filing cabinet; or
- In a locked drawer; or
- If it is computerised, be password protected; or
- Kept only on disc which is itself kept securely

## 7. **Learner Obligations**

Learners must ensure that all personal information provided to Amac is accurate and up to date. They must ensure that changes of address, etc, are notified to their tutor.

Learners who use Amac computer facilities may, from time to time, process personal data. If they do so they must notify a member of staff. Any learner who requires further clarification about this should consult their tutor.

## 8. **Rights to Access Information**

Staff, learners and other users of Amac have the right to access any personal information that is being kept about them either in the computer system or in any paper file that is indexable. Any person who wishes to exercise this right should complete Amac "Access to Information" form and send it to the office.

In order to gain access, an individual may wish to receive notification of the information currently being held. This request should be made in writing using the standard form attached. The data subject making

such a request will be required to produce proof of their identity. Amac reserves the right not to respond to repeated requests if it considers these to be made deliberately to cause unreasonable work.

Amac will aim 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. The statutory time-span set for access to personal information is 40 days.

#### **9. Subject Consent**

In many cases, Amac 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 Amac processing some specified classes of personal data is a condition of acceptance of a learner onto any course, and a condition of employment for staff. This includes information about previous criminal convictions.

#### **10. Processing Sensitive Information**

Sometimes it is necessary to process information about a person's health, criminal convictions, race and gender and family details. This may be to ensure that Amac is a safe place for everyone, or to operate other Amac policies, such as the Equality and Diversity Policy. Because this information is considered sensitive, and it is recognised that the processing of it may cause particular concern or distress to individuals, staff and learners will be asked to give express consent for Amac to do this.

#### **11. Examination Marks**

Learners will be entitled to information about their marks for both coursework and examinations. However, this may take longer than other information to provide. Amac may withhold certificates, accreditation or references in the event that the full course fees have not been paid, or all books and equipment returned to Amac.

#### **12. Retention of Data**

Amac will keep some forms of information for longer than others. Because of storage problems, information about learners cannot be kept indefinitely, unless there are specific requests to do so.

#### **13. Conclusion**

Compliance with the Data Protection Act (1998) is the responsibility of all members of Amac. Any deliberate breach of the data protection policy may lead to disciplinary action being taken, or access to Amac facilities being withdrawn, or even a criminal prosecution. Any questions or concerns about the interpretation or operation of this policy should be taken up with Amac Directors.

## APPENDIX 1

### Staff Guidelines for Data Protection

- a. Amac staff will process information about learners on a regular basis, when marking registers or Amac work, writing reports or references, or as part of a pastoral or academic supervisory role. Amac will ensure, through registration procedures, that all learners give their consent to this sort of processing, and are notified of the categories of processing, as required by the Data Protection Act (1998). The information that staff deal 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
  - Notes of personal supervision, including matters about behaviour discipline
  
- b. Information about a learner’s physical or mental health; sexual life; political or religious views; trade union membership or ethnicity or race is sensitive and can only be collected and processed with the learner’s consent.
  
- c. All staff have a duty to make sure that they comply with the data protection principles which are set out in Amac’s 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 Amac policy
  
- d. Amac will designate staff as “authorised staff”. These are the only staff authorised to hold or process data that is:
  - Not standard data or Sensitive data
  - The only exception to this will be if a non-authorised staff member is satisfied that the processing of the data is necessary and in the best interests of the learner or staff member, or a third party, or Amac AND he or she has either informed Amac 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. Authorised staff will be responsible for ensuring that all information is kept securely.
  
- f. Staff must not disclose personal information to any learner, unless for normal academic or pastoral purposes, without authorisation or agreement or in line with Amac policy.

g. Staff should not disclose personal information to any other staff member except with authorisation or in line with Amac policy.

h. Before processing any personal information, all staff should consider the checklist:

<b>Staff Checklist for Recording Information</b>	<b>Yes</b>	<b>No</b>
Do you really need to record the information?		
Is the information "standard" or is it "sensitive"?		
If it is "sensitive", do you have the individual's express consent?		
Has the learner been told that this type of information will be processed?		
Are you authorised to collect/store/process the data?		
If yes, have you checked with the individual that the data is accurate?		
Are you sure that the information is secure?		
If you do not have the individual's consent to process, are you satisfied that it is in the best interests of the learner or the staff member to collect and retain the information?		
Have you reported the fact of information collection to the authorised person within the required time?		