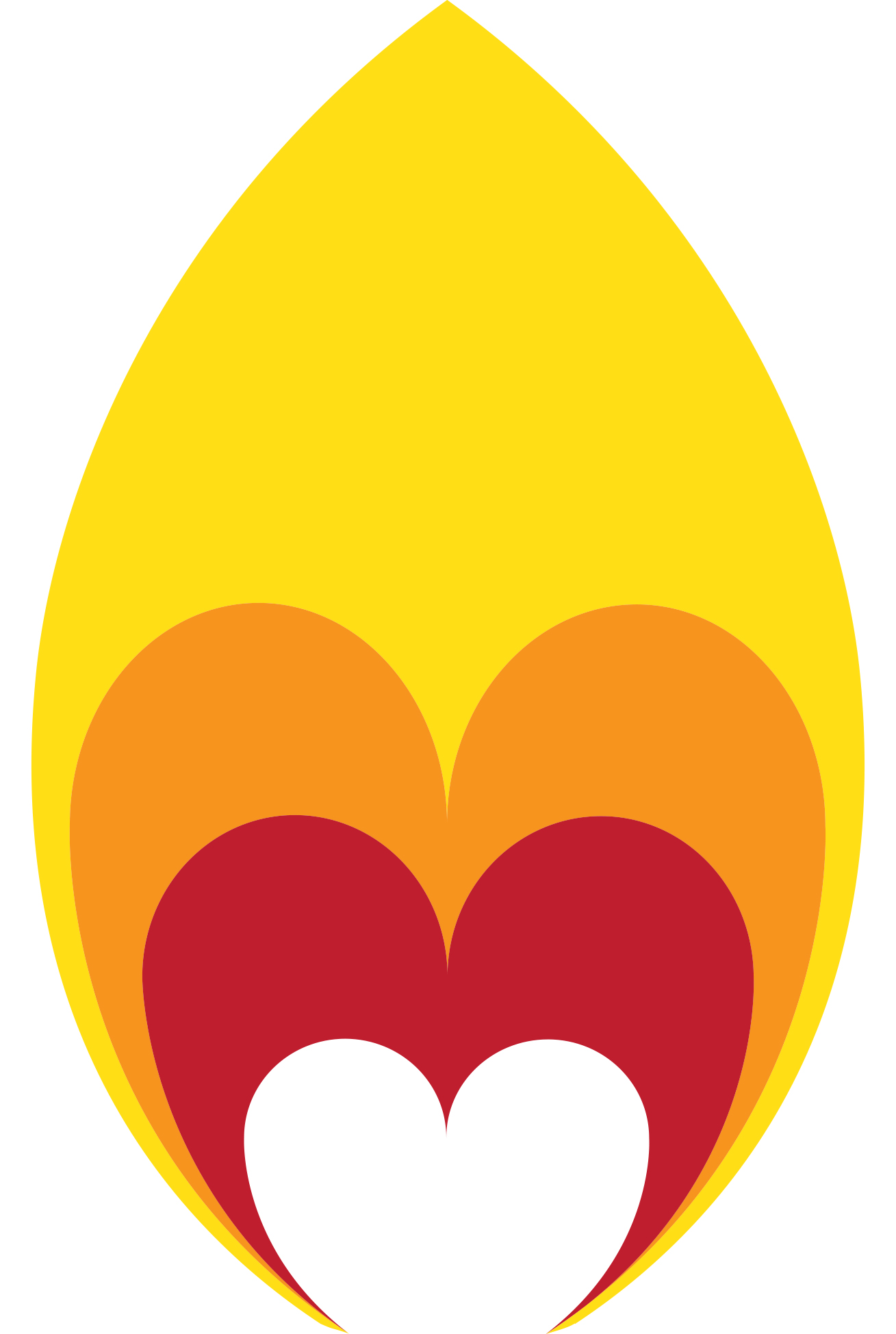
Data Protection Policy

(in compliance with GDPR May 2018)

Last reviewed: April 2021

Date for next review: April 2023



Passion for Learning

*Unit 8 Venture Point, Stanney Mill Road, Chester, CH2 4NE*

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# The use of ‘We’ in this document refers to Passion for Learning C.I.C.

# Applicable data

* 1. For the purpose of this policy, **personal data** refers to information that relates to an identifiable, living individual, including information such as an online identifier, e.g. an IP address. The GDPR applies to both automated personal data and to manual filing systems, where personal data is accessible according to specific criteria, as well as to chronologically ordered data and pseudonymised data, e.g. key-coded.

**Sensitive personal data** is referred to in the GDPR as ‘special categories of personal data’, which are broadly the same as those in the Data Protection Act (DPA) 1998. These specifically include data concerning health matters.

# Principles

* 1. In accordance with the requirements outlined in the GDPR, personal data will be:
* Processed lawfully, fairly and in a transparent manner in relation to individuals.
* Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes.
* Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.
* Accurate and, where necessary, kept up-to-date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay.
* Kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods, insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes, subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals.
* Processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.
  1. The GDPR also requires that “the controller shall be responsible for, and able to demonstrate, compliance with the principles”.

# Accountability

* 1. **Passion for Learning** will implement appropriate technical and organisational measures to demonstrate that data is processed in line with the principles set out in the GDPR.
  2. We will provide comprehensive, clear and transparent privacy and control policies.
  3. Records of activities relating to higher risk processing will be maintained, such as the processing of special categories data or that in relation to criminal convictions and offences.
  4. We will implement measures that meet the principles of data protection by design and data protection by default, such as:
* Data minimisation.
* Transparency.
* Allowing individuals to monitor processing.
* Continuously creating and improving security features.

Please refer to Passion for Learning’s Confidentiality Policy for details of the procedures Passion for Learning staff follow to ensure Data confidentiality.

# Lawful processing

* 1. The legal basis for processing data will be identified and documented prior to data being processed.
  2. Under the GDPR, data will be lawfully processed under the following conditions:
* The consent of the data subject has been obtained.
* Processing is necessary for:
* Compliance with a legal obligation.
* For the performance of a contract with the data subject or to take steps to enter into a contract.
* Protecting the vital interests of a data subject or another person.
* Processing relates to personal data manifestly made public by the data subject.
* Processing is necessary for:
* Carrying out obligations under employment, social security or social protection law, or a collective agreement.
* Protecting the vital interests of a data subject or another individual where the data subject is physically or legally incapable of giving consent.
* The establishment, exercise or defence of legal claims or where courts are acting in their judicial capacity.

**Lawful Processing cont’d.**

* The purposes of preventative or occupational medicine, for assessing the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or management of health or social care systems and services on the basis of Union or Member State law or a contract with a health professional.
* Reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring high standards of healthcare and of medicinal products or medical devices.

# Consent

* 1. Consent must be a positive indication. It cannot be inferred from silence, inactivity or pre-ticked boxes.
  2. Consent will only be accepted where it is freely given, specific, informed and an unambiguous indication of the individual’s wishes.
  3. Where consent is given, a record will be kept documenting how and when consent was given.
  4. Consent accepted under the DPA will be reviewed to ensure it meets the standards of the GDPR; however, acceptable consent obtained under the DPA will not be reobtained.
  5. Consent can be withdrawn by the individual at any time.
  6. Where a child is under the age of 16 [or younger if the law provides it (up to the age of 13)], the consent of parents will be sought prior to the processing of their data, except where the processing is related to preventative or counselling services offered directly to a child.

# The right to be informed

* 1. The privacy notice supplied to individuals, in regards to the processing of their personal data, is written in clear, plain language which is concise, transparent, easily accessible and free of charge.
  2. If services are offered directly to a child, we will ensure that the privacy notice is written in a clear, plain manner that the child will understand.
  3. In relation to data obtained both directly from the data subject and not obtained directly from the data subject, the following information will be supplied within the privacy notice:
* The identity and contact details of the controller (Passion for Learning)
* The purpose of, and the legal basis for, processing the data.
* The legitimate interests of the controller or third party.
* Any recipient or categories of recipients of the personal data.
* The retention period and criteria used to determine the retention period.
* The existence of the data subject’s rights, including the right to:
* Withdraw consent at any time.
* Lodge a complaint with a supervisory authority.
  1. Where data is obtained directly from the data subject, information regarding whether the provision of personal data is part of a statutory or contractual requirement, as well as any possible consequences of failing to provide the personal data, will be provided.
  2. Where data is not obtained directly from the data subject the source that the personal data originates from and whether it came from publicly accessible sources, will be provided.
  3. For data obtained directly from the data subject, this information will be supplied at the time the data is obtained.
  4. In relation to data that is not obtained directly from the data subject, this information will be supplied:
* Within one month of having obtained the data.
* If disclosure to another recipient is envisaged, at the latest, before the data are disclosed.
* If the data are used to communicate with the individual, at the latest, when the first communication takes place.

# The right of access

* 1. Individuals have the right to obtain confirmation that their data is being processed.
  2. Individuals have the right to submit a subject access request (SAR) to gain access to their personal data in order to verify the lawfulness of the processing.
  3. Where a SAR has been made electronically, the information will be provided in a commonly used electronic format.
  4. Where a request is manifestly unfounded, excessive or repetitive, a reasonable fee will be charged. Otherwise there is no fee for access requests.
  5. All requests will be responded to without delay and at the latest, within one month of receipt.
  6. Where a request is manifestly unfounded or excessive, we the right to refuse to respond to the request. The individual will be informed of this decision and the reasoning behind it, as well as their right to complain to the supervisory authority and to a judicial remedy, within one month of the refusal.

# The right to rectification

* 1. Individuals are entitled to have any inaccurate or incomplete personal data rectified.
  2. Where the personal data in question has been disclosed to third parties, Passion for Learning will inform them of the rectification where possible.
  3. Where appropriate, we will inform the individual about the third parties that the data has been disclosed to.
  4. Requests for rectification will be responded to within one month.
  5. Where no action is being taken in response to a request for rectification, Passion for Learning will explain the reason for this to the individual, and will inform them of their right to complain to the supervisory authority and to a judicial remedy.

# The right to erasure

* 1. Individuals hold the right to request the deletion or removal of personal data where there is no compelling reason for its continued processing.
  2. Individuals have the right to erasure in the following circumstances:
* Where the personal data is no longer necessary in relation to the purpose for which it was originally collected/processed
* When the individual withdraws their consent
* When the individual objects to the processing and there is no overriding legitimate interest for continuing the processing
* The personal data was unlawfully processed
* The personal data is required to be erased in order to comply with a legal obligation
  1. Passion for Learning has the right to refuse a request for erasure where the personal data is being processed for the following reasons:
* To exercise the right of freedom of expression and information
* To comply with a legal obligation for the performance of a public interest task or exercise of official authority
* For public health purposes in the public interest
* For archiving purposes in the public interest, historical research or statistical purposes
* The exercise or defence of legal claims
  1. As a child may not fully understand the risks involved in the processing of data when consent is obtained, special attention will be given to existing situations where a child has given consent to processing and they later request erasure of the data, regardless of age at the time of the request.
  2. Where personal data has been disclosed to third parties, they will be informed about the erasure of the personal data, unless it is impossible or involves disproportionate effort to do so.
  3. Where personal data has been made public within an online environment, we will inform other organisations who process the personal data to erase links to and copies of the personal data in question.

Data will be erased per Passion for Learning’s Secure Disposal Policy

# The right to restrict processing

* 1. Individuals have the right to block or suppress processing of personal data.
  2. In the event that processing is restricted, we will store the personal data, but not further process it, guaranteeing that just enough information about the individual has been retained to ensure that the restriction is respected in future.
  3. We will restrict the processing of personal data in the following circumstances:
* Where an individual contests the accuracy of the personal data, processing will be restricted until we have verified the accuracy of the data
* Where an individual has objected to the processing and we are considering whether their legitimate grounds override those of the individual
* Where processing is unlawful and the individual opposes erasure and requests restriction instead
* Where we no longer need the personal data but the individual requires the data to establish, exercise or defend a legal claim
  1. If the personal data in question has been disclosed to third parties, we will inform them about the restriction on the processing of the personal data, unless it is impossible or involves disproportionate effort to do so.
  2. We will inform individuals when a restriction on processing has been lifted.

# The right to data portability

* 1. Individuals have the right to obtain and reuse their personal data for their own purposes across different services.
  2. Personal data can be easily moved, copied or transferred from one IT environment to another in a safe and secure manner, without hindrance to usability.
  3. The right to data portability only applies in the following cases:
* To personal data that an individual has provided to a controller
* Where the processing is based on the individual’s consent or for the performance of a contract
* When processing is carried out by automated means
  1. Personal data will be provided in a structured, commonly used and machine-readable form.
  2. Where feasible, data will be transmitted directly to another organisation at the request of the individual, within one month of the request made to us.

# The right to object

* 1. We will inform individuals of their right to object at the first point of communication, and this information will be outlined in the privacy notice and explicitly brought to the attention of the data subject, ensuring that it is presented clearly and separately from any other information.
  2. Individuals have the right to object to the following:
* Processing based on legitimate interests or the performance of a task in the public interest
* Direct marketing
* Processing for purposes of scientific or historical research and statistics.
  1. Where personal data is processed for the performance of a legal task or legitimate interests:
* An individual’s grounds for objecting must relate to his or her particular situation.
* Passion for Learning will stop processing the individual’s personal data unless the processing is for the establishment, exercise or defence of legal claims, or, where we can demonstrate compelling legitimate grounds for the processing, which override the interests, rights and freedoms of the individual.

# Data breaches

* 1. The term ‘personal data breach’ refers to a breach of security which has led to the destruction, loss, alteration, unauthorised disclosure of, or access to, personal data.
  2. The Chief Executive Office will ensure that all employees are made aware of, and understand, what constitutes a data breach as part of their training.
  3. Where a breach is likely to result in a risk to the rights and freedoms of individuals, the relevant supervisory authority will be informed.
  4. All notifiable breaches will be reported to the relevant supervisory authority within 72 hours of Passion for Learning becoming aware of it.
  5. The risk of the breach having a detrimental effect on the individual, and the need to notify the relevant supervisory authority, will be assessed on a case-by-case basis.
  6. In the event that a breach is likely to result in a high risk to the rights and freedoms of an individual the Chief Executive Officer will notify those concerned directly.
  7. A ‘high risk’ breach means that the threshold for notifying the individual is higher than that for notifying the relevant supervisory authority.

**Data Breaches cont’d.**

* 1. In the event that a breach is sufficiently serious, the public will be notified without undue delay.
  2. Effective and robust breach detection, investigation and internal reporting procedures are in place to facilitate decision-making in relation to whether the relevant supervisory authority or the public need to be notified.
  3. Within a breach notification, the following information will be outlined:
* The nature of the personal data breach, including the categories and approximate number of individuals and records concerned
* An explanation of the likely consequences of the personal data breach
* A description of the proposed measures to be taken to deal with the personal data breach
* Where appropriate, a description of the measures taken to mitigate any possible adverse effects
  1. Failure to report a breach when required to do so may result in a fine, as well as a fine for the breach itself.

Please refer to Passion for Learning’s Breach in Access to Personal Data Policy for details on our Breach procedures.

# Data security

* 1. Confidential paper records will be kept in a locked filing cabinet, drawer or safe, with restricted access and will not be left unattended or in clear view anywhere with general access.
  2. Digital data is encrypted and password-protected, both on a local hard drive and on a network drive that is regularly backed up off-site.
  3. Where data is saved on removable storage or a portable device, the device will be kept in a locked filing cabinet, drawer or safe when not in use.
  4. Memory sticks will not be used to hold personal information unless they are password-protected and fully encrypted.
  5. All electronic devices are password-protected to protect the information on the device in case of theft.
  6. Where possible, Passion for Learning enables electronic devices to allow the remote blocking or deletion of data in case of theft.
  7. Staff will not use their personal laptops or computers for work purposes where it involves personal data.
  8. All necessary members of staff are provided with their own secure login and password.
  9. Emails containing sensitive or confidential information are password-protected if there are unsecure servers between the sender and the recipient.
  10. Circular emails to volunteers are sent blind carbon copy (bcc), so email addresses are not disclosed to other recipients.
  11. Where personal information that could be considered private or confidential is taken off the premises, either in electronic or paper format, staff will take extra care to follow the same procedures for security, e.g. keeping devices under lock and key. The person taking the information from the secure work’s premises accepts full responsibility for the security of the data.
  12. Before sharing data, all staff members will ensure: i) They are allowed to share it and ii) That adequate security is in place to protect it.
  13. Under no circumstances are visitors allowed access to confidential or personal information. Visitors to work areas containing sensitive information are supervised at all times.

Please refer to Passion for Learning’s Technical Security Policy and Access Control Policy for details on our data security and access procedures.

# Publication of information

* 1. We may publish through social media outlets (eg website, facebook page) information that will be made routinely available, including:
* Policies and procedures
* Newsletters
* Upcoming Events
  1. Classes of information specified in the publication scheme are made available quickly and easily on request.
  2. We will not publish any personal information, including photos, without the permission of the affected individual.
  3. When uploading information to our website, staff are considerate of any metadata or deletions which could be accessed in documents and images on the site.

# CCTV and photography

* 1. We understand that recording images of identifiable individuals constitutes as processing personal information, so it is done in line with data protection principles.
  2. We will always indicate our intentions for taking photographs of children and will retrieve permission before publishing them.
  3. If we wish to use images/video footage of children in a publication, such as our website, newsletter, or recordings of events and workshops, written permission will be sought for the particular usage from the parent of the child.
  4. Precautions, as outlined in the ‘Photography and Videos at School Policy’ of the relevant school, are taken when publishing photographs of children, in print, video or on our website.
  5. Images captured by individuals for recreational/personal purposes, and videos made by parents for family use, are exempt from the GDPR.

# Data retention

* 1. Data will not be kept for longer than is necessary.
  2. Redundant and Unrequired data will be deleted as soon as practicable.
  3. Paper documents will be shredded or pulped, and electronic memories scrubbed clean or destroyed, once the data should no longer be retained.

Please refer to Passion for Learning’s Retention of Records Policy for details on Data storage and retention.

# DBS data

* 1. All data provided by the DBS will be handled in line with data protection legislation; this includes electronic communication.
  2. Data provided by the DBS will never be duplicated.
  3. Any third parties who access DBS information will be made aware of the data protection legislation, as well as their responsibilities as a data handler.

# Policy review

* 1. This policy is reviewed every **two years** by the Trustees of Passion for Learning

The next scheduled review date for this policy is **October 2022**.

**Appendix 1: Retention Schedule**

All records containing personal information, or sensitive policy information will be made unreadable or reconstructable by

1. Paper records will be shredded using the shredder
2. CDs / DVDs / floppy disks cut into pieces
3. Audio / video tapes dismantled and shredded
4. Hard disks dismantled and destroyed by IT specialists

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **File Description** | **Data**  **Protection**  **Issues** | **Statutory Provisions** | **Retention Period** | **Action at the end of**  **the administrative**  **life of the**  **record** |
| **Directors** | | | | |
| Minutes | No |  | Permanent | Retain for 6 years from date of meeting then secure disposal |
| Agendas | No |  | Date of meeting | Secure disposal |
| Reports | No |  | Date of report + 6 years | Retain for 6 years from date of meeting then secure disposal |
| Action Plans | No |  | Date of action + 3 years | Secure disposal |
| Complaints files | Yes |  | Date of resolution of complaint + 6 years | Retain for first 6 years. Review for further retention in case of contentious disputes.  Secure disposal |
| **Management** | | | | |
| Reports made by the Directors or the management team | Yes |  | Date of report + 3 years | Retain for 3 years.  Secure disposal |
| Professional development plans | Yes |  | Closure + 6 years | Secure disposal |
| Performance Plans | Yes |  | 3 years | Secure disposal |
| DBS Documentation | Yes |  | Receipt of certificate | Secure disposal |
| **Children** | | | | |
| Enrichment Club forms to confirm personal details and contact details for the children and their Carers | Yes |  | Entry + 1 year | Secure disposal |
| Medical and health related information to support the health and wellbeing of the children during the Enrichment Club | Yes |  | Entry + 1 year |  |
| Permission slips for attendance at specific events, trips and activities | Yes |  | Entry + 1 year |  |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Admission registers | Yes |  | Attendance + 1 years | Secure Disposal |
| Attendance registers | Yes |  | Date of register + 1 year | Secure disposal |
| Correspondence relating to issues | No |  | Date of register + 1 year | Secure disposal |
| Any other records created in the course of contact with pupils | Yes |  | Date of register + 1 year | Review at the end of 1 year and either allocate a further retention period or Secure disposal |
| Advice and information to/from parents | Yes |  | Date of register + 1 year | Secure disposal |
| **Volunteers** | | | | |
| Volunteer records to include:   * Application form * DBS Check * References * Placement details * Observation documents   Information is held on Monday.com database. | Yes |  | Active + 12 months | Secure disposal |
| Volunteer application - not progressing with | Yes |  | 1 year | Secure disposal |
| DBS Documentation | Yes |  | Receipt of certificate | Secure disposal |
| Bank details for the payment of expenses | Yes |  | Date of leaving the organisation + 6 years | Secure disposal |
| **Personnel Records** | | | | |
| Timesheets, sick pay | Yes | Financial Regulations | Current year + 6 years | Secure disposal |
| Staff Personnel Files to include emergency contact information | Yes |  | Termination + 7 years | Secure disposal |
| Interview notes and recruitment records | Yes |  | Date of interview + 6 months | Secure disposal |
| Pre-employment checks | No | DBS guidelines | Date of check + 6 months | Secure disposal by designated member of staff |
| Disciplinary proceedings   * Oral warning * Written warning (L1) * Written warning (L2) * Final warning | Yes |  | * Date of warning + 6 months * Date of warning + 6 months * Date of warning + 12 months * Date of warning + 18 months | Secure disposal |
| Records related to accident/injury at work | Yes |  | Date of accident + 12 years | Secure disposal |
| Annual appraisal records | No |  | Current year + 5 years | Secure disposal |
| Salary cards | Yes |  | Last date of employment +6 years | Secure disposal |
| Maternity pay records | Yes | Statutory Maternity Pay (General) Regulations 1986 | Current year + 3 years | Secure disposal |
| Records held under Retirement Benefits Schemes (Information Powers) Regulations 1995 | Yes |  | Current year + 6 years | Secure disposal |
| Proofs of identity collected as part of DBS | Yes |  |  |  |
| **Health and Safety** | | | | |
| Accessibility Plans |  | Disability Discrimination Act | Current year + 6 years | Secure disposal |
| Accident Reporting |  |  | Date of incident + 6 years (adult)  DOB of child + 25 years (child) | Secure disposal |
| COSHH |  |  | Current year + 10 years |  |
| Incident reports | Yes |  | Current year + 20 years | Secure disposal |
| Policy statements |  |  | Date of expiry + 1 year | Secure disposal |
| Risk assessments | Yes |  | Current year + 3 years | Secure disposal |
| Fire Precautions log books |  |  | Current year + 6 years | Secure Disposal |
| **Administrative** | | | | |
| Employer’s Liability certificate |  |  | Closure of businessl + 40 years | Secure disposal |
| Inventory of equipment and furniture |  |  | Current year + 6 years | Secure disposal |
| Circulars and newsletters |  |  | Current + 6 years | Review to see whether further retention period is required Secure disposal |
| **Finance** | | | | |
| Annual Accounts |  | Financial Regulations | Current year + 6 years |  |
| Contracts |  |  | Contract completion date + 6 years | Secure disposal |
| Budget reports |  |  | Current year + 3 years | Secure disposal |
| Invoices, receipts and other records covered by the Financial Regulations |  | Financial Regulations | Current year + 6 years | Secure disposal |
| Order books and requisitions |  |  | Current year + 6 years | Secure disposal |

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