

# Data Protection Policy

## **INTRODUCTION**

This policy is to ensure that National All Star Skills Academy complies with the requirements of the Data Protection legislation, and associated guidance and Codes of Practice issued under the legislation.

## **SCOPE**

The Policy applies to information in all forms including, but not limited to:

- Hard copy or documents printed or written on paper.
- Information or data stored electronically, including scanned images.
- Communications sent by post/courier or using electronic means such as email, fax or electronic file transfer.
- Information or data stored on or transferred to removable media such as tape, CD, DVD, USB storage device or memory card.
- Information stored on portable computing devices including mobile phones, tablets, cameras and laptops.
- Speech, voice recordings and verbal communications, including voicemail.
- Published web content, for example intranet and internet.
- Photographs and other digital images.

This policy is National All Star Skills Academy's main information governance policy and addresses:

- Data Protection (including rights and complaints)
- Information Asset Management

Information security, Security incident reporting, Records Management and Acceptable use are addressed in separate policies.

Personal data will be processed in accordance with the requirements of the UK GDPR and in compliance with the data protection principles specified in the legislation.

The DPO is a statutory position and will operate in an advisory capacity. Duties will include:

- Acting as the point of contact for the Information Commissioner's Office (ICO) and data subjects;
- Facilitating a periodic review of the corporate information asset register and information governance policies;
- Assisting with the reporting and investigation of information security breaches
- Providing advice on all aspects of data protection as required, including information requests, information sharing and Data Protection Impact Assessments; and
- Reporting to Board Members on the above matters

## **INFORMATION ASSET REGISTER**

The DPO will advise National All Star Skills Academy in developing and maintaining an Information Asset Register (IAR). The register will include the following information for each asset:

- An individual information asset identification number.
- The owner of that asset.
- Description and purpose of the asset.
- Whether there is a privacy notice published for that asset.
- Format and location of the asset.
- Which officers (job titles/teams) have routine access to the information.
- Whether there are any data sharing agreements relating to the information and the name of that agreement,
- Conditions of data processing.
- Details of any third parties contracted to process the information.
- Retention period for the asset

The IAR will be reviewed annually, and the Senior Leadership Team will inform the DPO of any significant changes to their information assets as soon as possible.

## **INFORMATION ASSET OWNERS**

An Information Asset Owner (IAO) is the individual responsible for an information asset, understands the value of that information and the potential risks associated with it. National All Star Skills Academy will ensure that IAO's are appointed based on sufficient seniority and level of responsibility.

IAO's are responsible for the security and maintenance of their information assets. This includes ensuring that other members of staff are using the information safely

and responsibly. The role also includes determining the retention period for the asset, and when destroyed, ensuring this is done so securely.

## **TRAINING**

National All Star Skills Academy will ensure that appropriate guidance and training is given to the relevant staff and volunteers on access to information procedures, records management and data breach procedures. Individuals will also be made aware and given training in relation to information security.

National All Star Skills Academy will maintain a 'training schedule' which will record when employees have completed Data Protection training and when a refresher is due to be completed.

National All Star Skills Academy will ensure that any third-party contractors have adequately trained their staff in information governance by carrying out the appropriate due diligence.

## **PRIVACY NOTICES**

National All Star Skills Academy will provide a privacy notice to data subjects each time it obtains personal information from or about that data subject. Our main members privacy notice will be displayed on the National All Star Skills Academy website in an easily accessible area.

A privacy notice for employees will be provided at commencement of their employment with National All Star Skills Academy.

Privacy notices will be cleared by the DPO prior to being published or issued. A record of privacy notices shall be kept on National All Star Skills Academy Information Asset Register.

## **DATA PROTECTION IMPACT ASSESSMENTS (DPIAs)**

National All Star Skills Academy will conduct a data protection impact assessment for all new projects involving high risk data processing as defined by the UK GDPR. This assessment will consider the privacy risks and implications of new projects as well as providing solutions to the identified risks.

The DPO will be consulted at the start of a project and will advise whether a DPIA is required. If it is agreed that a DPIA will be necessary, then the DPO will assist with the completion of the assessment, providing relevant advice.

## **RETENTION PERIODS**

Retention periods will be determined by any legal requirement, best practice or national guidance, and lastly the organizational necessity to retain the information. In addition, Information Asset Owners will take into account the Limitation Act 1980, which provides timescales within which action may be taken for breaches of the law, when determining retention periods.

## **DESTRUCTION OF RECORDS**

Retention periods for records are recorded in the National All Star Skills Academy Information Access Register. When a record reaches the end of its retention period the IAO will arrange for the records, both electronic and paper to be destroyed securely.

Provisions to destroy paper information securely include cross cutting shredders and confidential waste bins.

Advice in regards to the secure destruction of electronic media will be sought from relevant IT support.

A record should be retained of all files destroyed including, where relevant:

- File reference number,
- Description of file,
- Date of disposal,
- Method of disposal,
- Officer who destroyed record

### **THIRD PARTY DATA PROCESSORS**

All third party contractors who process data on behalf of National All Star Skills Academy must be able to provide assurances that they have adequate data protection controls in place to ensure that the data they process is afforded the appropriate safeguards. Where personal data is being processed, there will be a written contract in place with the necessary data protection clauses contained.

Relevant senior leadership may insist that any data processing by a third party ceases immediately if it believes that that third party has not got adequate data protection safeguards in place. If any data processing is going to take place outside of the EEA then the Data Protection Officer must be consulted prior to any contracts being agreed.

### **REQUESTS FOR INFORMATION UNDER THE UK GDPR – SUBJECT ACCESS REQUESTS**

Requests under this legislation should be made to the Data Protection Officer.

Any member of staff may receive a request for an individual's personal information. Whilst the UK GDPR does not require such requests to be made in writing, applicants are encouraged where possible to do so; applicants who require

assistance should seek help from National All Star Skills Academy. Requests will be logged with the Safeguarding and Compliance Team and acknowledged within 5 working days.

We must be satisfied as to your identity and may have to ask for additional information such as:

- Valid Photo ID (driver's license, passport etc.);
- Proof of Address (Utility bill, council tax letter etc.);
- further information for National All Star Skills Academy to be satisfied of the applicant's identity.

Only once National All Star Skills Academy is satisfied of the requestor's identity and has sufficient information on which to respond to the request will it be considered valid. We will then respond to your request within the statutory timescale of One Calendar Month.

National All Star Skills Academy can apply a discretionary extension of up a further Two Calendar Months to comply with the request if the requested information would take a considerable amount of time to collate, redact, and prepare for disclosure due to either the complexity or voluminous nature of the records. If we wish to apply an extension we will firstly seek guidance from our DPO, then inform the applicant of the extension within the first calendar month of receiving the request. This extension period will be kept to a minimum and will not be used as a way of managing workloads. In very limited cases we may also refuse a request outright as 'manifestly unreasonable' if we would have to spend an unjustified amount of time and resources to comply.

Should we think any exemptions are necessary to apply we will seek guidance from our DPO to discuss their application.

## **DATA SUBJECT RIGHTS**

As well as a right of access to information, data subjects have a series of other rights prescribed by the UK GDPR including:

- Right to rectification
- Right to erasure
- Right to restrict processing
- Rights in relation automated decision making and profiling

All requests exercising these rights must be in writing and forwarded to Laura Middleton, Data Protection Officer who will acknowledge the request and respond within One Calendar Month.

A record of decisions made in respect of the request will be retained, recording details of the request, whether any information has been changed, and the reasoning for the decision made.

## **COMPLAINTS**

Complaints in relation to Subject Access will be handled through our existing procedures. Any individual who wishes to make a complaint about the way we have handled their personal data should contact the Integrity Team on the address provided.