



Skillwise Training Data Protection Policy

| Title | Date | Who |
|--------------|---------------|------------------|
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POLICY STATEMENT

Skillwise Training needs to gather and use certain information about individuals. This includes customers, suppliers, business contacts, employees and other people to whom we are delivering a service, with whom we have a relationship, or may otherwise need to contact.

We are committed to managing the way we collect, store and use data to ensure we respect the privacy and rights of the individuals to whom it relates, including:

- complying with the Data Protection Act 1998 (the 'Act')
- protecting the rights of staff, customers and other data subjects
- storing and processing individuals' data securely and in line with required legislation

As an organisation that processes personal data, we are registered with the Information Commissioner's Office, an independent authority that regulates and enforces the Act.

DEFINITIONS

Within this policy the following definitions apply:

Data subject – an individual who is the subject of personal data.

Data Controller* – the person who determines the purposes for which and the manner in which any personal data are, or are to be, processed.

Data Processor* – in relation to personal data, means any person (other than an employee of the data controller) who processes the data on behalf of the data controller.

Personal Data – data which relates to a living individual who can be identified from that data, or from that data and other information which is held.

Sensitive personal data – personal data relating to racial or ethnic origin; political opinions; religious (or similar) beliefs; trade union membership; physical or mental health condition; sexual life; commission or alleged commission by them of any offence; or any proceedings for any offence committed by them, the disposal of such proceedings or the sentence of any court in such proceedings. Sensitive data can also be any data that contains confidential information about the organisation, its products and services, its customers and suppliers.

** A data controller must be a "person" recognised in law e.g. an individual or organisation. Within Skillwise Training the Data Controller is Operations Manager In the case of contracts being delivered on behalf of a commissioner, the commissioning body will usually have the role of Data Controller, with Skillwise Training taking on the*

role of Data Processor e.g. DWP are the Data Controller for employment programme data; NOMS are the Data Controller for NOMS CFO data.

PRINCIPLES

Any personal data which is collected, recorded or used in any way – whether on paper, on computer or other media – will have appropriate safeguards in place to ensure that Skillwise Training complies with the Act. We fully endorse and adheres to the eight principles of the Act, which state that personal data:

1. shall be processed fairly and lawfully and, in particular, shall not be processed.
2. shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes.
3. shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.
4. shall be accurate and, where necessary, kept up to date.
5. processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.
6. shall be processed in accordance with the rights of data subjects under this Act.
7. shall be protected against unauthorised or unlawful processing, against accidental loss or destruction of, or damage to, personal data by appropriate technical and organisational measures.
8. shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

PURPOSE OF DATA HELD

Skillwise Training keeps personal data to:

- administer programmes on behalf of commissioning organisations, and to comply with our contractual requirements.
- to provide an effective service to customers by identifying their needs and managing their progress.
- meet awarding body requirements in relation to achievement of qualifications by learners.
- to claim relevant funding for achievements with customers attending funded programmes.
- manage the recruitment, employment and termination of employment of our staff.

The type of data may include personal demographic and contact information, references, health and disability information, educational attainment, financial information, performance information, attendance records, disciplinary records.

CONFIDENTIALITY

All personal data will remain confidential.

However, from time to time, we may need to disclose some information to relevant third parties e.g. where requested by the data subject for the purpose of giving a reference.

Prior to disclosure – unless it is a legal obligation e.g. data required by HM Revenue & Customs, a contractual obligation placed upon us by a service commissioner that is covered by alternative legislation – data subjects will be fully informed of the personal data that is being disclosed, the reasons for the disclosure, and the way(s) in which it will be processed.

There may be occasions when data subjects are required to sign a Confidentiality and/or Data Sharing Agreement which gives consent to the sharing of some information. Data subjects can withdraw their consent to share information at any time.

HANDLING PERSONAL DATA

Skillwise Training will ensure that all staff comply with the following when processing and/or transmitting personal data:

- When we collect any personal data we will inform individuals why we are collecting it and what we intend to use it for.
- Personal data must be transmitted over secure networks only – transmission over unsecure networks is not permitted in any circumstances.
- Documents containing personal data must be password protected.
- Personal data contained in the body of an email, whether sent or received, must only be emailed via secure systems with appropriate encryption and security.
- Personal data in the body of an email should be copied from the body of that email and stored securely. The email itself should be deleted. All temporary files associated with the email should also be deleted.
- Where personal data is to be sent by fax the recipient should be informed in advance of the transmission and should be waiting by the fax machine to receive the data.
- Where personal data is transferred in hardcopy it should be passed directly to the recipient or posted using a recognised secure postal carrier. Using an intermediary is not permitted.
- All hard copies of personal data must be stored securely in a locked box, drawer, cabinet or similar.
- All electronic copies of personal data should be stored securely using passwords and suitable data encryption, where possible on a drive or server which cannot be accessed via the internet.
- All passwords used to protect personal data should be changed regularly and should not use words or phrases which can be easily guessed or otherwise compromised.

RIGHTS OF DATA SUBJECTS

Data subjects have the right to:

- access to a copy of the information comprised in their personal data within 40 days of making a request;
- object to processing that is likely to cause or is causing damage or distress;
- prevent processing for direct marketing;
- object to decisions being taken by automated means;
- in certain circumstances to have inaccurate personal data rectified, blocked, erased or destroyed; and
- claim compensation for damages caused by a breach of the Act.

SUBJECT ACCESS REQUESTS

Individuals who want to see a copy of the information an organisation holds about them must write to the Data Controller requesting this information, including sufficient detail to enable the data to be identified, and paying a fee of £10.

The following information will be provided:

- whether any personal data is held.
- a description of any data held.
- the reason it is being processed.
- details of any third-party organisations that the data has been passed to.
- details of the source of the data where available.
- a copy of information comprising the data.

Data that is exempt from the right of subject access will not be supplied.

We will respond to all subject access requests promptly and in any event within 40 calendar days of receiving it.

Skillwise Training will record any subject access requests in a Subject Access Log in accordance with the Information Commissioner's guidelines.

RESPONSIBILITIES

Everyone who works for or with Skillwise Training has some responsibility for ensuring data is collected, stored and handled appropriately in line with this policy.

The Directors and Senior Management Team is responsible for ensuring the Data Protection Policy is appropriate, reflects legislative requirements and good governance practices, and that Skillwise Training meets its legal obligations.

The Data Controller is responsible for ensuring all staff are appropriately trained, advising individuals about implementation of the policy, and dealing with Subject Access Requests.

POLICY REVIEW

This policy will be reviewed annually by the Data Controller, or more frequently if legislation and/or best practice changes, in order to ensure its continuing relevance. Any changes to the policy will be communicated to all employees.