



# East Kent Learning Alliance

## DATA PROTECTION POLICY

Date to Trust Board  
November 2018

### DATA PROTECTION POLICY

This policy will be reviewed every year for the next two years to ensure any further guidance issued by the ICO is reflected within the policy.

**DATE OF POLICY: November 2018**

**DATE OF REVIEW: March 2019**

**Member of staff responsible for Policy:**

**Teaching School Director and Nominated Director of the Board**

**Signed.....Chair of the Board**

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### 1. Aims

Our Company aims to ensure that all personal data collected about our customers and other individuals is collected, stored and processed in accordance with the [General Data Protection Regulation \(GDPR\)](#) and the provisions of the Data Protection Act 2018 (DPA 2018).

This policy applies to all personal data, regardless of whether it is in paper or electronic format.

### 2. Legislation and guidance

This policy meets the requirements of the GDPR and the provisions of the DPA 2018. It is based on guidance published by the Information Commissioner's Office (ICO) on the [GDPR](#) and the ICO's [code of practice for subject access requests](#).

In addition, this policy complies with our articles of association.

### 3. Definitions

Term	Definition
<p><b>Personal data</b></p>	<p>Any information relating to an identified, or identifiable, individual.</p> <p>This may include the individual's:</p> <ul style="list-style-type: none"> <li>• Name (including initials)</li> <li>• Identification number</li> <li>• Location data</li> <li>• Online identifier, such as a username</li> </ul> <p>It may also include factors specific to the individual's physical, physiological, genetic, mental, economic, cultural or social identity.</p>
<p><b>Special categories of personal data</b></p>	<p>Personal data which is more sensitive and so needs more protection, including information about an individual's:</p> <ul style="list-style-type: none"> <li>• Racial or ethnic origin</li> <li>• Political opinions</li> <li>• Religious or philosophical beliefs</li> <li>• Trade union membership</li> <li>• Genetics</li> <li>• Biometrics (such as fingerprints, retina and iris patterns), where used for identification purposes</li> <li>• Health – physical or mental</li> <li>• Sex life or sexual orientation</li> </ul>
<p><b>Processing</b></p>	<p>Anything done to personal data, such as collecting, recording, organising, structuring, storing, adapting, altering, retrieving, using, disseminating, erasing or destroying.</p> <p>Processing can be automated or manual.</p>
<p><b>Data subject</b></p>	<p>The identified or identifiable individual whose personal data is held or processed.</p>
<p><b>Data controller</b></p>	<p>A person or organisation that determines the purposes and the means of processing of personal data.</p>

<b>Data processor</b>	A person or other body, other than an employee of the data controller, who processes personal data on behalf of the data controller.
<b>Personal data breach</b>	A breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to personal data.

## 4. The data controller

Our Company processes personal data relating to customers and others, and therefore is a data controller.

The Company is registered as a data controller with the ICO and will renew this registration annually or as otherwise legally required.

## 5. Roles and responsibilities

This policy applies to **all directors and staff** employed (directly or indirectly) by our Company, and to external organisations or individuals working on our behalf. Staff who do not comply with this policy may face disciplinary action.

### 5.1 Board of Directors

The Directors have overall responsibility for ensuring that our Company complies with all relevant data protection obligations.

### 5.2 Data protection officer

Due to the size and nature of our company we are not required to appoint a data protection officer (DPO), however the Board of Directors recognises the need to oversee the implementation of this policy, monitoring our compliance with data protection law, and developing related policies and guidelines where applicable.

We will seek where required advice and support from our strategic partners who are required to appointed a DPO to ensure we are compliance with data protection law and best practice.

### 5.3 EKLA Teaching School Director

The EKLA Teaching School Director acts as the representative of the data controller on a day-to-day basis.

### 5.4 All staff

Staff are responsible for:

- Collecting, storing and processing any personal data in accordance with this policy
- Informing the Company of any changes to their personal data, such as a change of address
- Contacting our strategic partners DPO in the following circumstances:
  - With any questions about the operation of this policy, data protection law, retaining personal data or keeping personal data secure
  - If they have any concerns that this policy is not being followed
  - If they are unsure whether or not they have a lawful basis to use personal data in a particular way
  - If they need to rely on or capture consent, draft a privacy notice, deal with data protection rights invoked by an individual, or transfer personal data outside the European Economic Area
  - If there has been a data breach
  - Whenever they are engaging in a new activity that may affect the privacy rights of individuals
  - If they need help with any contracts or sharing personal data with third parties

## 6. Data protection principles

The GDPR is based on data protection principles that our Company must comply with.

The principles say that personal data must be:

- Processed lawfully, fairly and in a transparent manner
- Collected for specified, explicit and legitimate purposes
- Adequate, relevant and limited to what is necessary to fulfil the purposes for which it is processed
- Accurate and, where necessary, kept up to date
- Kept for no longer than is necessary for the purposes for which it is processed
- Processed in a way that ensures it is appropriately secure

This policy sets out how the Company aims to comply with these principles.

## 7. Collecting personal data

### 7.1 Lawfulness, fairness and transparency

We will only process personal data where we have one of 6 'lawful bases' (legal reasons) to do so under data protection law:

- The data needs to be processed so that the Trust can **fulfil a contract** with the individual, or the individual has asked the school to take specific steps before entering into a contract
- The data needs to be processed so that the Trust can **comply with a legal obligation**
- The data needs to be processed to ensure the **vital interests** of the individual e.g. to protect someone's life
- The data needs to be processed so that the Trust, as a public authority, can perform a task **in the public interest**, and carry out its official functions
- The data needs to be processed for the **legitimate interests** of the Trust or a third party (provided the individual's rights and freedoms are not overridden)
- The individual (or their parent/carer when appropriate in the case of a pupil) has freely given clear **consent**

For special categories of personal data, we will also meet one of the special category conditions for processing which are set out in the GDPR and Data Protection Act 2018.

Whenever we first collect personal data directly from individuals, we will provide them with the relevant information required by data protection law.

### 7.2 Limitation, minimisation and accuracy

We will only collect personal data for specified, explicit and legitimate reasons. We will explain these reasons to the individuals when we first collect their data.

If we want to use personal data for reasons other than those given when we first obtained it, we will inform the individuals concerned before we do so, and seek consent where necessary.

Staff must only process personal data where it is necessary in order to do their jobs.

When staff no longer need the personal data they hold, they must ensure it is deleted or anonymised. This will be done in accordance with the company's record retention schedule/records management policy.

## 8. Sharing personal data

We are required to share certain personal data with a number of partner organisation in order to support our company aims, these include:

- To deliver training courses that our customers have booked on with training venues and training facilitators.
- To deliver the National Professional Qualification in teaching we need to liaise with our customers school and the Leadership Learning South East (LLSE)

- To support the School Direct Trainee Scheme we will need to liaise with Christ Church University, UCAS, LLSE, National College for Teaching and Leadership and host schools nominated by our customer.
- To support the Specialist Leaders in Education we will need to liaise with LLSE and The Kent & Medway Teaching School Network.
- Our suppliers or contractors need data to enable us to provide services to our customers – for example, IT companies. When doing this, we will:
  - Only appoint suppliers or contractors which can provide sufficient guarantees that they comply with data protection law
  - Establish a data sharing agreement with the supplier or contractor, either in the contract or as a standalone agreement, to ensure the fair and lawful processing of any personal data we share
  - Only share data that the supplier or contractor needs to carry out their service, and information necessary to keep them safe while working with us

We will also share personal data with law enforcement and government bodies where we are legally required to do so, including for:

- The prevention or detection of crime and/or fraud
- The apprehension or prosecution of offenders
- The assessment or collection of tax owed to HMRC
- In connection with legal proceedings
- Where the disclosure is required to satisfy our safeguarding obligations
- Research and statistical purposes, as long as personal data is sufficiently anonymised or consent has been provided

We may also share personal data with emergency services and local authorities to help them to respond to an emergency situation that affects any of our customers or staff

## **9. Subject access requests and other rights of individuals**

### **9.1 Subject access requests**

Individuals have a right to make a 'subject access request' to gain access to personal information that the Company holds about them. This includes:

- Confirmation that their personal data is being processed
- Access to a copy of the data
- The purposes of the data processing
- The categories of personal data concerned
- Who the data has been, or will be, shared with
- How long the data will be stored for, or if this isn't possible, the criteria used to determine this period
- The source of the data, if not the individual
- Whether any automated decision-making is being applied to their data, and what the significance and consequences of this might be for the individual

Subject access requests must be submitted in writing, either by letter or email to the Company. They should include:

- Name of individual
- Correspondence address
- Contact number and email address
- Details of the information requested

If staff receive a subject access request they must immediately forward it to the EKLA Operations Manager or email [courses@ekla.org.uk](mailto:courses@ekla.org.uk)

## 9.2 Responding to subject access requests

When responding to requests, we:

- May ask the individual to provide 2 forms of identification
- May contact the individual via phone to confirm the request was made
- Will respond without delay and within 1 month of receipt of the request
- Will provide the information free of charge
- May tell the individual we will comply within 3 months of receipt of the request, where a request is complex or numerous. We will inform the individual of this within 1 month, and explain why the extension is necessary

If the request is unfounded or excessive, we may refuse to act on it, or charge a reasonable fee which takes into account administrative costs.

A request will be deemed to be unfounded or excessive if it is repetitive, or asks for further copies of the same information.

When we refuse a request, we will tell the individual why, and tell them they have the right to complain to the ICO.

## 9.3 Other data protection rights of the individual

In addition to the right to make a subject access request (see above), and to receive information when we are collecting their data about how we use and process it (see section 7), individuals also have the right to:

- Withdraw their consent to processing at any time
- Ask us to rectify, erase or restrict processing of their personal data, or object to the processing of it (in certain circumstances)
- Prevent use of their personal data for direct marketing
- Challenge processing which has been justified on the basis of legitimate interest
- Request a copy of agreements under which their personal data is transferred outside of the European Economic Area
- Object to decisions based solely on automated decision making or profiling (decisions taken with no human involvement, that might negatively affect them)
- Prevent processing that is likely to cause damage or distress
- Be notified of a data breach in certain circumstances
- Make a complaint to the ICO
- Ask for their personal data to be transferred to a third party in a structured, commonly used and machine-readable format (in certain circumstances)

Individuals should submit any request to exercise these rights to the Company. If staff receive such a request, they must immediately forward it to the EKLA Operations Manager.

## 10. Photographs and videos

As part of our Company activities, we may take photographs and record images of children who attend our partner schools as well as individuals who are Specialists Leaders in Education.

Uses may include:

- Online on our Companies websites or social media pages

Consent can be refused or withdrawn at any time. If consent is withdrawn, we will delete the photograph and not distribute it further.

When using photographs and videos in this way we will not accompany them with any other personal information about the child, to ensure they cannot be identified.



## 11. Data protection by design and default

We will put measures in place to show that we have integrated data protection into all of our data processing activities, including:

- Seek when needed suitably qualified data protection experts to advise and support the company in its obligations as a data controller
- Only processing personal data that is necessary for each specific purpose of processing, and always in line with the data protection principles set out in relevant data protection law (see section 6)
- Completing privacy impact assessments where the companies processing of personal data presents a high risk to rights and freedoms of individuals, and when introducing new technologies (our strategic partners DPO will advise on this process)
- Integrating data protection into internal documents including this policy, any related policies and privacy notices
- Regularly training members of staff on data protection law, this policy, any related policies and any other data protection matters; we will also keep a record of attendance
- Regularly conducting reviews and audits to test our privacy measures and make sure we are compliant
- Maintaining records of our processing activities, including:
  - For the benefit of data subjects, making available all information we are required to share about how we use and process their personal data (via our privacy notices)
  - For all personal data that we hold, maintaining an internal record of the type of data, data subject, how and why we are using the data, any third-party recipients, how and why we are storing the data, retention periods and how we are keeping the data secure

## 12. Data security and storage of records

We will protect personal data and keep it safe from unauthorised or unlawful access, alteration, processing or disclosure, and against accidental or unlawful loss, destruction or damage.

In particular:

- Paper-based records and portable electronic devices, such as laptops and hard drives that contain personal data are kept under lock and key when not in use
- Papers containing confidential personal data must not be left on office desks, pinned to notice/display boards, or left anywhere else where there is general access
- Passwords that are at least 8 characters long containing letters and numbers are used to access school computers, laptops and other electronic devices. Staff are reminded to change their passwords at regular intervals
- Encryption software is used to protect all portable devices and removable media, such as laptops and USB devices
- Staff or Company Directors who store personal information on their personal devices are expected to follow the same security procedures as for Company owned equipment (see our acceptable users policy)
- Where we need to share personal data with a third party, we carry out due diligence and take reasonable steps to ensure it is stored securely and adequately protected (see section 8)

## 13. Disposal of records

Personal data that is no longer needed will be disposed of securely. Personal data that has become inaccurate or out of date will also be disposed of securely, where we cannot or do not need to rectify or update it.

For example, we will shred or incinerate paper-based records, and overwrite or delete electronic files. We may also use a third party to safely dispose of records on the company's behalf. If we do so, we will require the third party to provide sufficient guarantees that it complies with data protection law.

## **14. Personal data breaches**

The Company will make all reasonable endeavors to ensure that there are no personal data breaches.

In the unlikely event of a suspected data breach, we will follow the procedure set out in appendix 1.

When appropriate, we will report the data breach to the ICO within 72 hours. Such breaches in the Company context may include, but are not limited to:

- A non-anonymised dataset being published on the Company's website which shows sensitive personal data
- The theft of a company laptop containing non-encrypted personal data about customers

## **15. Training**

All staff and directors are provided with data protection training as part of their induction process.

Data protection will also form part of continuing professional development, where changes to legislation, guidance or the Company's processes make it necessary.

## **16. Monitoring arrangements**

The Company Board is responsible for monitoring and reviewing this policy.

## Appendix 1: Personal data breach procedure

This procedure is based on [guidance on personal data breaches](#) produced by the ICO.

- On finding or causing a breach, or potential breach, the staff member or data processor must immediately notify the Company's Teaching School Director.
- The Director will investigate the report, and determine whether a breach has occurred. To decide, the Director will consider whether personal data has been accidentally or unlawfully:
  - Lost
  - Stolen
  - Destroyed
  - Altered
  - Disclosed or made available where it should not have been
  - Made available to unauthorised people
- The Director will alert the Chair of the Board within 24hrs of being alerted to a potential breach.
- The Director will make all reasonable efforts to contain and minimise the impact of the breach, assisted by relevant staff members or data processors where necessary. (Actions relevant to specific data types are set out at the end of this procedure)
- The Director will assess the potential consequences, based on how serious they are, and how likely they are to happen
- The Director will work out whether the breach must be reported to the ICO. This must be judged on a case-by-case basis. To decide, the Director will consider whether the breach is likely to negatively affect people's rights and freedoms, and cause them any physical, material or non-material damage (e.g. emotional distress), including through:
  - Loss of control over their data
  - Discrimination
  - Identify theft or fraud
  - Financial loss
  - Unauthorised reversal of pseudonymisation (for example, key-coding)
  - Damage to reputation
  - Loss of confidentiality
  - Any other significant economic or social disadvantage to the individual(s) concerned

If it's likely that there will be a risk to people's rights and freedoms, the Director must notify the ICO.

- The Director will document the decision (either way), in case it is challenged at a later date by the ICO or an individual affected by the breach.
- Where the ICO must be notified, the Director will do this via the ['report a breach' page of the ICO website](#) within 72 hours. As required, the Director will set out:
  - A description of the nature of the personal data breach including, where possible:
    - The categories and approximate number of individuals concerned
    - The categories and approximate number of personal data records concerned
  - The name and contact details of the Director
  - A description of the likely consequences of the personal data breach
  - A description of the measures that have been, or will be taken, to deal with the breach and mitigate any possible adverse effects on the individual(s) concerned
- If all the above details are not yet known, the Director will report as much as they can within 72 hours. The report will explain that there is a delay, the reasons why, and when the Director expects to have further information. The Director will submit the remaining information as soon as possible

- The Director will also assess the risk to individuals, again based on the severity and likelihood of potential or actual impact. If the risk is high, the Director will promptly inform, in writing, all individuals whose personal data has been breached. This notification will set out:
  - The name and contact details of the Director
  - A description of the likely consequences of the personal data breach
  - A description of the measures that have been, or will be, taken to deal with the data breach and mitigate any possible adverse effects on the individual(s) concerned
- The Director will notify any relevant third parties who can help mitigate the loss to individuals – for example, the police, insurers, banks or credit card companies
- The Director will document each breach, irrespective of whether it is reported to the ICO. For each breach, this record will include the:
  - Facts and cause
  - Effects
  - Action taken to contain it and ensure it does not happen again (such as establishing more robust processes or providing further training for individuals)

Records of all breaches will be recorded by the company to ensure any actions from the breach are completed and to identify any trends to inform changes in data handling or processing.

The Director and Chair of the Board will meet to review what happened and how it can be stopped from happening again. This meeting will happen as soon as reasonably possible

### **Actions to minimise the impact of data breaches**

We will take the actions set out below to mitigate the impact of different types of data breach, focusing especially on breaches involving particularly risky or sensitive information. We will review the effectiveness of these actions and amend them as necessary after any data breach.

#### **Sensitive information being disclosed via email (including safeguarding records)**

- If special category data (sensitive information) is accidentally made available via email to unauthorised individuals, the sender must attempt to recall the email as soon as they become aware of the error
- Members of staff who receive personal data sent in error must alert the sender and the Director as soon as they become aware of the error
- If the sender is unavailable or cannot recall the email for any reason, the Director will ask the Company's ICT provider to recall it
- In any cases where the recall is unsuccessful, the Director will contact the relevant unauthorised individuals who received the email, explain that the information was sent in error, and request that those individuals delete the information and do not share, publish, save or replicate it in any way
- The Director will ensure we receive a written response from all the individuals who received the data, confirming that they have complied with this request
- The Director will carry out an internet search to check that the information has not been made public; if it has, we will contact the publisher/website owner or administrator to request that the information is removed from their website and deleted