



Data Protection and GDPR Policy

Introduction

LETS is committed to preserving the privacy of its learners and employees and to complying with the Data Protection Act 2018 and GDPR. To achieve this commitment information about our learners, employees and other clients and contacts must be collected and used fairly, stored safely and not unlawfully disclosed to any other person.

Information that is already in the public domain is exempt from the Data Protection Act 2018. It is LETS's policy to make as much information public as possible and in particular the following information will be available to the public.

- Names of our Directors
- List of staff
- Learner performance data

Principles

LETS, its staff and others who process or use any personal information must ensure that they follow the data protection principles set out in the Data Protection Acts 2018. Personal data shall:

- Be obtained and processed fairly and lawfully.
- 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 accurate and kept up to date.
- Not be kept longer than is necessary for that purpose.
- Be processed in accordance with the data subject 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.

LETS will not release staff or learner data to third parties except to relevant statutory bodies. In all other circumstances LETS will obtain the consent of the individuals concerned before releasing personal data.

Issue and version DataProtectionGDPRNo:2 v1	Date: 05/12/19	Review Date: 05/12/20	Authorised: Operations Director
Policies and Procedures will be reviewed annually unless changes in legislation or practices occur prior to the annual review when updates will be made.			



Responsibilities

The Board are responsible for the oversight and implementation of this policy. It will be the responsibility of the CEO and Directors to ensure compliance with the policy and for communicating the policy to all staff.

Data Controller: The nominated Data Controller for LETS is Avtar Jagdev who has operational responsibility for the implementation of this policy.

All staff are responsible for ensuring that any personal data which they hold is kept securely and personal information is not disclosed in any way and to any unauthorised third party.

All Learners and Staff: Learners and staff are responsible for ensuring that all personal data provided to LETS is accurate and up to date.

Compliance

Failure to comply with the data protection policy and procedure could result in disciplinary action.

Review

This policy and related procedures will be reviewed and issued on at least an annual basis.

Data Protection Procedure

1. Introduction

LETS needs to keep certain information about its employees, learners and other users to allow us to monitor recruitment, attendance, performance, achievements and health and safety. 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, LETS must comply with the Data Protection Principles, which are set out in the Data Protection Act of 2018.

In summary these state that personal data 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.

Issue and version DataProtectionGDPRNo:2 v1	Date: 05/12/19	Review Date: 05/12/20	Authorised: Operations Director
Policies and Procedures will be reviewed annually unless changes in legislation or practices occur prior to the annual review when updates will be made.			



- Be adequate, relevant and not excessive for those purposes.
- Be accurate and kept up to date.
- Not be kept 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.

LETS and all 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, LETS has developed this Data Protection Policy and makes it available to all Staff.

LETS will keep a register of staff authorised to access and process learner and staff data.

All staff are responsible for:

- Checking that any information they provide to LETS in connection with their employment is accurate and up-to-date.
- Informing LETS of any changes to information, which they have provided, i.e. change of address.
- Informing LETS of any errors or changes. LETS cannot be held responsible for any errors unless the staff member has informed us of them.

Information about Other People

All staff must comply with the following guidelines:

All staff will process data about individuals on a regular basis, when marking registers, writing reports or references, or as part of a pastoral or academic supervisory role. LETS will ensure through registration procedures, that all individuals give their consent to this type of processing, and are notified of the categories of processing, as required by the 2018 Act. The information that staff deals 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 and associated comments.
- Notes of personal supervision, including matters about behaviour and discipline.

Information about an individual's physical or mental health or protected characteristics is sensitive and can only be collected and processed with consent.

Issue and version DataProtectionGDPRNo:2 v1	Date: 05/12/19	Review Date: 05/12/20	Authorised: Operations Director
Policies and Procedures will be reviewed annually unless changes in legislation or practices occur prior to the annual review when updates will be made.			



All staff have a duty to make sure that they comply with the data protection principles, in particular, staff must ensure that records are:

- Accurate;
- Up-to-date;
- Fair;
- Kept and disposed of safely, and in accordance with the policy.

LETS will designate staff in the relevant area as 'authorised staff'. These staff are the only staff authorised to access data that is:

- Not standard data; or
- Sensitive data.

The only exception to this will be if a non-authorised member is satisfied and can demonstrate that the processing of the data is necessary:

- In the best interests of the individual or staff member, or a third person, or LETS AND
- He or she has either informed the authorised person 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.g. an individual is injured and unconscious and in need of medical attention or a member of staff tells the hospital that the individual is pregnant.

Authorised staff will be responsible for ensuring that all personal data is kept securely. In particular staff must ensure that personal data is:

- Put away in lockable storage
- Not left on unattended desks or tables.

Equally;

- Unattended ICT equipment should not be accessible to other users.
- ICT equipment used off-site must be password-protected.
- Data files on CD or memory stick or email attachments used off-site containing personal data must be password-protected.
- Paper records containing personal data must be shredded where appropriate.
- Paper evidence with sensitive information must be kept in a secure environment and destroyed after the required date of retention by external regulatory authorities

Issue and version DataProtectionGDPRNo:2 v1	Date: 05/12/19	Review Date: 05/12/20	Authorised: Operations Director
Policies and Procedures will be reviewed annually unless changes in legislation or practices occur prior to the annual review when updates will be made.			



Staff must not disclose personal data to any individual, unless for normal academic or pastoral purposes, without authorisation or agreement from the data controller, or in line with LETS policy.

Staff shall not disclose personal data to any other staff member except with the authorisation or agreement of the designated data controller, or in line with LETS policy.

Before processing any personal data, all staff should consider the following.

- Do you really need to record the information?
- Is the information 'sensitive'?
- If it is sensitive, do you have the data subject's express consent?
- Has the individual been told that this type of data will be processed?
- Are you authorised to collect/store/process the data?
- If yes, have you checked with the data subject that the data is accurate?
- Are you sure that the data is secure?
- If you do not have the data subject's consent to process, are you satisfied that it is in the best interests of the individual or the safety of others to collect and retain the data?

Rights to access information

Staff, individuals and other users of LETS have the right to access any personal data that is being kept about them either on computer or in certain files. Any person who wishes to exercise this right should complete the LETS Standard Request Form for Access to Data and send it to the Operations Director. This request should be made in writing using the Standard Form to Access Data (see appendix).

LETS aims 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.

Rights to be forgotten

GDPR introduces a right for individuals to be forgotten where individual can send a request to erase their personal data. Any person who wishes to exercise this right should complete the LETS Standard Request Form for Removal of Data and send it to the General Manager. This request should be made in writing using the Standard Form to Access Data (see appendix).

LETS aims to comply with requests for access to personal information as quickly as possible but will ensure that it is provided within one month 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.

Subject Consent

Issue and version DataProtectionGDPRNo:2 v1	Date: 05/12/19	Review Date: 05/12/20	Authorised: Operations Director
Policies and Procedures will be reviewed annually unless changes in legislation or practices occur prior to the annual review when updates will be made.			



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

LETS also has a duty of care to all staff and learners and must therefore make sure those employees and those who use LETS facilities do not pose a threat or danger to other users.

LETS will also ask for information about particular health needs, such as allergies to particular forms of medication, or any conditions such as asthma or diabetes. LETS will only use the information in the protection of the health and safety of the individual but will need consent to process in the event of a medical emergency, for example.

All prospective staff and learners will be asked to sign either an appropriate HR form or an individual document regarding particular types of information when an offer of employment or a course place is made. A refusal to sign such documents may result in the offer being withdrawn.

LETS as a corporate body is the data controller under the Act, and the Board is therefore ultimately responsible for implementation. However, the designated data controller will deal with day-to-day matters.

The nominated Data Protection Coordinator is the Operations Director, Avtar Jagdev. In the event of the General Manager being unavailable, the nominated Deputy is Aman Sindhu.

Conclusion

Compliance with the 2018 Act is the responsibility of all members of LETS. Any breach of the data protection policy may lead to disciplinary action being taken, access to LETS being withdrawn, or even a criminal prosecution. Any questions or concerns about the interpretation of this policy should be referred to your line manager.

Issue and version DataProtectionGDPRNo:2 v1	Date: 05/12/19	Review Date: 05/12/20	Authorised: Operations Director
Policies and Procedures will be reviewed annually unless changes in legislation or practices occur prior to the annual review when updates will be made.			



Appendix STANDARD REQUEST FORM FOR ACCESS TO DATA

I, wish to have access to either:

1) All the data that LETS currently has about me, either as part of an automated system or part of a relevant filing system; or

2) Data that LETS has about me in the following categories:

- Academic marks or course work details
- Academic or employment references
- Disciplinary records
- Health and medical matters
- Political, religious or trade union information
- Any statements of opinion about my abilities or performance
- Personal details including name, address, date of birth etc
- Other information

(Please tick as appropriate)

Signed:

Dated:

Issue and version DataProtectionGDPRNo:2 v1	Date: 05/12/19	Review Date: 05/12/20	Authorised: Operations Director
Policies and Procedures will be reviewed annually unless changes in legislation or practices occur prior to the annual review when updates will be made.			



Appendix STANDARD REQUEST FORM FOR REMOVAL OF DATA

I,wish to make a request for removal of my data under Right to be Forgotten as per GDPR:

1) All the data that LETS currently has about me, either as part of an automated system or part of a relevant filing system; or

2) Data that LETS has about me in the following categories:

- Academic marks or course work details
- Academic or employment references
- Disciplinary records
- Health and medical matters
- Political, religious or trade union information
- Any statements of opinion about my abilities or performance
- Personal details including name, address, date of birth etc
- Other information

(Please tick as appropriate)

Signed:

Dated:

This policy will be updated as necessary and at least annually.

Issue and version DataProtectionGDPRNo:2 v1	Date: 05/12/19	Review Date: 05/12/20	Authorised: Operations Director
Policies and Procedures will be reviewed annually unless changes in legislation or practices occur prior to the annual review when updates will be made.			



Issue and version DataProtectionGDPRNo:2 v1	Date: 05/12/19	Review Date: 05/12/20	Authorised: Operations Director
Policies and Procedures will be reviewed annually unless changes in legislation or practices occur prior to the annual review when updates will be made.			