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# Data Protection Policy

<b>Distribution</b>	All Staff		
<b>Reference Number</b>	DP 20	<b>Version</b>	2.0
<b>Author</b>	Saul Muscat, Head of Enrolments (DPO)		
<b>Reviewed by</b>	Peter Faulkner, IT Manager		
<b>Authorised by</b>	Luke Muscat, Group CEO		
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## DOCUMENT CONTROL

Version	Name	Comment	Date
1.0	L. Muscat	New Issue	31/11/2018
1.0	L. Muscat	Review	02/11/2019
1.1	A Dann	Updated- use of digital devices is prohibited to only the use of B2W property/ SAR	01/12/2019
1.1	S. Seddon	Review	15/12/2020
1.1	S. Muscat	Review	06/01/2022
1.1	P. Faulkner	Review	13.01.2023
2.0	Ben Waite	Review and updated to Group Policy	29/09/2023

*For the purpose of clarity, the term "B2W" refers to the family of B2W Group organisations – Back to Work Complete Training and Just IT*



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## DATA PROTECTION POLICY

### 1. INTRODUCTION

B2W needs to keep certain information about employees, learners and other users to allow it to monitor for example performance, achievement 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 used fairly, stored safely and not disclosed to any other person unlawfully

### 2. DEFINITIONS

DPO	Data Protection Officer
Data Controller	a person, public authority, agency or other body which (either alone or jointly or in common with other persons) determines the process for which and the manner in which any personal data are, or are to be, processed
Data Processor	any person, public authority, agency or other body which processes the data on behalf of the data controller
Data Regulator	the regulator is the Information Commissioners Office
Data Subject	the individual whose data we are processing
Funding Agencies	These are the bodies that we receive funding from to provide education. These include Educations Skills Funding Agency and Higher Education Funding Council for England.
GDPR	General Data Protection Regulations
Personal Data	data which relates to a living individual who can be identified and includes any expression of opinion about the individual and any indication of the intentions of the data controller or any other person in respect of the individual.



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Processing	any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.
Special Category Data	personal data relating to the subject’s racial or ethnic origin; political opinions; religious beliefs or other beliefs of a similar nature; membership of a trade union; physical or mental health or condition; sexual life; or any offence, alleged offence or proceedings disposal of such proceedings or the sentence of any court in such proceedings. Additional rules apply in relation to the disclosure of such data.
Subject Access Request	a written, signed request from an individual to the Data Protection Officer to see information held on them.
Act	Data Protection Act 2018

### 3. LEGAL

B2W has allocated the responsibility of Data Protection Officer (DPO) to Saul Muscat – Head of Enrolments, who will endeavour to ensure that all personal data is processed in compliance with this Policy and the Principles of the Data Protection Act 2018, The Freedom of Information Act 2000 and the Protection of Freedoms Act 2012.

### 4. PRINCIPLES

B2W has a legal duty to ensure compliance with the principles of the Data Protection Act 2018

#### Principle 1 Lawfulness, fairness and transparency

Transparency:	Tell the subject what data processing will be done
Fair:	What is processed must match up with how it has been described
Lawful:	Processing must meet the tests described in GDPR [article 5, clause 1(a)]

#### Principle 2 Purpose limitations

Personal data can only be obtained for “specified, explicit and legitimate purposes” [article 5, clause 1(b)]. Data can only be used for a specific processing purpose that the subject has been made aware of and no other, without further consent.

#### Principle 3 Data minimisation



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Data collected on a subject should be “adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed” [article 5, clause 1(c)]. In other words, no more than the minimum amount of data should be kept for specific processing.

#### **Principle 4 Accuracy**

Data must be “accurate and where necessary kept up to date” [article 5, clause 1(d)]. Baselineing ensures good protection and protection against identity theft. Data holders should build rectification processes into data management / archiving activities for subject data.

#### **Principle 5 Storage limitations**

Regulator expects personal data is “kept in a form which permits identification of data subjects for no longer than necessary” [article 5, clause 1(e)]. In summary, data no longer required should be removed.

#### **Principle 6 Integrity and confidentiality**

Requires processors to handle data “in a manner [ensuring] appropriate security of the personal data including protection against unlawful processing or accidental loss, destruction or damage” [article 5, clause 1(f)].

B2W and all staff or others who process or use any personal information must ensure that they follow these principles at all times.

### **5. COLLECTING DATA**

B2W will be undertaking an approach to data processes that promotes privacy and data protection compliance from the start (privacy by design). All new processes and systems using data should be designed with privacy in mind and a Privacy Impact Assessment (PIA) carried out where appropriate. Please contact DPO for an assessment.

B2W will review on an ongoing basis all personal and special categories of personal data that is collected to ensure that there is a legitimate business reason to justify its collection and processing. When collecting personal and special categories of personal data, B2W will conduct informal impact assessments which weigh up those business interests against the interests of the data subject which will be a means of demonstrating a reasoned and balanced approach. On collection of personal and special categories of personal data, B2W will ensure that consent is freely given, and data subjects have access to our approach to processing, sharing and retaining data. B2W will ensure any digital and video images can only be recorded on a device belonging to the organisation. Use of personal devices is strictly prohibited. Staff members should be encouraged to use digital and video images to promote the quality of their teaching and learning but are also educated about the risks.



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## 6. PROCESSING DATA

When processing data B2W will ensure one of the (below) lawful bases for processing as set out in Article 6 of the GDPR applies:

- (a) Consent:** the individual has given clear consent for you to process their personal data for a specific purpose.
- (b) Contract:** the processing is necessary for a contract you have with the individual, or because they have asked you to take specific steps before entering into a contract.
- (c) Legal obligation:** the processing is necessary for you to comply with the law (not including contractual obligations).
- (d) Vital interests:** the processing is necessary to protect someone's life.
- (e) Public task:** the processing is necessary for you to perform a task in the public interest or for your official functions, and the task or function has a clear basis in law.
- (f) Legitimate interests:** the processing is necessary for your legitimate interests or the legitimate interests of a third party unless there is a good reason to protect the individual's personal data which overrides those legitimate interests. (This cannot apply if you are a public authority processing data to perform your official tasks.)

We will ensure that it gives employees appropriate instructions regarding how they are to handle personal data on the institution's behalf. This will include:

- if they can share the information and how they do this securely
- processing in line with appropriate consent
- how they store information securely
- how they can respond to questions, concerns or incidents

Data will only be processed in line with its original purpose for collection unless there is a legal basis or further consent is gained. All data subjects will be able to access the information that B2W holds on them to ensure its accuracy, to correct their data or to withdraw consent at any time (where consent has been asked for).

## 7. SHARING DATA WITH PARTNERS

Personal and/or Special Category data will only be shared with third party organisations where there is a legitimate purpose; data subjects have been informed with the relevant level of consent has been sought. When sharing personal and/or special category data with other organisations we will ensure that this is done by secure means ensuring it can only be accessed by the intended recipient. For organisations that we share personal and/or special category data we will seek assurance that their approach to processing personal and/or special category data is compliant with the act.



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## 8. RETENTION OF DATA

B2W will ensure that the data held will be strictly "limited to the minimum necessary". This will mean that data will only be retained for a period that is necessary for business or legal purposes. For the full details of how long B2W will retain data please see our Document Retention Schedule.

## 9. SUBJECT ACCESS REQUESTS (SAR)

### **Individuals have the right to obtain the following from B2W**

- confirmation that you are processing their personal data;
- a copy of their personal data; and
- other supplementary information.

### **Personal data of the individual**

- An individual is only entitled to their own personal data, and not to information relating to other people (unless the information is also about them, or they are acting on behalf of someone).

### **Other information**

### **In addition to a copy of their personal data, B2W have to provide individuals with the following information:**

- the purposes of B2Ws processing;
- the categories of personal data concerned;
- the recipients or categories of recipient B2W disclose the personal data to;
- B2Ws retention period for storing the personal data
- the existence of their right to request rectification, erasure or restriction or to object to such processing;
- the right to lodge a complaint with the ICO or another supervisory authority;
- information about the source of the data, where it was not obtained directly from the individual;
- the existence of automated decision-making (including profiling); and
- the safeguards you provide if you transfer personal data to a third country or international organisation.

### **B2W requests**

- The Act does not specify how to make a valid request. Therefore, an individual can make a subject access request to B2W verbally or in writing. It can also be made to any part of the organisation (including by social media) and does not have to be to a specific person or contact point. All SARs requests will be raised by staff to DPO and dealt with by the DPO.
- A request does not have to include the phrase 'subject access request' as long as it is clear that the individual is asking for their own personal data.
- Staff will be trained in order to identify a subject request, recording details of the requests received, particularly those made by telephone or in person in the SAR log held with the DPO.
- Requests can be made electronically, especially where personal data are processed by electronic means
- If an individual makes a request electronically, B2W will provide the information in a commonly used electronic format, unless the individual requests otherwise.

### **Contents of the information B2W send to the individual**

- The Act requires that the information B2W provide to an individual is in a concise, transparent, intelligible and easily accessible form, using clear and plain language.

### **Fees**

- In most cases B2W cannot charge a fee to comply with a subject access request.
- Where the request is manifestly unfounded or excessive B2W may charge a "reasonable fee" for the administrative costs of complying with the request.
- B2W can charge a reasonable fee if an individual requests further copies of their data following a request. This fee will be based on the administrative costs of providing further copies.

### **Time limits for response**

- B2W must act on the subject access request without undue delay and at the latest within one month of receipt.
- B2W will calculate the time limit from the day after they have received the request (whether the day after is a working day or not) until the corresponding calendar date in the next month.

### **Extensions**

- B2W can extend the time to respond by a further two months if the request is complex or B2W have received a number of requests from the individual. B2W must let the individual know within one month of receiving their request and explain why the extension is necessary.



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## Requests made on behalf of others

- The GDPR does not prevent an individual making a subject access request via a third party. Often, this will be a solicitor acting on behalf of a client, but it could simply be that an individual feels comfortable allowing someone else to act for them. In these cases, B2W need to be satisfied that the third party making the request is entitled to act on behalf of the individual, but it is the third party's responsibility to provide evidence of this entitlement. This might be a written authority to make the request, or it might be a more general power of attorney.

## Data includes information about other people

- Responding to a subject access request may involve providing information that relates both to the individual making the request and to another individual.
- The Act says that B2W do not have to comply with the request if it would mean disclosing information about another individual who can be identified from that information, except if:
  - the other individual has consented to the disclosure; or
  - it is reasonable to comply with the request without that individual's consent.

## How a request is made

A request can be made via [dpo@B2Wgroup.com](mailto:dpo@B2Wgroup.com)

## 10. RIGHTS OF DATA SUBJECTS

We are committed to ensuring all data subjects are able to exercise their rights under the regulation and below details how we uphold these rights:

<b>Right to be informed</b>	Privacy statements clearly set out our approach to how and why we process data.
<b>Right of access</b>	All requests to access personal and/or special category data must be made in writing to the Data Protection Officer. These will be responded to within one calendar month.
<b>Right to rectification</b>	All requests in the first instance should be directed to the relevant department, i.e. Central Administration Team for learners, Human Resources for staff.
<b>Right to erasure</b>	All requests to erase personal and/or special category data must be made in writing to the Data Protection Officer. These will be responded to within one calendar month.
<b>Right to restrict Processing</b>	All requests in the first instance should be directed to the relevant department, i.e. Central Administration Team for learners, Human Resources for staff.





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**Right to data portability** All requests data portability must be made in writing to the Data Protection Officer. These will be responded to within one calendar month.

**Right to object** In the B2W's data collection processes and communications with data subjects, we will ensure it is clear how to exercise their right to object. All requests in the first instance should be directed to the relevant department, i.e. Central Administration Team for learners, Human Resources for staff.

## 11. KEEPING PERSONAL DATA SECURE

All staff are responsible for ensuring that:

- any personal data which they hold is kept securely; and
- personal information is not disclosed to any unauthorised third party (orally, in writing or electronically).

Staff should note that unauthorised disclosure will usually be a disciplinary matter.

When not in use, personal information should normally be:

- kept in a locked filing cabinet /drawer; or lockable archive room
- all electronic data must be stored on an approved company device or network storage facility with appropriate protection in place in line with the organisations Information Security Policy.
- Electronic data should never be stored on removable devices without explicit permission from a Senior Manger and the DPO.

When Transferring data from one place to another:

- Users must be reassured that when any data is to be transferred, they have validated the authenticity of the recipient and that any processing of data will be done so under a lawful basis.
- Any personal data being transferred electronically must be encrypted prior to transmission.
- Any data transferred in paper-based format must be approved by the DPO in advance and extra precautions should be taken to avoid data loss, for example only using tracked courier services and tamper proof packaging whilst in transit.

**In respect of their own personal data, staff have a responsibility to;**

- ensure that any information they provide to B2W in connection with their employment is accurate and up to date; and
- inform B2W of any changes to information that they have provided, e.g. change of address.

## 12. LEARNERS



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Learners must ensure that all personal data provided to B2W is accurate and up to date. They must ensure that any changes in personal details such as change of address are notified to the appropriate person - normally their tutor.

**13. DIRECT MARKETING** (the communication by whatever means of any advertising or marketing material which is directed to individuals)

Under the Act an individual has the right to prevent his/her personal data being processed for direct marketing. An individual can, at any time, give written notice to stop (or not begin) using their personal data for direct marketing. Any individual can exercise this right, and if the company receives a notice then it must comply within a reasonable period.

Any marketing campaign should be permission-based with a clear explanation of what an individual's details will be used for and a simple way should be included for an individual to opt out of marketing messages.

**14. COMPLAINTS**

The Company is dedicated to being compliant with the Act. Individuals, any member of staff or a learner wishing to report concerns relating to the Act should, in the first instance, contact the following member of staff who as the company's Data Protection Officer will aim to resolve any issue: [dpo@B2Wgroup.com](mailto:dpo@B2Wgroup.com)

***B2W Group is registered as a Data Processor with the Information Commissioners Office under registration number Z3300007***