



DATA PROTECTION & GDPR

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Skylark Plus is committed to a policy of protecting the rights and privacy of individuals, including pupils, staff and others, in accordance with the DPA.

Skylark Plus is registered with the Information Commissioner's Office under the reference number: ZB360995

The data controller is the Director.

Skylark Plus needs to process certain information about its directors, Young People and other individuals with whom it has a relationship for various purposes such as, but not limited to:

- the recruitment and payment of staff
- the administration of programmes of study
- the recording of a student's progress
- agreeing awards
- collecting fees
- complying with legal obligations to funding bodies and government

To comply with various legal obligations, including the obligations imposed on it by the Data Protection Act, 2018, Skylark Plus must ensure that all this information about individuals is collected and used fairly, stored safely and securely, and not disclosed to any third party unlawfully.

Policy Procedures

Compliance

This policy applies to all involved with Skylark Plus. Any breach of this policy, or of the Act itself will be considered an offence and the Centres disciplinary procedures will be invoked.

As a matter of best practice, other agencies and individuals working with Skylark Plus, and who have access to personal information, will be expected to read and comply with this policy. It is expected that departments who are responsible for dealing with external bodies will take the responsibility for ensuring that such bodies sign a contract which among other things will include an agreement to abide by this policy.

This policy will be updated as necessary to reflect best practice in data management, security and control and to ensure compliance with any changes or amendments to the DPA and other relevant legislation.

The Data Protection Act 2018 and UK GDPR

This piece of legislation came into force in May 2018. The DPA regulates the processing of personal data, and protects the rights and privacy of all living individuals (including children), for example by giving all individuals who are

the subject of personal data a general right of access to the personal data which relates to them. Individuals can exercise the right to gain access to their information by means of a 'subject access request'. Personal data is information relating to an individual and may be in hard or soft copy (paper/manual files; electronic records; photographs; CCTV images), and may include facts or opinions about a person.

Responsibilities under the DPA

The Director of Skylark Plus will be the 'data controller' under the terms of the legislation – this means it is ultimately responsible for controlling the use and processing of the personal data.

The Director of the Centre is responsible for all day-to-day data protection matters, and s/he/they will be responsible for ensuring that all members of staff and relevant individuals abide by this policy, and for developing and encouraging good information handling within the centre.

The Director is also responsible for ensuring that the centre's notification is kept accurate. Details of the centre's notification can be found on the Office of the Information Commissioner's website (www.ico.gov.uk).

Compliance with the legislation is the personal responsibility of all members of the centre who process personal information.

Individuals who provide personal data to the centre are responsible for ensuring that the information is accurate and up-to-date.

Data Protection Controller

The legislation places a responsibility on every data controller to process any personal data in accordance with the eight principles. More detailed guidance on how to comply with these principles can be found in the CoP. In order to comply with its obligations, Skylark Plus undertakes to:

Process personal data fairly and lawfully

Skylark Plus will make all reasonable efforts to ensure that individuals who are the focus of the personal data (data subjects) are informed of the identity of the data controller; the purposes of the processing; any disclosures to third parties that are envisaged; given an indication of the period for which the data will be kept, and any other information which may be relevant.

Process the data for the specific and lawful purpose for which it collected that data, and not further process the data in a manner incompatible with this purpose

Skylark Plus will ensure that the reason for which it collected the data originally is the only reason for which it processes those data, unless the individual is informed of any additional processing before it takes place.

Ensure that the data is adequate, relevant and not excessive in relation to the purpose for which it is processed

Skylark Plus will not seek to collect any personal data which is not strictly necessary for the purpose for which it was obtained. Forms for collecting data will always be drafted with this in mind. If any irrelevant data are given by individuals, they will be destroyed immediately.

Keep personal data accurate and, where necessary, up to date

Skylark Plus will review and update all data on a regular basis. It is the responsibility of the individuals giving their personal data to ensure that this is accurate, and each individual should notify the centre if, for example, a change in circumstances means that the data needs to be updated. It is the responsibility of the centre to ensure that any notification regarding the change is noted and acted on.

Only keep personal data for as long as is necessary

Skylark Plus undertakes not to retain personal data for longer than is necessary to ensure compliance with the legislation, and any other statutory requirements. This means Skylark Plus will undertake a regular review of the information held and implement a weeding process when, e.g. pupils or a member of staff leaves the centre.

Skylark Plus will dispose of any personal data in a way that protects the rights and privacy of the individual concerned (e.g. secure electronic deletion; shredding and disposal of hard copy files as confidential waste).

Process personal data in accordance with the rights of the data subject under the legislation

Individuals have various rights under the legislation including:

- a right to be told the nature of the information the centre holds and any parties to whom this may be disclosed
- a right to prevent processing likely to cause damage or distress
- a right to prevent processing for purposes of direct marketing

- a right to be informed about the mechanics of any automated decision taking process that will significantly affect them
- a right not to have significant decisions that will affect them taken solely by automated process
- a right to sue for compensation if they suffer damage by any contravention of the legislation
- a right to take action to rectify, block, erase, or destroy inaccurate data
- a right to request that the Office of the Information Commissioner assess whether any provision of the Act has been contravened

Skylark Plus will only process personal data in accordance with individuals' rights.

Skylark Plus will put appropriate technical and organisational measures in place against unauthorised or unlawful processing of personal data, and against accidental loss or destruction of data

All members of staff are responsible for ensuring that any personal data which they hold is kept securely and not disclosed to any unauthorised third parties.

Skylark Plus will ensure that all personal data is accessible only to those who have a valid reason for using it.

Skylark Plus will have in place appropriate security measures e.g.

- ensuring that hard copy personal data is kept in lockable filing cabinets/ cupboards with
- controlled access (with the keys then held securely in a key cabinet with controlled access)

- keeping all personal data in a lockable room with key-controlled access
- password protecting personal data held electronically
- archiving personal data on disks which are then kept securely (lockable cabinet)
- placing any PCs or terminals, CCTV camera screens etc that show personal data so that they are not be visible except to authorised staff
- ensuring that PC screens are not left unattended without a password protected screen-saver being used.

In addition, Skylark Plus will put in place appropriate measures for the deletion of personal data – manual records will be shredded or disposed of as ‘confidential waste’, and appropriate contract terms will be put in place with any third parties undertaking this work. Hard drives of redundant PCs will be wiped clean before disposal, or, if that is not possible, destroyed physically.

This policy also applies to staff and pupils who process personal data ‘off-site’, e.g. when working at home, and in such circumstances additional care must be taken regarding the security of the data.

Ensure that no personal data is transferred to a country or a territory outside the European Economic Area unless that country or territory ensures adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data

Skylark Plus will not transfer data to such territories without the explicit consent of the individual.

This also applies to publishing information on the Internet – because transfer of data can include placing data on a website that can be accessed from outside the EEA – so Skylark Plus will always seek the consent of individuals before placing any personal data (including photographs) on its website.

If the centre collects personal data in any form via its website, it will provide a clear and detailed privacy statement prominently on the website, and wherever else personal data is collected.

Consent as a basis for processing

Although it is not always necessary to gain consent from individuals before processing their data, it is often the best way to ensure that data is collected and processed in an open and transparent manner.

Consent is especially important when Centres are processing any sensitive data, as defined by the legislation.

Skylark Plus understands consent to mean that the individual has been fully informed of the intended processing and has signified their agreement (e.g. via signing a form), whilst being of a sound mind and without having any undue influence exerted upon them. Consent obtained on the basis of misleading information will not be a valid basis for processing. Consent cannot be inferred from the non-response to a communication.

Skylark Plus will ensure that any forms used to gather data on an individual will contain a statement (fair collection statement) explaining the use of that data, how the data may be disclosed, and also indicate whether or not the individual needs to consent to the processing.

Skylark Plus will ensure that if the individual does not give his/ her consent for the processing, and there is no other lawful basis on which to process the data, then steps will be taken to ensure that processing of that data does not take place.

Subject Access Rights (SARs)

Individuals have a right to access any personal data relating to them which are held by the centre. Any individual wishing to exercise this right should apply in writing to the Director of the centre.

Disclosure of Data

Only disclosures which have been notified under the centre's DP notification must be made and therefore staff and pupils should exercise caution when asked to disclose personal data held on another individual or third party. Skylark Plus undertakes not to disclose personal data to unauthorised third parties, including family members, friends, government bodies, and in some circumstances, the police.

Legitimate disclosures may occur in the following instances:

- the individual has given their consent to the disclosure
- the disclosure has been notified to the OIC and is in the legitimate interests of the centre
- the centre is legally obliged to disclose the information
- the disclosure is required for the performance of a contract

There are other instances when the legislation permits disclosure without the consent of the individual. For detailed guidance on disclosures see the CoP.

In no circumstances will Skylark Plus sell any of its databases to a third party.

Publication of centre information

Skylark Plus publishes various items which will include some personal data, e.g.

- event information
- staff information
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It may be that in some circumstances an individual wishes their data processed for such reasons to be kept confidential, or restricted to internal centre access only. Therefore it is Skylark Plus's policy to offer an opportunity to opt-out of the publication of such when collecting the information.

Staff records pertaining to individual staff will remain of a confidential nature between the Director and the member of staff.

Email

It is the aim of Skylark Plus to develop an email signature that informs senders and recipients of email that under the DPA, and Freedom of Information legislation, the contents of emails may have to be disclosed in response to a request for information. One means by which this will be communicated will be by a disclaimer on the centre's email.

Under the Regulation of Investigatory Powers Act 2000, Lawful Business Practice Regulations, any email sent to or from the centre may be accessed by someone other than the recipient for system management and security purposes.

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