

GDPR POLICY

Introduction

The Enamel Learning (NEBDN registered training provider) is required to keep certain information about employees, students and other users to allow it to monitor performance, achievements, health and safety, recruitment etc.

The Enamel Learning also has legal obligations to submit data to government funding bodies / agencies.

To comply with the law, information must be used fairly, stored safely and not be disclosed to any person unlawfully.

To do this, the Enamel Learning must comply with the Data Protection Principles which are set out in the Data Protection Act 2018

<https://www.legislation.gov.uk/ukpga/2018/12/contents/enacted>

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.
- Be adequate, relevant and not excessive for those purposes.
- Be accurate and kept up to date.
- Not be kept for longer than is necessary for that purpose.
- Be processed in accordance with the data subject's rights.
- Be kept safe from unauthorized 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.

The Enamel Learning and all staff who process or use any personal information must ensure that they follow these principles at all times. In order to ensure that this happens, the training provider has developed this Data Protection Policy.

Status of the Policy

This policy does not form part of the formal contract of employment, but it is a condition of employment that employees will abide by the rules and policies made by the Enamel Learning from time to time.

Any failure to follow the policy can therefore result in disciplinary proceedings.

Any member of staff who considers that the policy has not been followed in respect of personal data about themselves should raise the matter with the Data Controller initially.

If the matter is not resolved it should be raised as a formal grievance. Notification of Data Held and Processed All staff, students and other users are entitled to

- Know what information the Enamel Learning holds and processes about them and why.
- Know how to gain access to it.
- Know how to keep it up to date.
- Know what the Enamel Learning is doing to comply with its obligations under the 1998 Act.

The Enamel Learning will update staff data at least annually.

Students' data is updated annually through the enrolment process.

Responsibilities of Staff

- To check that any information that they provide to the provider in connection with their employment is accurate and up to date.
- To inform the Enamel Learning of any changes to information, which they have provided. i.e., changes of address.
- Checking the information that the Enamel Learning will send out from time to time, giving details of information kept and processed about staff.
- To inform the Enamel Learning of any errors or changes.

The Enamel Learning cannot be held responsible for any errors that have not been notified.

If and when, as part of their responsibilities, staff collect information about other people, (e.g. about students' course work, opinions about ability, references to other academic institutions, or details of personal circumstances), they must comply with the guidelines for staff.

Data Security

All staff are responsible for ensuring that:

- Any personal data which they hold is kept securely.
- Personal information is not disclosed either orally or in writing or accidentally or otherwise to any unauthorised third party.

Staff should note that unauthorised disclosure will usually be a disciplinary matter, and may be considered gross misconduct in some cases.

Personal information should be

- Kept in a locked filing cabinet; or
- In a locked drawer; or
- If it is computerized, be password protected; or
- Stored only on disk which is itself secure.

Student Obligations

Students must ensure that all personal data provided to the Enamel Learning is accurate and up to date.

They must ensure that changes of address, etc. are notified to student services or another person as appropriate.

Rights to Access Information

Staff, students and other users of the Enamel learning 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 Enamel Learning "Access to Information" form and hand it in to student services, who will forward it to the Data Protection Officer.

In order to gain access, an individual may wish to receive notification of the information currently being held.

This request should be made in writing using the standard form attached.

The Enamel Learning will make no charge for the first occasion that access is requested, but may make a charge of £10 per each subsequent request at its discretion.

The Enamel Learning 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.

Publication of Enamel Learning Information

Information that is already in the public domain is exempt from the Data Protection Act 2018.

It is our policy to make as much information public as possible, and in particular the following information will be available to the public for inspection:

- Names of Enamel Learning governors and register of interests of Governing Body members and senior staff with significant financial responsibilities (for inspection during office hours only)
- List of key staff
- Photographs of key staff
- Information on examination results

The enamel Learning internal phone list is not a public document.

Subject Consent

In many cases, the Enamel Learning 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 the Enamel Learning processing some specified classes of personal data is a condition of acceptance of a student onto any course, and a condition of employment for staff.

This includes information about previous criminal convictions.

The Enamel Learning has a duty under the Children Act and other enactments to ensure that staffs are suitable for the job, and students for the courses offered.

The Enamel Learning also has a duty of care to all staff and students and must therefore make sure that employees and those who use our facilities do not pose a threat or danger to other users.

The Enamel learning 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.

The Enamel Learning 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.

Processing Sensitive Information

Sometimes it is necessary to process information about a person's health, criminal convictions,

race and gender and family details.

This may be to ensure the Enamel learning is a safe place for everyone, or to operate other policies, such as the sick pay policy or equal opportunities policy.

Because this information is considered sensitive, and it is recognised that the processing of it may cause particular concern or distress to individuals, staff and students will be asked to give express consent for the Enamel Learning to do this.

Offers of employment or course places may be withdrawn if an individual refuses to consent to this, without good reason.

More information about this is available from the Data Controller. The Data Controller the Enamel Learning as a body corporate is the Data Controller under the Act, and the board is therefore ultimately responsible for implementation. However, there is a designated Data Protection Officer that deals with data protection issues and requests.

The first point of contact for enquiries is:

Data Protection Officer

MS Saba Arif

0800 689 1061

info@enamellearning.co.uk

Examination Marks

Students will be entitled to information about their marks for both coursework and examinations. However, this may take longer than other information to provide.

The Enamel Learning may withhold certificates, accreditation or references in the event that the full course fees have not been paid, or all books and equipment returned to us.

Retention of Data

The Enamel Learning will keep some forms of information no longer than 3 years.

Because of data retention legislation, information about students will not be kept indefinitely, unless there are specific requests to do so.

A list is attached of the archiving guidelines and retention time spans employed by the Enamel Learning.

Disposal of Data

When personal data is no longer required, or has passed its retention date, paper records must be shredded.

If there is a significant amount of material which cannot be dealt with by normal shredding machines, the facilities helpdesk should be contacted for a secure shredding bag which can be topped up and shredded by the Enamel learning agreed third party. Computerised records must be permanently deleted, with particular care taken that 'hidden' data cannot be recovered.

The IT Helpdesk can advise on permanent deletion of computerised records.

Conclusion

Compliance with the 1998 Act is the responsibility of all members of the enamel Learning. Any deliberate breach of the data protection policy may lead to disciplinary action being taken, or access to our facilities being withdrawn, or even a criminal prosecution. Any questions or concerns about the interpretation or operation of this policy should be taken up with the Data Protection Officer.