



orchard  
Education

# Data Protection Policy

Reviewed in line with GDPR regulations May 2018  
Staff and Learner

Orchard Education Ltd  
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# Data Protection Policy

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## Definitions

- **Data** – information which is, or will be processed, including but not limited to written information, photographs and voice recordings. All manual data shall be deemed to be data for the purposes of this policy
- **Data Subject** – any individual who is the subject of the personal data.
- **Data Controller** – a person or an organisation (the School) who determines the purposes for which and the manner in which personal data is, or will be, processed.
- **Data Processor** – a third part or organisation (other than an employee of the Data Controller) who processes data on behalf of a Data Controller
- **Personal Data** – any Data relating to a living individual who can be identified from that Data or who is identifiable by combining the Data with other information available to the Data Controller (e.g. phone numbers and other contact information, photographs, video etc).
- **Sensitive Personal Data** – personal data consisting of information regarding the Data Subject's racial/ethnic origin, political opinions, religious/beliefs, membership of a trade union, physical or mental health or condition, details of sexuality, commission or alleged commission of any offence and/or information relating to any proceedings and sentence for any committed or alleged offence of the Data Subject.

- **Process(ing)** – obtaining, recording or holding data, or carrying out any operation(s) on data, including organising, adapting, altering retrieving, disclosing, erasure, destruction and combining with other information.

## **Introduction**

Orchard Education Limited needs to keep certain information about its employees, students and other users to allow it to monitor performance, achievements, and health and safety, for example.

It is also necessary to process information so that the Centre can comply with its legal obligations and staff can be recruited and paid.

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, Orchard Education Limited must comply with the Data Protection Principles which are set out in the Data Protection Act 2018.

Data shall;

- ❖ Be obtained and processed fairly and lawfully and in a transparent manner 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 that purpose.
- ❖ 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 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.

Orchard Education Limited and all staff or others who process or use personal information must ensure that they follow these principles at all times. In order to ensure that this happens, the Centre has developed this Data Protection Policy in line with GDPR regulations.

## **Status of this Policy**

This policy does not form part of any formal contract of employment for staff, or the formal offer of a place for study for students, but it is a condition of employment or study that employees and students will abide by the rules and policies made by the Centre from time to time. Any failures to follow the policy can therefore result in disciplinary proceedings.

## **Types of Information Processed**

We process personal information to enable us to provide education, training, welfare and educational support services, to administer school property; maintaining accounts and records, support and manage our employees. We also use CCTV for security and crime detection and prevention.

Relevant Types/Classes of information may include:

- Personal details
- Family details
- Lifestyle and social circumstances
- Education and employment
- Financial details
- Goods and services
- Disciplinary and attendance records
- DBS/vetting checks
- Visual images, personal appearance and behaviour

Sensitive information may include:

- Physical or mental health details
- Racial or ethnic origin
- Religious or other beliefs
- Trade union membership
- Sexual life
- Information about offences and alleged offences

Personal information about may include:

- Employees
- Students/pupils
- Professional experts and advisers
- Members of school boards
- Suppliers and service providers
- Complainants, enquirers
- Individuals captured by CCTV

Sometimes it is necessary to share information and this will be done in line with the Data Protection Act 2018

This information may be shared with:

- Family, associates and representatives of the data subject
- Educators and awarding bodies
- Local and central government
- Healthcare, social and welfare organisations
- Police and courts
- Current, past or prospective employers
- Business associates and professional advisors
- Suppliers and service providers
- Financial organisations
- Press/Media
-

## The Data Controller and the Designated Data Processors

The Centre is a Limited Company and is the Data Controller under the Data Protection Act 2018, and the Directors are therefore ultimately responsible for implementation. However, the Designated Data Controllers and the Data Processor (Operations Support Manager) will deal with day-to-day matters.

The Data Controller (Orchard) is serviced by the Managing Director and the Director of Operations.

Any member of staff, student, applicant or other individual who considers that the Policy has not been followed in respect of personal data about themselves should raise the matter with the appropriate Designated Data Controller, who would be:

- ✚ For Pre-16 students: The Director of Operations
- ✚ For staff: The Managing Director
- ✚ For all others: The Managing Director

## Responsibilities of Staff

All staff are responsible for:

- ✓ Checking that any information that they provide to the Centre in connection with their employment is accurate and up to date.
- ✓ Informing the Centre of any changes to information that they have provided, e.g. changes of address, either at the time of appointment or subsequently. The Centre cannot be held responsible for any errors unless the staff member has informed the Company of such changes.
- ✓ Handle data in line with procedure

If and when, as part of their responsibilities, staff collect information about other people (e.g. about a student's course work, opinions about ability, references to other academic institutions, or details of personal circumstances), they must comply with Orchard Data Protection Policy and the Data Protection Act 2018.

## Student Obligations

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

They must ensure that changes of address etc. are notified to the centre administration officer.

Students who may from time to time process personal data as part of their studies must notify their tutor/trainer/assessor, who should inform the centres' Data Processor, and must comply with the guidelines for data collection and security as set out in this policy, as well as the Data Protection Act 2018.

## Data Security

All staff are responsible for ensuring that:

- Any personal data that they hold is kept securely and in line with DPA 2018
- Personal information is not disclosed either orally or in writing or via Web pages (such as social networking activity) or by any other means, 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, drawer, or safe;

or

- If it is computerised, be coded, encrypted or password protected both on a local hard drive and on a network drive that is regularly backed up;

and

- If a copy is kept on any removable storage media, that media must itself be kept in a locked filing cabinet, drawer, or safe.
- Any data being sent via email attachments must be individually encrypted and passwords sent in separate emails.

## **Rights to Access Information**

All staff, students and other users are entitled to:

- ✓ Know what information the Centre 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 Centre is doing to comply with its obligations under the 2018 Act.

All staff, students and other users have a right under the Data Protection Act 2018 to access certain personal data being kept about them either on computer or in certain files. Any person who wishes to exercise this right should lodge a request with the appropriate Designated Data Controller (see above).

The Centre aims to comply with requests for access to personal information as quickly as possible and will ensure that it is provided within 21 days, whereas by the 2018 Act, it is a requirement to supply the requested information within 40 days.

## **Subject Consent**

In many cases, the Centre can only process personal data with the consent of the individual. In some cases, if the data is sensitive, as defined in the 2018 Act, express consent must be obtained. Agreement to the Centre 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. Some jobs or courses will bring the applicants into contact with children, including young people between the ages of 5 and 18. The College has a duty under the Children Act 1989 and other enactments to ensure that staff are suitable for the job, and students for the courses offered. The Centre also has a duty of care to all staff and students and must

therefore make sure that employees and those who use Centre facilities (such as sub-contractors/visitors do not pose a threat or danger to other users.

The Centre may also ask for information about particular health needs, such as allergies to particular forms of medication, or any medical condition such as asthma or diabetes. The Centre will only use this information in the protection of the health and safety of the individual, but will need consent to process this data in the event of a medical emergency, for example. Therefore, the application forms that all prospective staff and students are required to complete will include a section requiring consent to process the applicant's personal data. A refusal to sign such a form will prevent the application from being processed.

## **Processing Sensitive Information**

Sometimes it is necessary to process information about a person's health, criminal convictions or race. This may be to ensure that the Centre is a safe place for everyone, or to operate other Centre policies and procedures, such as the equal opportunities policy. Because this information is considered sensitive under the 2018 Act, staff (and students where appropriate) will be asked to give their express consent for the Centre to process this data. An offer of employment or a course place may be withdrawn if an individual refuses to consent to this without good reason. More information about this is available from the Designated Data Controllers.

## **Publication of Centre Information**

The names of Directors of Orchard Education Limited or any other personal data relating to employees will be published on the centres web site, when any statute or law requires such data to be made public.

Any information of the company, or its' Directors will be displayed on Companies House web site in accordance with the requirements of company liability.

## **CCTV**

Orchard has CCTV systems in place at all premises in order to protect the integrity of property and the security, health and safety of its employees, learners, service users and other visitors. Using CCTV acts as a deterrent to potential trespassers, thieves and vandals and those who choose to breach health and safety rules and other procedures.

Only authorised personnel have routine access to live and recorded images generated by the CCTV systems, although images will be provided to law enforcement authorities where appropriate. Orchard may use record images as evidence in misconduct and performance related investigations, as well as in disciplinary and court proceedings. For further information please see the CCTV Policy.

## **Access to and sharing of information via mobile phones and online media.**

Senior Leaders at the School have identified the value of having access to and sharing information via mobile phones and online media. This is split into three main areas –

- Email Applications on mobile phones.  
In the current environment, information is usually more conveniently accessed via mobile phones as opposed to computers. This is a valuable and timely tool which can be used to share and access information quickly and easily.

- Chat Applications on mobile phones.  
Apps such as 'WhatsApp' are a vital and extremely useful tool which yield considerable benefit in relation to the sharing of information. These Apps also give the opportunity to pass information on a 'live basis' and has the facility for a conversation type process for many staff located in various places. This enables staff to ensure that concerns and issues are shared instantly, thus allowing for the proactive approach towards student management, development and wellbeing.
- Use of online media such as FaceBook.  
Facebook is identified as an extremely useful tool, benefitting the school, its students and their families. This media gives the opportunity to showcase the development of our school and our students in the activities that they carry out.

It is recognised that the protection of sensitive data is made more difficult when using mobile phones/online media as there is always the potential of private information being accessed by those not having a legitimate/lawful interest in the information held.

In order to reduce the potential for this information being accessed, staff are instructed to ensure that no personal details are shared across both email and whatsapp. Any reference to learners is made by their initials only, thus ensuring identification would be impossible without personal knowledge. All imagery and information relating to our students will only be released onto online media with the full documented permission of a parent/carer/guardian.

## **Retention of Data**

The Company has a duty to retain some staff and student personal data for a period of time following their departure from the Centre, mainly for legal reasons, but also for other purposes such as being able to provide references and for financial reasons, for example relating to pensions and taxation. Different categories of data will be retained for different periods of time. Employees should be aware that there is no specific exemption in the Act which applies to information in the public domain. Data will not be retained longer than is necessary and as identified in the Data Map.

## **Data Breaches**

In the event of any breaches of sensitive data, the data subject will be informed as appropriate, as with the ICO and appropriate action taken.

## **Conclusion**

Compliance with the 2018 Act is the responsibility of all members of the Centre. Any deliberate breach of the data protection policy may lead to disciplinary action being taken, or to access to Centre facilities being withdrawn, or even to a criminal prosecution. Any questions or concerns about the interpretation or operation of this policy should be taken up with the appropriate Designated Data Controller.

This Appendix will be reviewed annually by a Director.

	Initial	Review 1	Review 2	Review 3
Signed		D. Melia	D Melia	D. Melia
Position		Director	Director	Director
Date		20/08/17	25/05/18	30/08/18

## **Appendix to Data Protection Policy**

**This register entry describes, in very general terms, the personal data being processed by:**

Orchard

**This register entry contains personal data held for 5 purpose(s)**

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### **Purpose 1**

Staff Administration

#### **Purpose Description:**

Appointments or removals, pay, discipline, superannuation, work management or other personnel matters in relation to the staff of the data controller.

#### **Data subjects are:**

Staff including volunteers, agents, temporary and casual workers  
Relatives, guardians and associates of the data subject

#### **Data classes are:**

Personal Details  
Family, Lifestyle and Social Circumstances  
Education and Training Details  
Employment Details  
Financial Details  
Racial or Ethnic Origin  
Religious or Other Beliefs Of A Similar Nature  
Trade Union Membership  
Physical or Mental Health or Condition

#### **Sources (S) and Disclosures (D)(1984 Act). Recipients (1998 Act):**

Data subjects themselves  
Relatives, guardians or other persons associated with the data subject  
Current, past or prospective employers of the data subject  
Education, training establishments and examining bodies  
Suppliers, providers of goods or services  
Financial organisations and advisers  
Central Government  
Employment and recruitment agencies

#### **Transfers:**

None outside the European Economic Area

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## **Purpose 2**

Advertising, Marketing & Public Relations

### **Purpose Description:**

Advertising or marketing the business of the data controller, activity, goods or services and promoting public relations in connection with that business or activity, or those goods or services.

### **Data subjects are:**

Customers and clients  
Complainants, correspondents and enquirers  
Advisers, consultants and other professional experts

### **Data classes are:**

Personal Details  
Family, Lifestyle and Social Circumstances  
Goods or Services Provided

### **Sources (S) and Disclosures (D)(1984 Act). Recipients (1998 Act):**

Data subjects themselves  
Business associates and other professional advisers  
Suppliers, providers of goods or services

### **Transfers:**

None outside the European Economic Area

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## **Purpose 3**

Accounts & Records

### **Purpose Description:**

Keeping accounts related to any business or other activity carried on by the data controller, or deciding whether to accept any person as a customer or supplier, or keeping records of purchases, sales or other transactions for the purpose of ensuring that the requisite payments and deliveries are made or services provided by him or to him in respect of those transactions, or for the purpose of making financial or management forecasts to assist him in the conduct of any such business or activity

### **Data subjects are:**

Customers and clients  
Suppliers  
Complainants, correspondents and enquirers

### **Data classes are:**

Personal Details  
Financial Details  
Goods or Services Provided

**Sources (S) and Disclosures (D)(1984 Act). Recipients (1998 Act):**

Data subjects themselves  
Business associates and other professional advisers  
Employees and agents of the data controller  
Other companies in the same group as the data controller  
Suppliers, providers of goods or services  
Financial organisations and advisers  
Credit reference agencies  
Debt collection and tracing agencies  
Central Government

**Transfers:**

None outside the European Economic Area

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**Purpose 4**

Education

**Purpose Description:**

The provision of education or training as a primary function or as a business activity.

**Data Controllers further description of Purpose:**

TRAINING

**Data subjects are:**

Staff including volunteers, agents, temporary and casual workers  
Customers and clients  
Complainants, correspondents and enquirers  
Advisers, consultants and other professional experts  
Students and pupils  
Teachers / trainers  
Data classes are:  
Personal Details  
Education and Training Details  
Employment Details  
Financial Details  
Goods or Services Provided  
Physical or Mental Health or Condition

**Sources (S) and Disclosures (D)(1984 Act). Recipients (1998 Act):**

Data subjects themselves  
Relatives, guardians or other persons associated with the data subject  
Current, past or prospective employers of the data subject  
Education, training establishments and examining bodies  
Employees and agents of the data controller  
Suppliers, providers of goods or services  
Persons making an enquiry or complaint  
Department for Skills and Education (DFSE)

**Transfers:**

None outside the European Economic Area

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**Purpose 5**

Consultancy and Advisory Services

**Purpose Description:**

Giving advice or rendering professional services. The provision of services of an advisory, consultancy or intermediary nature.

**Data subjects are:**

Customers and clients  
Complainants, correspondents and enquirers  
Advisers, consultants and other professional experts

**Data classes are:**

Personal Details  
Goods or Services Provided  
Business activities of the data subject

**Sources (S) and Disclosures (D)(1984 Act). Recipients (1998 Act):**

Data subjects themselves  
Business associates and other professional advisers  
Other companies in the same group as the data controller  
Suppliers, providers of goods or services

**Transfers:**

None outside the European Economic Area

This Appendix will be reviewed annually by a Director.

	Initial	Review 1	Review 2	Review 3	Review 4
Signed		D. Melia	D Melia	D.Melia	Dave Melia
Position		Director	Director	Director	Director
Date		20/08/17	25/05/18	30/08/18	02/09/19