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## Privacy Policy 2023-2024

<b>Lead Member of Staff:</b>	Proprietor: Bhavinder Singh Tahli
<b>Review Frequency:</b>	Annually
<b>Date of last review:</b>	30 <sup>th</sup> June 2023
<b>Date of next review:</b>	<b>30<sup>th</sup> June 2024</b>

### Privacy Policy 1. Aims

At WorknLearn (WNL) we aim to ensure that all data collected about staff, students, parents and visitors is stored and processed in accordance with the General Data Protection Regulation (GDPR) (EU) [2016/679](#) which came into force on 25th May 2018.

This policy applies to all personal data, regardless of whether it is in paper or electronic format.

### Legislation and Guidance

This policy meets the requirements of the General Data Protection Regulation (GDPR), and is based on [guidance published by the Information Commissioner's Office](#) and [model privacy notices published by the Department for Education](#).

### Definitions

Term	Definitions
Personal data	Data from which a living person can be identified, including data that, when combined with other readily available information, leads to a person being identified.

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Sensitive personal data	Data such as: <ul style="list-style-type: none"> <li>• Contact details</li> <li>• Racial or ethnic origin</li> <li>• Political opinions</li> <li>• Religious beliefs, or beliefs of a similar nature</li> <li>• Where a person is a member of a trade union</li> <li>• Physical and mental health</li> <li>• Sexual orientation</li> <li>• Whether a person has committed, or is alleged to have committed, an offence •</li> </ul> Criminal convictions
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Processing	Obtaining, recording or holding data
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Data subject	The person whose personal data is held or processed
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Data controller	A person or organisation that determines the purposes for which, and the manner in which, personal data is processed
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Data processor	A person, other than an employee of the data controller, who processes the data on behalf of the data controller
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### **The Data Controller**

WNL processes personal information relating to students, staff, parents, students' emergency contacts and visitors and is therefore a data controller. We delegate the responsibility of data controller on a day to day basis to administration staff supported by the Proprietor.

### **Data Protection Principles**

The GDPR is based on the following data protection principles, or rules for good data handling. Data will be:

- processed lawfully, fairly and in a transparent manner in relation to individuals
- collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes will not be considered to be incompatible with the initial purposes

- adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed
- accurate and, where necessary, kept up to date; every reasonable step will be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay
- kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals and
- processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures

### **Roles and responsibilities**

The Directors of WNL have overall responsibility for ensuring that we comply with our obligations under the GDPR.

Day-to-day responsibilities rest with the Proprietor, Bhavinder Singh Tahli, who delegates this responsibility to designated staff. He ensures that all staff are aware of their data protection obligations and oversees any queries related to the storing or processing of personal data.

Staff are responsible for ensuring that they collect and store any personal data in accordance with this policy. Staff must also inform WNL of any changes to their personal data, such as a change of address.

### **Privacy Notices**

#### **Students and parents (Appendix 1)**

WNL holds personal data about students to support their learning and placements, to provide pastoral care and to assess how successful WNL is in its work with young people. We may also receive data about students from other organisations including, but not limited to, schools, Local Authorities, the Department for Education and the National Health Service.

This data includes, but is not restricted to:

- Contact details
- Results of internal assessment and externally set tests
- Data on student characteristics, such as ethnic group or Special Educational Needs and Disabilities
- Exclusion information
- Details of any medical conditions
- Initial and updated Risk Assessments

We will only retain the data we collect for as long as is necessary to satisfy the purpose for which it has been collected.

We will not share information about students with anyone without consent unless the law and our policies allow us to do so. Individuals who wish to receive a copy of the information that we hold about them/their child should refer to sections 8 and 9 of this Policy.

We are required, by law, to pass certain information about students to specified external bodies, such as our Local Authority and the Department for Education, so that they are able to meet their own statutory obligations.

## Staff

WNL processes data relating to those we employ. The purpose of processing this data is to assist in the running of the organisation and enables us to:

- ❖ Pay staff
- ❖ facilitate safer recruitment practice
- ❖ support the effective performance management of staff
- ❖ inform our recruitment and retention policies
- ❖ allow better financial modelling and planning
- ❖ enable monitoring of people with, and without, Protected Characteristics under the Equality Act

Staff personal data includes, but is not limited to, information such as:

- ✓ contact details, next of kin
- ✓ National Insurance numbers
- ✓ salary information
- ✓ qualifications
- ✓ absence data
- ✓ personal characteristics/protected characteristics
- ✓ medical information
- ✓ outcomes of any disciplinary procedures

We will only retain the data we collect for as long as is necessary to satisfy the purpose for which it has been collected. We will not share information about staff with third parties without consent unless the law allows us to. We may be required, by law, to pass certain information about staff to specified external bodies, such as our Local Authority and the Department for Education, so that they are able to meet their statutory obligations. Any staff member wishing to see a copy of information about them should approach the Proprietor.

### **Subject Access Requests**

Under the GDPR, young people on our programmes have a right to request access to information which we hold about them. This is known as a Subject Access Request.

Subject Access Requests must be submitted in writing, either by letter or email. Requests should include:

- The young person's name
- A correspondence address
- A contact number and email address
- Details about the information requested

We will not reveal the following information in response to Subject Access Requests:

- Information that might cause serious harm to the physical or mental health of the young person or another individual
- Information that would reveal that the young person is at risk of abuse, where disclosure of that information would not be in their best interests
- Information contained in adoption and parental order records
- Certain information given to a court in proceedings concerning the young person

### **Data Accuracy**

Data held will be as accurate and up to date as is reasonably possible. If a data subject informs WNL of a change of circumstances his/her computer records will be updated as soon as is practicable.

If a young person is referred to us in year 10, we will automatically issue a Data Checking Sheet September/October of Year 11 so that they can check the accuracy and make any amendments.

Where a data subject challenges the accuracy of his/her data we will correct the records. In the case of any dispute, we will try to resolve the issue informally, but if this proves impossible, disputes will be referred to the Proprietor who will follow our formal Complaints Procedure.

## **Storage of records:**

- Paper-based records and portable electronic devices, such as laptops and hard drives, that contain personal information are kept under lock and key when not in use
- Papers containing confidential personal information should not be left on office desks, or anywhere where there is open public access.
- Passwords that are at least 8 characters long containing letters and numbers are used to access school computers, laptops and other electronic devices. Staff and young people are required to change their passwords at regular intervals
- Encryption software is used to protect all our electronic devices and resources

## **Retention and Disposal of Records**

Personal information that is no longer needed, or has become inaccurate or out of date, is disposed of securely according to the school's Data Destruction Policy. For example, we will shred or incinerate paper-based records, and override electronic files.

We do keep some information relating to young people on our programmes in our archived file for a period of up to five years after they have left. The purpose of retaining some information regarding a young person's performance on our programmes is so that we can provide references to colleges or employers. After five years these records are destroyed in the manner already outlined in this document.

## **If a young person leaves the area**

All the young people on our programmes are referred to us via mainstream schools, Local Authorities, independent schools or other organisations who retain the on-roll status of that young person.

If a young person leaves the area part way through an academic year to enrol at another educational establishment, it is the duty of the current on-roll provider to forward all information to the new provider in a safe and secure manner. There options about how this should be done are clearly laid out by the DfE.

In such circumstances, WNL will provide the referrer with all updated information on the young person and their performance on our programme, in order to assist with a successful transfer. The young person's records will then be destroyed in line with procedures already outlined in this policy.

## **Training**

Our staff will be provided with data protection training as part of their induction process and this is refreshed annually each September. Data protection will also form part of continuing professional development, where changes to legislation or our processes make it necessary.

## **Monitoring Arrangements**

The Proprietor is responsible for monitoring and reviewing this policy.

Signed \_\_\_\_\_

Date \_\_\_\_\_

Bhavinder Singh Tahli: Director