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Data Protection Policy

Bodywork Company aims to ensure that all personal data collected about staff, students, parents and other individuals is collected, stored and processed in accordance with the General Data Protection Regulation (GDPR) and the expected provisions of the Data Protection Act 2018 (DPA 2018) as set out in the Data Protection Bill.

Definitions

Personal Data – Any information relating to an identified, or identifiable, individual. This includes but is not limited to; Name (including initials), Address, Date of Birth and Contact Numbers.

Special Categories of Personal Data – Personal Data which is more sensitive and so needs more protection, including but not limited to information about an individual's racial or ethnic origin, health – physical or medical and sexual orientation.

Processing – Anything done to personal data, such as collecting, recording, organising, structuring, storing, adapting, altering, retrieving, using, disseminating, erasing or destroying. Processing can be automated or manual.

Data Subject – The identified or identifiable individual whose personal data is held or processed.

Data Controller – A person or organisation that determines the purposes and the means of processing of personal data.

Data Processor – A person or other body, other than an employee of the data controller, who processes personal data on behalf of the data controller.

Personal Data Breach – A breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to personal data.

The Data Controller

We confirm for the purposes of the data protection laws, that Bodywork Company is a Data Controller in connection with the personal data collected. This means that we determine the purposes for which, and the manner in which, your personal data is processed.

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Roles and Responsibilities

This policy applies to all staff working with Bodywork Company. Staff who do not comply with this policy may face disciplinary action.

Data Protection Officer

The Data Protection Officer (DPO) is responsible for overseeing the implementation of this policy, monitoring our compliance with data protection law, and developing related policies and guidelines where applicable.

The Principal acts as a representative of the data controller on a day-to-day basis.

Staff Responsibilities

All staff are responsible for:

- Collecting, storing and processing any personal data in accordance with this policy.
- Informing the Course Coordinator and or the Accounts Manager where applicable, of any changes to their personal data, such as change of address/bank details etc.
- Contacting the DPO in the following circumstance:
    - With any question about the operation of this policy, data protection law, retaining personal data or keeping personal data secure.
    - If they have any concerns that this policy is not being followed.
    - If they are unsure whether or not, they have a lawful basis to use personal data in a particular way.
    - If they need to rely on or capture consent, draft a privacy notice, deal with data protection rights invoked by an individual, or transfer personal data outside the European Economic Area.
    - If there has been a data breach.
    - Whenever they are engaging in a new activity that may affect the privacy rights of individuals.
    - If they need any help with contracts or sharing personal data with third parties.

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Data Protection Principles

The GDPR is based on data protection principles that Bodywork Company must comply with.

The principles say that personal data must be:

- Processed lawfully, fairly and in a transparent manner.
- Collected for specified, explicit and legitimate purposes.
- Adequate, relevant and limited to what is necessary to fulfil the purposes for which it is processed.
- Accurate and, where necessary, kept up to date.
- Kept for no longer than is necessary for the purposes for which it is processed.
- Processed in a way that ensures it is appropriately secure.

Collecting Personal Data

Lawfulness, Fairness and Transparency.

We will only process personal data where we have one of 6 'lawful bases' (legal reasons) to do so under data protection law:

- The data needs to be processed so that Bodywork Company can fulfil a contract with the individual, or the individual has asked Bodywork Company to take specific steps before entering into a contract.
- The data needs to be processed so that Bodywork Company can comply with a legal obligation.
- The data needs to be processed to ensure the vital interests of the individual e.g. to protect someone's life.
- The data needs to be processed so that Bodywork Company, as a public authority, can perform a task in the public interest, and carry out its official functions.
- The data needs to be processed for the legitimate interests of Bodywork Company or a third party (provided the individual's rights and freedoms are not overridden)
- The individual has freely given clear consent.

For special categories of personal data, we will also meet one of the special category conditions for processing which are set out in the GDPR and Data Protection Act 2018.

Whenever we first collect personal data directly from individuals, we will provide them with the relevant information required by data protection law.

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Limitation, Minimisation and Accuracy

We will only collect personal data for specified, explicit and legitimate reasons. We will explain these reasons to the individual when we first collect their data.

If we want to use personal data for reasons other than those given when we first obtain it, we will inform the individuals concerned before we do so and obtain consent where necessary.

Staff must only process personal data where it is necessary in order to do their jobs.

When staff no longer need the personal data they hold, they must ensure it is destroyed or retained correctly.

Sharing Personal Data

We will not normally share personal data with anyone else, but may do so where:

- We have outlined this in our Privacy notices.
- There is an issue with a student or parent/guardian that puts the safety of our students or staff at risk.
- We need to liaise with other agencies – we will obtain consent before doing this if it is not covered by our privacy notices.

We will also share personal data with law enforcement and government bodies where we are legally required to do so, including for:

- The prevention or detection of crime and/or fraud.
- The apprehension of prosecution of offenders.
- The assessment or collection of tax owed to HRMC.
- In connection with legal proceedings.
- Where the disclosure is required to satisfy our safeguarding obligations.
- Research and statistical purposes, as long as personal data is sufficiently anonymised, or consent has been provided.

We may also share personal data with emergency services and local authorities to help them to respond to an emergency that affects any of our students, staff, parents or guardians. Where we transfer personal data to a country or territory outside the European Economic Area, we will do so in accordance with data protection law.

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Subject Access Requests and Other Rights of Individuals

Subject Access Requests

Individuals have a right to make a 'subject access request' to gain access to personal information that Bodywork Company holds about them, subject to certain exemptions and unless there are compelling reasons not to do so. This right includes:

- Confirmation that their personal data is being processed.
- Access to a copy of the data.
- The purposes of the data processing.
- The categories of personal data concerned.
- Who the data has been, or will be, shared with.
- How long the data will be stored for, or if this isn't possible, the criteria used to determine this period.
- The source of the data, if not the individual.
- Whether any automated decision-making is being applied to their data, and what the significance and consequences of this might be for the individual.

Subject access requests must be submitted in writing to the DPO. They should include:

- Name of individual
- Correspondence address
- Contact number and email address
- Details of the information requested

If staff receive a subject access request, they must immediately forward it to the DPO as all formal requests are dealt with by the DPO.

Children and Subject Access Requests

Personal data about a child belongs to that child, and not the child's parents or carers. For a parent or carer to make a subject access request with respect to their child, the child must either be unable to understand their rights and the implications of a subject access request of have given their consent.
Children aged 12 and above are generally regarded to be mature enough to understand their rights and the implications of a subject access request.

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Responding to Subject Access Requests

When responding to requests, we:

- May ask the individual to provide 2 forms of identification.
- May contact the individual via phone to confirm the request was made by them, or in writing to verify the request.
- Will respond without delay and within 1 month of receipt of the request and once the applicant's identity has been confirmed.
- Will provide the information free of charge (unless it is an unfounded or excessive request)
- May tell the individual we will comply within 3 months of receipt of the request, where a request is complex or numerous. We will inform the individual of this within 1 month, and explain why the extension is necessary.
- Will send an acknowledgement letter to confirm receipt of the request and outline the process and timescale.

We will not disclose information if it:

- Might cause serious harm to the physical or mental health of the student, staff member or another individual.
- Would reveal that the student or staff member is at risk of abuse, where the disclosure of that information would not be in the student or staff member's best interests.
- Is given to a court in proceedings concerning the student or staff member.
- Information where disclosure would result in revealing key personal information about another pupil.

If the data requested also involves data on other data subjects, we will make sure that this data is filtered before the requested data is supplied to the data subject.

If the request is unfounded or excessive, we may refuse to act on it, or charge a reasonable fee which considers administrative costs. A request will be deemed to be unfounded or excessive if it is repetitive or asks for further copies of the same information.

The response to the applicant will include a letter and a copy of the data requested by them. This data can be provided either by a scanned copy via email (password protected) or by posting a photocopy of the records (via recorded delivery).

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Other Data Protection Rights of the Individual

In addition to the right to make a subject access request, and to receive information when we are collecting their data about how we use and process it, individuals also have the right to:

- Withdraw their consent to processing at any time (where consent was given)
- In certain circumstances, ask us to rectify, erase or restrict processing of their personal data, or object to the processing of it.
- Prevent use of their personal data for direct marketing.
- Challenge processing which has been justified based on public interest.
- Request a copy of agreements under which their personal data is transferred outside of the European Economic Area.
- Object to decisions based solely on automated decision making or profiling (decisions taken with no human involvement that might negatively impact them).
- Prevent processing that is likely to cause damage or distress.
- Be notified of a data breach in certain circumstances.
- In certain circumstances ask for their personal data to be transferred to a third party in a structured, commonly used and machine-readable format.

Individuals should submit any request to exercise these rights in writing to the DPO. If staff receive such a request, they must immediately forward it to the DPO.

Photographs and Videos

During student's training and staff's employment at Bodywork Company, they will be photographed and recorded on video. We will obtain written consent from parents/guardians for students under the age of 18, along with the student's consent and written consent from students over the age of 18, for photographs and videos to be taken of students. Bodywork Company may wish to use these images for promotional purposes, such as the college website and advertisements.

Consent can be refused or withdrawn at any time. If consent is withdrawn, we will delete the photograph or video and not distribute it further.

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Data Protection by Design and Default

We will put measures in place to show that we have integrated data protection into all our data processing activities, including:

- Appointing a suitably qualified DPO, and ensuring they have the necessary resources to fulfil their duties and maintain their expect knowledge.
- Only processing personal data that is necessary for each specific purpose of processing, and always in line with the data protection principles set out in relevant data protection law.
- Completing privacy impact assessments where the school's processing of personal data presents a high risk to rights and freedoms of individuals, and when introducing new technologies (the DPO will advise on this process).
- Integrating data protection into internal documents including this policy, any related policies and privacy notice.
- Regularly training members of staff on data protection law, this policy, any related policies and any other data protection matters; we will also keep a record of attendance.
- Regularly conducting reviews and audits to test our privacy measures and make sure we are compliant.
- Maintaining records of our processing activities, including;
    - For the benefit of data subjects, making available the name and contact details of our school and DPO and all information we are required to share about how we use and process their personal data.
    - For all personal data that we hold, maintaining an internal record of the type of data, data subject, how and why we are using the data, any third-party recipients, how and why we are storing the data, retention periods and how we are keeping the data source.

Data Security and Storage of Records

We will protect personal data and keep it safe from unauthorised or unlawful access, alteration, processing or disclosure, and against accidental or unlawful loss, destruction or damage.

In particular:

- Paper-based records that contain personal data are kept in locked cabinets when not in use.
- Papers containing confidential personal data must not be left on office desks, pinned to notice/display boards, or left anywhere else where there is general access.
- Where college owned sensitive personal data needs to be taken off site, this must be done with the consent of the system owner or the DPO.

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- Where we need to share personal data with a third party, we carry due diligence and take reasonable steps to ensure it is stored securely and adequately protected.

Disposal of Records

Personal data that is no longer needed will be disposed of securely. Personal data that has become inaccurate or out of date will also be disposed of securely, where we cannot or do not need to rectify or update it.

For example, we will shred or incinerate paper-based records, and overwrite or delete electronic files. We may also use a third party to safely dispose of record's on the college's behalf. If we do so, we will require the third party to provide sufficient guarantees that it complies with data protection law.

Personal Data Breaches

Bodywork Company will make all reasonable endeavours to ensure that there are no personal data breaches.

In the unlikely event of a suspected data breach, we will follow the procedure set out in Appendix 1. When appropriate, we will report the data breach to the ICO within 72 hours. Such breaches may include, but are not limited to:

- A non-anonymised dataset being published on the college website which includes personal data of the students.
- Safeguarding information being made available to an unauthorised person.

Monitoring Arrangements

The DPO is responsible for monitoring and reviewing this policy.

This policy will be renewed and updated if necessary when the Data Protection Bill receives royal assent and becomes law (as the Data Protection Act 2018) – if any changes are made to the bill that affect the college's practise. Otherwise, or from then on, this policy will be reviewed every two years.

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Appendix 1: Personal Data Breach Procedure

This procedure is based on guidance on personal data breaches produced by the ICO.

- On finding or causing a breach, or potential breach, the staff member or data processor must immediately notify the DPO.
- The DPO will investigate the report and determine whether a breach has occurred. To decide, the DPO will consider whether personal data has been accidentally or unlawfully:
    - Lost
    - Stolen
    - Destroyed
    - Altered
    - Disclosed or made available where it should not have been
    - Made available to unauthorised people
- The DPO will alert the Principal as appropriate to the breach.
- The DPO will make all reasonable efforts to contain and minimise the impact of the breach, assisted by relevant staff members or data processors where necessary.
- The DPO will assess the potential consequences, based on how serious they are, and how likely they are to happen.
- The DPO will work out whether the breach must be reported to the ICO. This must be judged on a case-by-case basis. To decide, the DPO will consider whether the breach is likely to negatively affect people's rights and freedoms, and cause them any physical, material or non-material damage (e.g. emotional distress), including through:
    - Loss of control over their data
    - Discrimination
    - Identify theft or fraud
    - Financial loss
    - Unauthorised reversal of pseudonymisation (for example, key-coding)
    - Damage to reputation
    - Loss of confidentiality
    - Any other significant economic or social disadvantage to the individual(s) concerned

If it's likely that there will be a risk to people's rights and freedoms, the DPO must notify the ICO.

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- The DPO will document the decision (either way); in case it is challenged later by the ICO or an individual affected by the breach. Documented decisions are stored on the school's computer system.
- Where the ICO must be notified, the DPO will do this via the 'report a breach' page of the ICO website within 72 hours. As required, the DPO will set out:
    - A description of the nature of the personal data breach including, where possible:
        - The categories and approximate number of individuals concerned
        - The categories and approximate number of personal data records concerned
    - The name and contact details of the DPO
    - A description of the likely consequences of the personal data breach
    - A description of the measures that have been, or will be taken, to deal with the breach and mitigate any possible adverse effects on the individual(s) concerned
- If all the above details are not yet known, the DPO will report as much as they can within 72 hours. The report will explain that there is a delay, the reasons why and when the DPO expects to have further information. The DPO will submit the remaining information as soon as possible.
- The DPO will also access the risk to individuals, again based on the severity and likelihood of potential or actual impact. If the risk is high, the DPO will promptly inform, in writing, all individuals whose personal data has been breached. This notification will set out:
    - The name and contact details of the DPO
    - A description of the likely consequences of the personal data breach
    - A description of the measures that have been, or will be, taken to deal with the data breach and mitigate any possible adverse effects on the individual(s) concerned
- The DPO will notify any relevant third parties who can help mitigate the loss to individuals – for example, the police, insurers, banks or credit card companies.
- The DPO will document each breach, irrespective of whether it is reported to the ICO. For each breach, this record will include the:
    - Facts and cause
    - Effects
    - Action taken to contain it and ensure it does not happen again (such as establishing more robust processes or providing further training for individuals)
- Records of all breaches will be stored on the school's computer system.
- The DPO and Principal will meet to review what happened and how it can be stopped from happening again. This meeting will happen as soon as reasonably possible.

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