

## Data Protection & Confidentiality Policy

### The Data Protection Act 2018

The Data Protection Act regulates how your personal information is used and protects you from misuse of your personal details.

It provides a common-sense set of rules which prohibit the misuse of your personal information without stopping it being used for legitimate or beneficial purposes.

The details of the Data Protection Act are quite complex, but at the heart of it are eight common-sense rules known as the Data Protection Principles.

These require personal information to be:

- fairly and lawfully processed;
- processed for limited purposes;
- adequate, relevant and not excessive;
- accurate;
- not kept longer than necessary;
- processed in accordance with your rights;
- kept secure;
- not transferred abroad without adequate protection.

Organisations using personal information ('data controllers') must comply with these Principles.

The Act provides stronger protection for sensitive information about your ethnic origins, political opinions, religious beliefs, trade union membership, health, sexual life and any criminal history.

### Getting Access to Your Information.

The Act, with some exceptions, gives you the right to find out what information is held about you by organisations. This is known as the 'right of subject access'. On written request, you are entitled to be supplied with a copy of all the information an organisations holds about you.

The organisation may charge a fee for providing the information, up to a maximum of £10 in most instances and up to £50 in the case of manual (i.e. non-electronic) records. To see what information is held on you by credit reference agencies costs £2.

## Introduction

Excell for Training is required to maintain certain personal data about individuals for the purposes of satisfying operational and legal obligations.

Excell for Training recognises the importance of the correct and lawful treatment of personal data; it maintains confidence in the organisation and provides for successful operations.

The types of personal data that Excell for Training may require includes information about; current, past and prospective employees; third party providers, service users, suppliers and others with whom it may communicate.

This data whether it is held on paper. Computer or other media will be subject to the appropriate legal safeguards as specified in the Data Protection Act 2018.

Excell for Training fully endorses and adheres to the eight principles of the Data Protection Act.

These principles specify the legal conditions that must be satisfied in relation to obtaining, handling, processing, transportation and storage of personal data.

Employees and any others who obtain, handle. Process, transport and store personal data for Excell for Training must adhere to these principles.

## Principles

The principles require that personal data shall:

- 1) Be processed fairly and lawfully and shall not be processed unless certain conditions are met;
- 2) Be obtained for a specified and lawful purpose and shall not be processed in any manner incompatible with that purpose;
- 3) Be adequate, relevant and not excessive for the purposes;
- 4) Be accurate and, where necessary, kept up to date;
- 5) Not be kept for longer than is necessary for that purpose;
- 6) Be processed in accordance with the data subject's rights;
- 7) Be kept secure from unauthorised or unlawful processing and protected against accidental loss, destruction or damage by using the appropriate technical and organisational measures;
- 8) And not be transferred to a country or territory outside European Economic Area, unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

## Satisfaction of Principles

In order to meet the requirements of the principles, Excell for Training:

- Observe fully the conditions regarding the collection and use of personal data;
- Collect and process appropriate personal data only to the extent that it is needed to fulfil operational or any legal requirements;
- Ensure the quality of personal data used;
- Apply strict checks to determine the length of time personal data is held;

- Endure the rights of individuals about whom the personal data is held, can be fully exercised under the Act;
- Take the appropriate technical and organisational security measures to safeguard personal data;
- And ensure that personal data is not transferred abroad without suitable safeguards.

### Excell for Training Designated Data Controller's

Excell for Training's Information Compliance rests with the Contract Manager supported by the Centre Manager; they are responsible for ensuring compliance with the Data Protection Act 2018 / 2000 and implementation of this policy on behalf of the Director.

Steven Boyd  
Managing Director

Rachel Priest  
Centre Manager

This policy has been approved by the Director and any breach will be taken seriously and may result in formal action.

Any employee who considers that the policy has not been followed in respect of personal data about themselves should raise the matter with their Line Manager or Excell for Training compliance managers.

### Subject Access

All individuals who are the subject of personal data held by Excell for Training are entitled to:

- Ask what information Excell for Training holds about them and why.
- Ask how to gain access to it.
- Be informed how to keep it up to date.
- Be informed what Excell for Training is doing to comply with its obligations under the Data Protection Act 2018.

### Employee responsibilities

All employees are responsible for:

- Checking that any personal data that they provide to Excell for Training is accurate and up to date;
- Informing Excell for Training of any changes to information which they have provided, e.g. changes of addresses;
- Checking any information that Excell for Training may send out from time to time, giving details of information that is being kept and processed;
- If, as part of their responsibilities, employees collect information about other people (e.g. about Service users they must comply with the policy and with the Data Protection procedures which are contained in the data protection manual.

### Data security

The need to ensure that data is kept securely means that precautions must be taken against physical loss or damage, and that both access and disclosure must be restricted.

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, by use of telecommunications and computers transmissions or otherwise to any unauthorised third party.

### Rights to Access Information

Employees and other subjects of personal data held by Excell for Training have the right to access any personal information / data that is being kept about them on computer files or all paper based data held in manual filing systems.

This right is subject to certain exemptions which are set out in the Data Protection Act 2018/ 2000.

Any person who wishes to exercise this right should make the request in writing to the Excell for Training information compliance:

Managing Director or Centre manager, using a standard form which is available via the internet.

Excell for Training reserves the right to charge the maximum fee payable for each subject access request.

If personal details are inaccurate, they can be amended upon request; Excell for Training aims to comply with requests for access to personal information as quickly as possible, but will ensure that it is provided within 40 days of receipt of a completed form unless there is a good reason for delay. In such cases, the reason for delay will be explained in writing to the individual making the request.

### Publication of Excell for Training Information

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

This would include, for example, information on staff contained within externally circulated publications 'e.g. as' S.A.R, Q.I.P, Ofsted reports, any individual who has good reason for wishing details in such publications to remain confidential should contact the Information Compliance in the first instance.

### Subject Consent

The need to process data for normal purpose has been communicated to all data subjects.

In some cases, if the data is sensitive, for example information about health, race or gender, express consent to process the data must be obtained.

Processing may be necessary to operate Excell for Training policies, 'e.g. as' Health and Safety policy, Equality and Diversity policy.

#### **Retention of Data**

Information that is required to be kept by Excell For Training will only be kept for the minimum time that is necessary; all staff are responsible for ensuring that information is not kept for longer than necessary.