

## **CRAFT Training Data Protection Policy – GDPR**

### **Rationale**

CRAFT Training is committed to a policy of protecting the rights and privacy of individuals, including learners, staff and others, in accordance with the General Data Protection Regulation (GDPR) May 2018.

The new regulatory environment demands higher transparency and accountability in how training organisations manage and use personal data. It also accords new and stronger rights for individuals to understand and control that use.

The GDPR contains provisions that the training organisation will need to be aware of as data controllers, including provisions intended to enhance the protection of student's personal data. For example, the GDPR requires that:

We must ensure that our privacy notices are written in a clear, plain way that staff and students will understand.

CRAFT Training needs to process certain information about its staff, students, parents and guardians and other individuals with whom it has a relationship for various purposes such as, but not limited to:

1. The recruitment and payment of staff.
2. The administration of programmes of study and courses.
3. Student enrolment.
4. Examinations and external accreditation.
5. Recording student progress, attendance and conduct.
6. Complying with legal obligations to funding bodies and government including local government.

To comply with various legal obligations, including the obligations imposed on it by the General Data Protection Regulation (GDPR) CRAFT Training must ensure that all this information about individuals is collected and used fairly, stored safely and securely, and not disclosed to any third party unlawfully.

## **Compliance**

This policy applies to all staff and students of CRAFT Training. Any breach of this policy or of the Regulation itself will be considered an offence and disciplinary procedures will be invoked.

As a matter of best practice, other agencies and individuals working with CRAFT Training and who have access to personal information, will be expected to read and comply with this policy. It is expected that departments who are responsible for dealing with external bodies will take the responsibility for ensuring that such bodies sign a contract which among other things will include an agreement to abide by this policy.

This policy will be updated as necessary to reflect best practice in data management, security and control and to ensure compliance with any changes or amendments to the GDPR and other relevant legislation.

The Code of Practice on GDPR for CRAFT Training gives further detailed guidance and CRAFT Training undertakes to adopt and comply with this Code of Practice.

## **General Data Protection Regulation (GDPR)**

This piece of legislation comes in to force on the 25<sup>th</sup> May 2018.

The GDPR regulates the processing of personal data, and protects the rights and privacy of all living individuals (including children), for example by giving all individuals who are the subject of personal data a general right of access to the personal data which relates to them.

Individuals can exercise the right to gain access to their information by means of a 'subject access request'.

Personal data is information relating to an individual and may be in hard or soft copy (paper/manual files; electronic records; photographs; CCTV images).

## **Responsibilities under the GDPR**

CRAFT Training will be the 'data controller' under the terms of the legislation – this means it is ultimately responsible for controlling the use and processing of the personal data.

We have a Data Protection Officer (DPO), Seamus Nealis, who is available to address any concerns regarding the data held by CRAFT Training and how it is processed, held and used.

The Senior Management Team is responsible for all day-to-day data protection matters, and will be responsible for ensuring that all members of staff and relevant individuals abide by this policy, and for developing and encouraging good information handling within the training organisation.

Compliance with the legislation is the personal responsibility of all members of the training organisation who process personal information. Individuals who provide personal data to the training organisation are responsible for ensuring that the information is accurate and up-to-date.

### **Data Protection Principles**

The legislation places a responsibility on every data controller to process any personal data in accordance with the eight principles.

In order to comply with its obligations, CRAFT Training undertakes to adhere to the eight principles:

**1) Process personal data fairly and lawfully.**

CRAFT Training will make all reasonable efforts to ensure that individuals who are the focus of the personal data (data subjects) are informed of the identity of the data controller, the purposes of the processing, any disclosures to third parties that are envisaged; given an indication of the period for which the data will be kept, and any other information which may be relevant. For example,

**2) Process the data for the specific and lawful purpose for which it collected that data and not further process the data in a manner incompatible with this purpose.**

CRAFT Training will ensure that the reason for which it collected the data originally is the only reason for which it processes those data, unless the individual is informed of any additional processing before it takes place.

**3) Ensure that the data is adequate, relevant and not excessive in relation to the purpose for which it is processed.**

CRAFT Training will not seek to collect any personal data which is not strictly necessary for the purpose for which it was obtained. Forms for collecting data will always be drafted with this mind. If any irrelevant data are given by individuals, they will be destroyed immediately.

**4) Keep personal data accurate and, where necessary, up to date.**

CRAFT Training will review and update all data on a regular basis. It is the responsibility of the individuals giving their personal data to ensure that this is accurate, and each individual should notify the training organisation if, for example, a change in circumstances mean that the data needs to be updated. It is the responsibility of the training organisation to ensure that any notification regarding the change is noted and acted on.

**5) Only keep personal data for as long as is necessary.**

CRAFT Training undertakes not to retain personal data for longer than is necessary to ensure compliance with the legislation, and any other statutory requirements. This means CRAFT Training will undertake a regular review of the information held and implement a weeding process.

CRAFT Training will dispose of any personal data in a way that protects the rights and privacy of the individual concerned (e.g. secure electronic deletion, shredding and disposal of hard copy files as confidential waste). A log will be kept of the records destroyed.

**6) Process personal data in accordance with the rights of the data subject under the legislation.**

Individuals have various rights under the legislation including a right to:

- be told the nature of the information the training organisation holds and any parties to whom this may be disclosed.
- prevent processing likely to cause damage or distress.
- prevent processing for purposes of direct marketing.
- be informed about the mechanics of any automated decision making process that will significantly affect them.
- not have significant decisions that will affect them taken solely by automated process.
- take action to rectify, block, erase or destroy inaccurate data.

CRAFT Training will only process personal data in accordance with individuals' rights.

**7) Put appropriate technical and organisational measures in place against unauthorised or unlawful processing of personal data, and against accidental loss or destruction of data.**

All members of staff are responsible for ensuring that any personal data which they hold is kept securely and not disclosed to any unauthorised third parties.

CRAFT Training will ensure that all personal data is accessible only to those who have a valid reason for using it.

CRAFT Training will have in place appropriate security measures e.g. ensuring that hard copy personal data is kept in lockable filing cabinets/cupboards with controlled access:

- keeping all personal data in a lockable cabinet with key-controlled access.
- password protecting personal data held electronically.
- archiving personal data which are then kept securely.
- placing any PCs or terminals, CCTV camera screens etc. that show personal data so that they are not visible except to authorised staff.
- ensuring that PC screens are not left unattended without a password protected screen-saver being used.

In addition, CRAFT Training will put in place appropriate measures for the deletion of personal data - manual records will be shredded or disposed of as 'confidential waste' and appropriate contract terms will be put in place with any third parties undertaking this work. Hard drives of redundant PCs will be wiped clean before disposal or if that is not possible destroyed physically. A log will be kept of the records destroyed.

This policy also applies to staff and students who process personal data 'off-site', e.g. when working at home, and in circumstances additional care must be taken regarding the security of the data.

**8) Ensure that no personal data is transferred to a country or a territory outside the European Economic Area (EEA) unless that country or territory ensures adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.**

CRAFT Training will not transfer data to such territories without the explicit consent of the individual.

This also applies to publishing information on the Internet - because transfer of data can include placing data on a website that can be accessed from outside the EEA - so CRAFT Training will always seek the consent of individuals before placing any personal data (including photographs) on its website.

**Consent as a basis for processing**

Although it is not always necessary to gain consent from individuals before processing their data, it is often the best way to ensure that data is collected and processed in an open and transparent manner. Consent is especially important when CRAFT Training is processing any sensitive data, as defined by the legislation.

CRAFT Training understands consent to mean that the individual has been fully informed of the intended processing and has signified their agreement (e.g. via the enrolment form) whilst being of a sound mind and without having any undue influence exerted upon them. Consent obtained on the basis of misleading information will not be a valid basis for processing. Consent cannot be inferred from the non-response to a communication.

### **Personal Details**

- For the purposes of the General Data Protection Regulation (GDPR) (Regulation (EU) 2016/679 you consent to the training organisation holding and processing personal data including sensitive personal data of which you are the subject, details of which are specified in the training organisation's data protection policy.
- This will include marketing images and the company's CCTV.

CRAFT Training will ensure that any forms used to gather data on an individual will contain a statement explaining the use of that data, how the data may be disclosed and also indicate whether or not the individual needs to consent to the processing.

CRAFT Training will ensure that if the individual does not give his/her consent for the processing, and there is no other lawful basis on which to process the data, then steps will be taken to ensure that processing of that data does not take place.

### **Subject Access Rights (SARs)**

Individuals have a right to access any personal data relating to them which are held by the company. Any individual wishing to exercise this right should apply in writing to the Managing Director. Any member of staff receiving a SAR should forward this to the Managing Director.

The company reserves the right to charge a fee for data subject access requests. Under the terms of the legislation, any such requests must be complied with within 40 days.

### **Disclosure of Data**

Staff and students should exercise caution when asked to disclose personal data held on another individual or third party.

CRAFT Training undertakes not to disclose personal data to unauthorised third parties, including family members, friends, government bodies and in some circumstances, the police.

**Procedure for review**

This policy will be updated as necessary to reflect best practice or future amendments made to the General Data Protection Regulation (GDPR) May 2018 and Data Protection Act 1998.

For help or advice on any data protection or freedom of information issues, please do not hesitate to contact:

The Data Protection Officer (DPO): Seamus Nealis, Managing Director.