



Education & Skills
Funding Agency



European Union
European
Social Fund



General Data Protection Regulation (UK GDPR) Policy

1. Introduction

Wildes Education is committed to comply with the specific legal obligations the UK General Data Protection Regulation (UK GDPR) places on the company together with the Data Protection Act 2018 (DPA 2018) and the main provisions that apply.

The UK GDPR is the UK General Data Protection Regulation. It is a UK law which came into effect on 01 January 2021. It sets out the key principles, rights, and obligations for most processing of personal data in the UK, except for law enforcement and intelligence agencies.

The UK GDPR applies to the processing of personal data that is:

- Wholly or partly by automated means; or
- The processing other than by automated means of personal data which forms part of, or is intended to form part of, a filing system.

Personal data only includes information relating to natural persons who:

- Can be identified or who are identifiable, directly from the information in question; or
- Who can be indirectly identified from that information in combination with other information.

Under UK GDPR an individual is 'identified' or 'identifiable' if you can distinguish them from other individuals.

- A name is perhaps the most common means of identifying someone. However, whether any potential identifier actually identifies an individual depends on the context.
- A combination of identifiers may be needed to identify an individual.

The UK GDPR provides a non-exhaustive list of identifiers, including but not limited to:

- *Name.*
- *Identification number.*
- *Location data; and*
- *An online identifier.*

Under UK GDPR personal data may also include special categories of personal data or criminal conviction and offences data. These are considered to be more sensitive, and you may only process them in more limited circumstances.

2. Scope

This policy applies to all staff, learners, and to employers of apprentices, associates and any other third party acting on behalf of the company.

3. Overview

Wildes Education process information about employees, learners and third parties to comply with:

- *Funding rules*
- *Awarding organisation requirements*
- *Government entities*
- *HM Revenues and Customs*
- *Accounts and Internal Audit*
- *Recruitment*

Wildes Education are required to process and retain certain information about its employees, learners and third parties to monitor: performance, achievement, health, and safety, safeguarding, safer recruitment, and pay salaries. It is necessary to collect and process information to enrol learners onto courses and ensure that legal obligations to funding organisations and government entities are complied with.

Information may be shared with awarding organisations, regulatory bodies, and third parties for education, training, employment, and well-being related purposes including research. Sharing will only take place where the law allows it, and the sharing is following legislation.

4. Principles of UK GDPR

Processing information takes place as part of the day-to-day business at Wildes Education as such, the company will ensure there is a valid lawful basis for processing personal data and that employees who process personal information follow the data protection principles.

Wildes Education will comply with the UK GDPR seven Key Principles to ensure that data is:

- a) **“Processed** lawfully, fairly and in a transparent manner in relation to individuals (**‘lawfulness, fairness and transparency’**).
- b) 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 shall not be considered to be incompatible with the initial purposes (**‘purpose limitation’**).
- c) Adequate, relevant, and limited to what is necessary in relation to the purposes for which they are processed (**‘data minimisation’**).
- d) Accurate and, where necessary, kept up to date; every reasonable step must 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 (**‘accuracy’**).
- e) 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 (**‘storage limitation’**);
- f) 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 (**‘integrity and confidentiality’**).

The accountability principle requires Wildes Education to take responsibility for what we do with personal data and how we comply with the other principles.

5. Personal Data Rights

The UK GDPR provides rights to individuals to:

- Be informed about the collection and use of personal data. This is a key transparency requirement under UK GDPR. (**The right to be informed**)
- Access and receive a copy of your personal data, and other supplementary information. (**The right of access**) referred to as a Subject Access Request (SAR).
- Rectification of inaccurate personal data or completed if it is incomplete. (**The right to rectification**)
- Erasure of personal data, this right is not absolute and only applies in certain circumstances (**The right of erasure**)
- Request the restriction or suspension of your personal data. This is not an absolute right and only applies in certain circumstances. When processing is restricted, we are permitted to store the personal data, but not use it. (**The right to restrict processing**)
- The right to data portability allows individuals to obtain and reuse their personal data for their own purposes across different services. (**The right to data portability**)
- Object to the processing of personal data in certain circumstances. Individuals have an absolute right to stop their data being used for direct marketing. (**The right to object**)
- **Rights in relation to automated decision making and profiling.**

Any person who wishes to exercise their rights is required to submit a subject access request to the Data Protection Officer by:

- **Email:** quality@wildeseducation.co.uk
- **Letter:** Wildes Education, Wildes House, Worksop Road, Clowne, Chesterfield, S43 4TD marked for the attention of the Data Protection Officer

In most cases there is no fee charged to comply with subject access requests. However, where a request is manifestly unfounded or excessive a “reasonable fee” for the administration costs associated with the request may be required.

An individual is only entitled to request their own personal data, and not to information relating to other people without their consent.

6. Data Security

Wildes Education takes the security of personal data seriously. Employees are responsible for ensuring that:

- Any personal data which they hold is kept securely.
- Personal information is not disclosed either orally or in writing or accidentally or otherwise to any unauthorised third party

Unauthorised disclosure will be deemed a disciplinary matter and may in serious cases be considered as gross misconduct.

Employees are required to ensure that casual disclosure does not take place; by, for example leaving computer printouts containing personal data uncovered on desktops or by allowing unauthorised users to view computer screens. Printouts containing any confidential information must be stored securely and destroyed in a confidential manner.

Offices where staff are employed to process personal data should be locked when not occupied alternatively, personal data should be locked away securely.

Computer screens are locked when employees are away from their workstation.

Extreme care must be taken to ensure that emails are sent securely and emails/attachments containing personal data are encrypted or password protected as a minimum requirement. The encryption key or password must be communicated using a different method of communication. Passwords are to be provided over the telephone or by text.

Employees working from home or outside the office are responsible for taking extreme care with personal data to ensure this is kept secure.

The company aims to minimise the storage of, and access to personal data on removable media, such as, laptops, external hard drives, flash drives and USB pens which may be lost or stolen. Permission to store personal data on portable or removable media must be given by the Director of Education.

7. Employees

Employees are responsible for checking that any information they provide in connection with their employment is accurate and kept up to date.

8. CCTV

Wildes Education will follow the guidance in the Information Commission's Code of Practice for users of CCTV and similar surveillance equipment monitoring spaces to which the public, learners and employees have access. Areas where CCTV is in operation will have clear signage, so people are aware they are being recorded.

9. Data Breach

Employees are responsible for keeping personal information secure to prevent a data breach.

'A personal data breach means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data. This includes breaches that are the result of both accidental and deliberate causes. It also means that a breach is more than just about losing personal data'.

A Personal Data Breach includes:

- *Access by an unauthorised third party.*
- *Deliberate or accidental action (or inaction) by a controller or processor.*
- *Sending personal data to an incorrect recipient.*
- *Computing devices containing personal data being lost or stolen.*
- *Alteration of personal data without permission; and*
- *Loss of availability of personal data.*

Data breaches must immediately be reported to the Data Protection Officer who will investigate and risk assess the breach.

If the breach is likely to result in a high risk of adversely affecting individuals' rights and freedoms, the Data Protection Officer will inform those individuals without undue delay.

Wildes Education will fulfil its duty under UK GDPR by reporting certain personal data breaches to the relevant supervisory authority within 72 hours of becoming aware of the breach, where feasible.

10. Retention of Data

Wildes Education will adhere to the UK GDPR Principle (e) Storage Limitation in compliance with UK GDPR.

Personal data will be retained for no longer than is necessary for the purpose for which it was collected. Standard retention times are necessary to meet Funding rules, Awarding organisations, Government organisations, HM Revenues and Customs, Accounts and Internal Audit, Safer Recruitment and Employment law.

The company review their retention periods on an annual basis unless, there is a potential for a significant impact on individuals. The company also review personal data if any individual requests this under their 'right to erasure of personal data' that is no longer needed for specified purposes.

11. Enforcement

This policy does not form part of the formal contract of employment, but employees are required to abide by the rules and principles of the UK General Data Protection Regulation (UK GDPR) and Data Protection Act 2018 (DPA 2018).

Violations to this policy may result in disciplinary action, which may include suspension, restriction of access, or more severe penalties up to and including termination of employment.

12. Additional Information

To fully comply with the GDPR, the company has appointed a Data Protection Officer, the Director of Education who is responsible for and is aware of the organisation's obligations under the UK GDPR.

Any questions or concerns about the operation of this policy, or if you consider that this policy has not been followed, you should raise the matter with the Data Protection Officer on 0114 228 8588

This policy will be reviewed annually by the Quality Manager and Data Protection Officer and/or in line with changes or new legislation and/or regulations

Our Data Protection (ICO) Registration Number is ZA315928.

Information source, [Guide to the UK General Data Protection Regulation \(UK GDPR\) | ICO](#)

Document Control

Date of Change	Version	Overview of amendment	Amended by / Job Title	Approval by and Date
2/10/2019	2	Annual review	Susannah Mather	Director of Apprenticeships
11/01/2021	3	Policy updated in line with UK GDPR effective from 01/01/2021	Julie Lawton Quality & Compliance Mgr.	S Lawrence 13/1/2020 Director of Education