

SJC T/A



**SJC Training Academy Trading as:**

**HB Academy**

**Privacy Policy**

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# Data Protection & Privacy Policy

## Introduction

HB Academy is a registered Data Controller and is subject to the Data Protection Act 1998 and the General Data Protection Regulations. Please be aware of our Privacy Policy below or online via our website at [www.sjcademy.co.uk](http://www.sjcademy.co.uk) to find out what we will do with the personal data you provide to us.

This policy explains HB Academy's approach to collecting and using personal information (any information which relates to or identifies an individual) about people we interact with. It also supplements more specific information you may have been given (a privacy notice or statement) when engaging with a service, facility, event or initiative run by the company.

## The Data Protection Act 2018

This makes our data protection laws fit for the digital age in which an ever increasing amount of data is being processed. It empowers people to take control of their data. It supports UK businesses and organisations through the change and ensures the UK is prepared for the future after we have left the EU. As part of this the 2018 Act applies the EU's GDPR standards, preparing Britain for Brexit.

This policy also includes key aspects of data protection.

## Data Protection Act 1998 & Enrolled Learners

You may have already been told about the specific purposes for which we are processing your personal information, as well as the 'legal' or 'lawful' basis for that processing (the justification under current data protection legislation). HB Academy will share learner information with the Education Skills Funding Agency/Department for Education for administrative, statistical and research purposes to allow the guidance and monitoring of our service to learners. The data learners supply will be used to issue us with a Unique Learner Number (ULN) and share information about your learning.

### More about 'legal'/'lawful' basis:

We can only process (collect, use, store etc) your personal information if one of the following applies:

- We need your personal information to provide a service as part of a contract (for example, to enable you/us to fulfil your/our obligations under a learner contract or employment contract). Note that in English law 'contracts' are not limited to those in writing, so this justification may also cover less formal agreements between you and the college.
- We need your personal information to perform our official functions as a training provider organisation, and those functions are in the public interest.
- Our official functions may derive from legislation or within our working practices. This justification also covers situations where we need to share information with other organisations in order for them to carry out their official functions (for example, funding, learning loan application, ethnic data or destination data, etc).

- We need your personal information to comply with a legal obligation to which we are subject (for example, providing data about our staff and learners to our Lead Provider, the ESFA, Ofsted and Local County Councils, Learning Loan Company).
- We need your personal information for a legitimate interest of the college or a third party, provided that interest is not overridden by your interests and rights (for example, we may need to process your information to protect our network and information security). Note this justification cannot be used when we are carrying out our official functions.
- We need your personal information to protect somebody's life (a vital interest).
- You provide consent for us to process your personal information, based on clear and specific information, with a genuine choice (without any pressure), and the ability to change your mind at any time.

### **How do we use your personal information?**

We will generally use your personal information to provide you with the services, products or information you have requested from us. We may need to share your information with our service providers for these purposes, but we will ensure that appropriate contracts with these parties are in place and they only process your information in accordance with our instructions and data protection legislation. If we need to transfer any information to a country not recognised as providing equivalent protection, we will use additional safeguards approved by UK or EU regulators.

Individual university services may have their own privacy notices with further information about how they use your personal information. For more detailed information about our main processing activities, see the following notices.

### **What are your rights?**

By law, you have certain rights over your personal information:

- To receive a copy of your information
- To ask us to correct any errors
- To delete it once we no longer need it
- To ask us to stop using your information in a certain way
- To ask for certain information in a portable, electronic format
- To object to certain uses of your information (for example, marketing and automatic profiling or decision making)

To make a request for any of the above, please email [nikki@hbacademy.co.uk](mailto:nikki@hbacademy.co.uk) and put your request in writing.

### **Do we carry out marketing?**

If you register an interest with the college or through one of our service providers, you may be asked to opt-in to receive marketing communications. This is done at the point where your personal information is first collected. Within any marketing communications, you will be provided with a simple and transparent way to unsubscribe. HB Academy may send out marketing information on social media, by text, letter or email.

Any changes you request to how your personal information is processed for the purposes of marketing and/or the provision of service updates will be acted on promptly. Please allow up to 30 days for your personal contact information to be deleted from marketing communications.

### **How long do we keep your information for?**

Unless stated otherwise in a privacy notice, we will keep your information based on the periods or criteria specified as follows:

**Enrolled or Ex-Learner** – when you are enrolling you are doing so in the knowledge that 'you are consenting for HB Academy to hold their information for 25 years in line with ESFA audit requirements. (if funded through ESFA) Information held will not be amended but can be viewed upon request.' HB Academy will also have an obligation to contact any ex-learners after departure to gather information to determine if there is any change in their destination following leaving us. This is usually carried out 6- and 12-months following departure. Additionally, we understand learners may return for further training and we will send out marketing communications to advise them on course information or special offers.

**General Enquiry** (does not lead to enrolment) – we regularly receive enquiries from potential learners that may be enquiring about training at the next intake or several years later. Contacts are gathered at Careers events at schools and larger events. HB Academy will retain the contact information provided on file until the applicant reaches the age where they can be funded for a course and periodic marketing information may be forwarded. At any time the potential applicant can ask to see the information held or ask for it to be destroyed. The information held may be that of the person enquiring or their parent/guardian if under 16 years. HB Academy will send out communications to the contact information provided by the individual at time of first contact.

**References** HB Academy occasionally may receive communications from third parties requesting references for ex-staff or learners. Most of our data is stored electronically, other elements are archived. We do not offer references if the individual has left HB Academy over 12 months previously and will not divulge any information without written consent from the person whom the reference is relating to.

### **Definitions**

#### **Personal Data:**

“Data relating to a living individual who can be identified from that information or from that data and other information in possession of the data controller” This includes name, address, telephone number, id number. Also includes expression of opinion about the individual, and of the intentions of the data controller in respect of that individual.

#### **Sensitive Data:**

Different from ordinary personal data (such as name, address, telephone number) and relates to racial or ethnic origin, political opinions, religious beliefs, trade union membership, health, sex life, criminal convictions. Sensitive data are subject to much stricter conditions of processing.

**Data Controller:**

Any person (or organisation) that makes decisions with regard to particular personal data, including decisions regarding the purposes for which personal data are processed and the way in which the personal data are processed.

**Processing:**

Any operation related to organisation, retrieval, disclosure and deletion of data and includes: obtaining and recording data, accessing, altering, adding to, merging, deleting data retrieval, consultation or use of data disclosure or otherwise making available of data.

**Third Party:**

“Any individual/organisation other than the data subject, the data controller (HB Academy) or its agents”

**Relevant Filing System:**

“Any paper filing system or other manual filing system which is structured so that information about an individual is readily accessible”. Please note that this is the definition of ‘relevant filing system’ in the Act. Personal data as defined and covered by the Act can be held in any format, electronic (including web sites and e mails), paper-based, photographic etc from which the individual’s information can be readily extracted.

**Data Protection Principles**

All processing of personal data must be done in accordance with the eight data protection principles.

- 1) Personal data shall be processed fairly and lawfully.
- 2) Personal data shall be obtained for specific and lawful purposes and not processed in a manner incompatible with those purposes.
- 3) Personal data shall be adequate, relevant, and not excessive in relation to the purpose for which it is held.
- 4) Personal data shall be accurate and, where necessary, kept up to date.
- 5) Personal data shall only be kept for as long as necessary.
- 6) Personal data shall be processed in accordance with the rights of data subjects under the Data Protection Act.
- 7) Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of data.
- 8) Personal data shall not be transferred to a country or a territory outside the European Economic Area (EEA) 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.

**Security of Data**

All staff are responsible for ensuring that any personal data (on others) which they hold is kept securely and that it is not disclosed to any unauthorised third party. All personal data should only be accessible only to those who need to use it. Those dealing with information should form a judgment based upon the sensitivity and value of the information in question, but always consider keeping personal data:

- In a lockable room with controlled access or

- In a locked drawer or filing cabinet or ☑ If computerised, password protected (passwords regularly changed at Management Request)
- Kept on other storage devices which are themselves kept securely.
- Malware and Antivirus software are in place to protect data

Care should be taken to ensure that PCs and terminals are not visible except to authorised staff and that computer passwords remain confidential. PC screens should not be left unattended without password protected screen savers and manual records should not be left where they can be accessed by unauthorised personnel. Appropriate security measures must be in place for the deletion and disposal of personal data. Manual records will be shredded, and hard drives of redundant PCs will be wiped clean before disposal.

This policy also applies to staff that process personal data away from HB Academy's premises. These staff must take particular care to ensure the safe and confidential storage of personal data and immediately report any potential risk or breach of company standards e.g. theft.

HB Academy engages a Data Processing Company to shred data/paperwork periodically and confirmation of secure disposal is confirmed by certification paperwork. Staff understand that they must not throw any paperwork in the general refuse bin if it contains sensitive information and it should go into the sack for secure shredding. Any breach will result in disciplinary process being taken.

#### **Staff GDPR Data Protection Agreement**

All staff employed by HB Academy sign an agreement to confirm compliance with HB Academy's strict data protection guidelines.

#### **Disclosure of Data**

Employees must ensure that personal data are not disclosed to unauthorised third parties. Caution must be exercised when asked to disclose personal data held on another individual to a third party. It is important to consider whether or not disclosure of the information is relevant to, and necessary for, the conduct of the HB Academy's business. Best practice suggests that where in doubt, the contact details of the person making the enquiry should be taken and passed to the person concerned.

In general personal data may be legitimately disclosed where:

- The individual has given their consent and/or
- Disclosure is in the legitimate interests of HB Academy and/or
- HB Academy is legally obliged to disclose the data and/or
- Disclosure of data is required for the performance of a contract

The Act permits certain disclosures without consent so long as the information is requested for one or more of the following purposes:

- To safeguard national security
- Prevention or detection of crime including the apprehension or prosecution of offenders
- Assessment or collection of tax duty
- Discharge of regulatory functions
- To prevent serious harm to a third party

- To protect the vital interests of the individual, this refers to life and death situations.

Retention and Disposal of Data HB Academy will not retain personal data for longer than they are required. In certain situations, retention periods are specified and HB Academy will observe these.

HB Academy will regularly review the personal data that they hold and will delete and dispose of any information that is deemed unnecessary or out of date.

### **Training of Staff**

The Center Manager has undertaken and completed training in Data Protection and the principles around the Data Protection Act 1998. Staff meetings are used as a regular tool to ensure that all other staff are aware of their responsibility to ensuring the Data Protection Policy is adhered to and followed.

### **Rights of Access to Data**

Employees and Learners of HB Academy have the right to access any personal data which is held by HB Academy in electronic format and manual records which form part of a relevant filing system. Any individual who wishes to exercise this right should apply in writing to the Data Protection Officer. The HB Academy reserves the right to charge a fee for data subject access requests (currently £10). Any such request will be complied with within 3 working weeks and, where appropriate, payment of the fee.

### **How can you contact us or make a complaint to the regulator?**

To contact us about our privacy notice or information we hold about you, please write to the Center Man by email – [SARAH@HBACADEMY.CO.UK](mailto:SARAH@HBACADEMY.CO.UK)

- or by post – Sarah Chidley, HB Academy, 228 Blackfen Road, Sidcup, DA15 8PW.

If you don't feel we have dealt with your request appropriately, you can complain to the Information Commissioner's Office.