



DATA PROTECTION POLICY AND PROCEDURE

POLICY/DOCUMENT PURPOSE STATEMENT

This document sets out the Data Protection Policy and Procedure of Gecko Programmes

INTRODUCTION

Gecko Programmes (hereinafter called Gecko) is committed to preserving the privacy of its students, clients and employees and to complying with the Data Protection Act 1998. To achieve this commitment information about our students, employees and other clients and contacts must be collected and used fairly, stored safely and not unlawfully disclosed to any other person.

PRINCIPLES

Gecko, and its staff and others who process or use any personal information must ensure that they follow the data protection principles set out in the Data Protection Act 1998. These are that personal data shall:

- Be obtained and processed fairly and lawfully
- Be obtained for a specified and lawful purpose and shall not be processed in any manner incompatible with that purpose
- Be adequate, relevant and not excessive for those purposes
- Be accurate and kept up to date
- Not be kept longer than is necessary for that purpose
- Be processed in accordance with the data subject rights
- Be kept safe from unauthorised access, accidental loss or destruction
- Not be transferred to a country outside the European Economic area, unless that country has equivalent levels of protection for personal data.

Gecko will not release staff, learner or client data to third parties except to relevant statutory bodies. In all other circumstances Gecko will obtain the consent of the individuals concerned before releasing personal data.

RESPONSIBILITIES

Managing Director (MD)

The MD is responsible for the oversight and implementation of this policy.

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Senior Managers

It will be the responsibility of senior managers to ensure compliance with the policy and for communicating the policy to all staff.

Data Protection Co-ordinator

The nominated Data Protection Co-ordinator for Gecko is the Work Programme Co-ordinator.

All Staff

All staff are responsible for ensuring that any personal data which they hold is kept securely and personal information is not disclosed in any way and to any unauthorised party.

Students, Customers and Staff

Students, customers and staff are responsible for ensuring that all personal data provided to Gecko is accurate and up to date.

COMPLIANCE

Failure to comply with the data protection policy and procedure could result in disciplinary action

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DATA PROTECTION PROCEDURE

1 INTRODUCTION

Gecko needs to keep certain information about its employees, students, customers and other users to allow us to monitor recruitment, attendance, performance, achievements and health and safety. It is also necessary to process information so that staff can be recruited and paid, courses organised and legal obligations to funding bodies and government complied with. To comply with the law, information must be collected and used fairly, stored safely and not disclosed to any other person unlawfully. To do this, Gecko must comply with the Data Protection principles, which are set out in the Data Protection Act 1998. These are that personal data shall:

- Be obtained and processed fairly and lawfully
- Be obtained for a specified and lawful purpose and shall not be processed in any manner incompatible with that purpose
- Be adequate, relevant and not excessive for those purposes
- Be accurate and kept up to date
- Not be kept longer than is necessary for that purpose
- Be processed in accordance with the data subject rights
- Be kept safe from unauthorised access, accidental loss or destruction
- Not be transferred to a country outside the European Economic area, unless that country has equivalent levels of protection for personal data.

Gecko and all staff of others who process or use any personal information must ensure that they follow these principles at all times. In order to ensure that this happens, Gecko have developed the Data Protection Policy available in the Student Handbook.

Gecko will keep a register of staff authorised to access and process learner and staff data and these members of staff will be asked to agree a confidentiality statement.

2 RESPONSIBILITIES OF STAFF

2.1 Information about yourself

All staff are responsible for:

- Checking that any information they provide to Gecko in connection with their employment is accurate and up-to-date.
- Informing Gecko of any changes to information, which they have provided, ie change of address.
- Informing Gecko of any errors or changes. Gecko cannot be held responsible for any errors unless the staff member has informed us of them.

2.2 information about other people

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All staff must comply with the following guidelines:

All staff will process data about individuals on a regular basis, when writing reports or references, or as part of a pastoral or academic supervisory role. Gecko will ensure through registration procedures, that all individuals give their consent to this type of processing, and are notified of the categories of processing, as required by the 1998 Act. The information that staff deal with on a day-to-day basis will be 'standard' and will cover categories such as:

- General personal details such as name and address
- Details about attendance, course work marks and grades and associated comments
- Notes on personal supervision, including matters about behaviours and discipline

Information about an individual's physical or mental health; sexual orientation; political or religious views, trade union membership or ethnicity or race is sensitive and can only be collected and processed with consent.

All staff have a duty to make sure that they comply with the data protection principles, which are set out in the staff handbook and the Data Protection Policy. In particular all staff must ensure that records are:

- Accurate
- Up-to-date
- Fair
- Kept and disposed of safely, and in accordance with Gecko policy

Gecko will designate staff in the relevant areas as 'authorised staff'. These staff are the only staff authorised to access data that is:

- Not standard data, Or
- Sensitive data

The only exception to this will be if a non-authorised member is satisfied and can demonstrate the processing of the data is necessary:

- In the best interests of the individual or staff member, or a third person, of Gecko AND
- He or she has either informed the authorised person of this, or has been unable to do so and processing is urgent and necessary in all the circumstances
- This should only happen in very limited circumstance. Eg an individual is injured and unconscious and in need of medical attention, or a member of staff tells the hospital that the individual is pregnant or a Jehovah's Witness.

Authorised staff will be responsible for ensuring that all personal data is kept securely. In particular staff must ensure that person data is:

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- Put away in lockage storage
- Not left on unattended desks or tables
- Unattended ICT equipment should not be accessible to other users
- ICT equipment used off-site must be password-protected
- Data files on CD or memory stick or email attachments used off-site containing personal data must be password-protected
- Paper records containing personal data must be shredded where appropriate

Staff must not disclose personal data to any individual unless for normal academic or pastoral purposes, without authorisation or agreement from the data controller or in line with the Gecko policy.

Staff shall not disclose personal data to any other staff member, except with the authorisation or agreement of the designated data controller, or in line with Gecko policy.

Before processing any personal data, all staff should consider the following.

- Do you really need to record the information?
- Is the information 'sensitive'?
- If it is sensitive, do you have the data subject's express consent?
- Has the individual been told that this type of data will be processed?
- Are you authorised to collect/store/process the data?
- If yes, have you checked with the data subject that the data is accurate?
- Are you sure that the data is secure?
- If you do not have the data subject's consent to process, are you satisfied that it is in the best interests of the individual or the safety of others to collect and retain the data?

3 RIGHTS TO ACCESS INFORMATION

Staff, individuals and other users of Gecko have the right to access any personal data that is being kept about them either on computer or in certain files. Any person who wishes to exercise this right should complete the Standard Request Form for Access to Data and send it to the Managing Director. (Appendix 2). This request should be made in writing using the Standard Form to Access Data.

Gecko will make a charge of £10 on each occasion that access is requested, although Gecko has discretion to waive this. This charge will be automatically waived for staff.

Gecko aims to comply with requests for access to personal information as quickly as possible, but will ensure that it is provided within 40 days (in line with legislation) unless there is good reason for delay. In such cases, the reason for delay will be explained in writing to the data subject making the request.

4 SUBJECT CONSENT

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In many cases, Gecko can only process personal data with the consent of the individual. In some cases, if the data is sensitive, express consent must be obtained. Agreement to Gecko processing some specified classes of personal data is a condition of acceptance of an individual onto any course, and a condition of employment for staff. This includes information about previous criminal convictions.

Some jobs or courses will bring the applicants into contact with children, including young people between the ages of 16 and 18. Gecko has a duty under the Children Act and other enactment to ensure that staff are suitable for any job offered. Gecko also has a duty of care to all staff and students and must therefore make sure that employees and those who use the Gecko facilities do not pose a threat or danger to other users.

Gecko will also ask for information about particular health needs, such as allergies to particular forms of medication, or any conditions such as asthma or diabetes. Gecko will only use the information in the protection of the health and safety of the individual, but will need consent to process in the event of a medical emergency, for example. Therefore, all prospective staff and students will be asked to sign either an appropriate HR form or an individual document regarding particular types of information when an offer of employment or a course place is made. A refusal to sign such documents may result in the offer being withdrawn

5 **RETENTION OF DATA**

Please see appendix 1 for the guidelines for the retention of personal data.

6 **CONCLUSION**

Compliance with the 1998 Act is the responsibility of all members of Gecko. Any breach of the data protection policy may lead to disciplinary action being taken, access to Gecko being withdrawn, or even a criminal prosecution. Any questions or concerns about the interpretation of this policy should be referred to your line manager.

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APPENDIX 1

GUIDELINES FOR THE RETENTION OF PERSONAL DATA

Type of data	Suggested Retention Period	Reason
Personnel files including training records and note of disciplinary and grievance hearings	6 years from the end of employment	References and potential litigation
Application forms/interview notes	At least 6 months from the date of the interviews	Time limits on litigation
Facts relating to redundancies where 20 or more redundancies	3 years from the date of redundancy	As above
Income Tax and NI returns, including correspondence with the tax office	At least 3 years after the end of the financial year to which the records relate	Income Tax (employment) Regulations 1993
Statutory maternity pay records and calculations	As above	Statutory Maternity Pay (General) Regulations 1986
Statutory Sick Pay records and calculations	As above	Statutory Sick Pay (general) Regulations 1982
Wages and salary records	6 years	Taxes Management Act 1970
Accident books, and records and report of accidents	3 years after the date of the last entry	RIDDOR 1985
Health records	During employment	Management of Health and Safety at Work regulations
Health records where reason for termination of employment is connected with health, including stress related illness	3 years	Limitation period for personal injury claims
Medical Records kept by reason of the Control of Substances Hazardous to Health Regulations 1994	40 years	COSSH 1994
Student records, including academic achievements and conduct	At least 6 years from the date the student leaves Gecko, in case of litigation for negligence. At least 10 years for personal and academic references, with the agreement of the student.	Limitation period for negligence

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STANDARD REQUEST FOR ACCESS TO DATA

I wish to have access to either:

All the data that Gecko Programmes currently has about me, either as part of an automated system or part of a relevant filing system, or

Data that Gecko Programmes has about me in the following categories:

Academic marks or course work details

Academic or employment references

Disciplinary records

Health and medical matters

Political, religious or trade union information

Any statement of opinion about my abilities or performance

Personal details including name, address, date of birth etc

Other information

(Please tick as appropriate)

Before releasing information we will require ID in the form of a photo ID or passport to confirm the information is being released to an authorised person.

I understand that I will have to pay a fee of £10.00 (ten pounds)

Signed

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Dated

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