



Data Protection Policy

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Review Cycle	Annual

PURPOSE OF THE POLICY

Skinners' Academy is committed to being transparent about how it collects and uses the personal data of its workforce, and to meeting its obligations under the Data Protection Act 2018 (DPA). This policy sets out Skinners' Academy's commitment to data protection, and individual's rights and obligations in relation to personal data.

This policy applies to the personal data of job applicants, employees, volunteers, and former employees, referred to as HR-related personal data, and explains how Skinners' Academy will hold and process the information we have about individuals.

This policy is non-contractual and may be amended at Skinners' Academy's absolute discretion.

Skinners' Academy has appointed SPS DPO Services as its Data Protection Officer. The DPO's role is to inform and advise Skinners' Academy on its data protection obligations. Questions about this policy, or requests for further information, should be directed to the Data Protection Officer at sps-dpo-services@isystemsintegration.com or at SPS DPO Services, iSystems Intergration, Devonshire House, 29-31 Elmfield Road, Bromley, Kent, BR1 1LT.

DEFINITIONS

'**Personal data**' is any information that relates to a living individual who can be identified from that information. Processing is any use that is made of data, including collecting, storing, amending, disclosing or destroying it. Skinners' Academy holds personal data in electronic and paper HR files, email systems, company intranet, security records and systems, timekeeping records, telephone recording and monitoring systems, CCTV and IT monitoring systems.

Personal data may be provided to Skinners' Academy by individuals through CV's and application forms, but also from third parties such as former employers, or may be created during the employment relationship (such as performance, training or absence records) or on its termination (such as references provided to prospective employers).

'**Special categories of personal data**' means information about an individual's racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, health, sex life or sexual orientation and biometric data. Some of this information may be collected in an anonymised format to monitor the effectiveness of equal opportunities policies. Where this is the case, it will not be considered to be personal data. However where the data has not been anonymised, this will clearly be special category data and treated as such. Details of any special category data Skinners' Academy collects and processes will be explained in detail when collected.

'**Criminal records data**' means information about an individual's criminal convictions and offences, and information relating to criminal allegations and proceedings, which is collected to meet regulatory requirements.

'**Processing**' means obtaining, recording or holding the information or data or carrying out any operation or set of operations on the information or data. It applies to a comprehensive range of activities including the initial obtaining of personal information, the retention and use of it, access and disclosure and final disposal.

DATA PROTECTION PRINCIPLES

Skinners' Academy processes HR-related personal data in accordance with the following data protection principles, which set out that all personal data shall be:

- processed lawfully, fairly and in a transparent manner

- collected and processed for specified, explicit and legitimate purposes
- adequate, relevant and limited to what is necessary for the purposes of processing
- accurate and in date and any inaccurate data rectified or erased without delay
- only kept for the period of processing and no longer than is necessary
- processed in a way that ensures appropriate security.

In line with data protection principles Skinners' Academy will only process employee's personal data and special category data for the reasons notified to employees and in accordance with its obligations. Under the DPA, Skinners' Academy must have a specified lawful basis for processing an employee's personal data.

Skinners' Academy processes personal data where necessary to manage the employment relationship and the main lawful bases for processing individual's data are:

- to comply with its legal obligations (e.g. paying tax and National Insurance contributions)
- to fulfil the contract with the individual (e.g. to pay according to the rate agreed), and
- because it is necessary for Skinners' Academy's legitimate interests (e.g.to ensure Skinners' Academy can forward plan).

Where one of these reasons applies Skinners' Academy may process an individual's data without their consent. Individuals may choose not to give us certain data but they should be made aware that this may prevent Skinners' Academy from complying with its legal obligations and this may in turn affect their employment.

Where Skinners' Academy processes special categories of personal data or criminal records data it will be done where one of the lawful reasons applies and where either;

- the individual has given explicit consent
- processing is necessary under employment law
- processing is necessary to protect the individual's vital interests and the individual is incapable of giving explicit consent
- the individual has made the data public
- processing is necessary to do with a legal claim
- it is required for occupational medical reasons, or for the assessment of an individual's working capacity.

Where we plan to process special category data we will explain this, and set out the reasons, at the time. Skinners' Academy will update HR-related personal data promptly if an individual advises that his/her information has changed or is inaccurate.

INDIVIDUAL RIGHTS

As a data subject, individuals have a number of rights in relation to their personal data.

SUBJECT ACCESS REQUESTS

Individuals, whether applicants, employees or former employees, have the right to review the information that the Company holds about them, with some exceptions. A subject access request can be made verbally or in writing, in a hard copy letter or transmitted electronically by email or text, and may also be valid if submitted by means of social media. If an individual wishes to make a "subject access request" he or she can be requested to confirm the request in writing to the person nominated to monitor data protection, or to the Principal's PA and HR Manager. However, it is not compulsory for an individual to do so, nor can it be used as a means of extending the one month time limit.

Skinners' Academy will usually respond within one month. If the request is complex the timescale for a response may be extended by up to two months. Where this is the case, Skinners' Academy will advise the individual within one month of receiving the request and explain why more time is needed.

No charge will usually be made for a response to a subject access request.

If anyone receives a subject access request from another member of staff, the request should immediately be forwarded to the person nominated to monitor data protection, or HR.

OTHER RIGHTS

Individuals have a number of other rights in relation to their personal data:

- have the right to be told what personal data Skinners' Academy processes, how this processing takes place and on what basis
- have the right to receive a copy of their personal data, and in some circumstances have their personal data transferred to another data controller, usually within a month, and without any charge
- to rectify inaccurate data
- to ask Skinners' Academy to erase personal data where it is no longer necessary to process it for the purpose it was collected or where it should not have been collected in the first place
- to object to data processing where Skinners' Academy is relying on a legitimate interest to do so and the individual thinks that his or her rights and interests outweigh those of Skinners' Academy
- to be notified if there is a data security breach involving their data that may affect them
- have the right not to consent, or to later withdraw consent to processing where Skinners' Academy was relying on consent as the lawful reason to process personal data
- have the right to complain to the Information Commissioner. Contact details can be found on the website: www.ico.org.uk.

DATA SECURITY

Skinners' Academy takes the security of HR-related personal data seriously. Skinners' Academy has internal policies and controls in place to protect personal data against loss, accidental destruction, misuse or disclosure, and to ensure that data is not accessed, except by employees in the proper performance of their duties. Access to individual's data is restricted to those users with a specific and legitimate business need for the data.

Where Skinners' Academy engages third parties to process personal data on its behalf, Skinners' Academy still retains responsibility for the secure and appropriate use of that data. Consequently, before an individual's data is transferred to any third party, Skinners' Academy will;

- Ensure that the third party has sufficient security measures in place to protect the processing of personal data
- Ensure any transfer of data is done securely, either by password protecting documents, or by transferring data via a secure collaborative portal
- Have in place a written contract establishing what personal data will be processed and for what purpose
- Ensure that a data processing agreement has been signed by both parties.

IMPACT ASSESSMENTS

Some of the processing that Skinners' Academy carries out may result in risks to privacy. Where processing would result in a high risk to individual's rights and freedoms, Skinners' Academy will carry out a data protection impact

assessment to determine the necessity and proportionality of processing. This will include considering the purposes for which the activity is carried out, the risks for individuals and the measures that can be put in place to mitigate those risks.

DATA BREACHES

If Skinners' Academy discovers that there has been a breach of HR-related personal data that poses a risk to the rights and freedoms of individuals, it will report it to the Information Commissioner within 72 hours of discovery. Skinners' Academy will record all data breaches regardless of their effect.

If the breach is likely to result in a high risk to the rights and freedoms of individuals, it will tell affected individuals that there has been a breach and provide them with information about its likely consequences and the mitigation measures it has taken.

INTERNATIONAL DATA TRANSFERS

Skinners' Academy will not transfer HR-related personal data to countries outside the EEA.

INDIVIDUAL RESPONSIBILITIES

Employees are responsible for helping Skinners' Academy keep their personal data up to date. They should let Skinners' Academy know if data provided to Skinners' Academy changes, for example if an employee moves house or changes his/her bank details.

Any employee who has access to personal data of other employees or clients/customers must familiarise themselves with this policy, including the data protection principles and comply with them.

Employees who have access to personal data are required:

- to access only data that they have authority to access and only for authorised purposes,
- not to disclose data except to individuals (whether inside or outside Skinners' Academy) who have appropriate authorisation,
- to keep all data secure – whether on paper or electronically. For example by complying with rules on computer access, including password protection, and secure file storage and destruction. Always lock electronic devices when not in use and keep paper-based personal data in locked cabinets,
- not to remove personal data, or devices containing or that can be used to access personal data, from Skinners' Academy's premises without permission and by adopting appropriate security measures (such as encryption or password protection) to secure the data and the device,
- not to store personal data on local drives or on personal devices that are used for work purposes,
- to securely destroy and copies of personal data they create, and
- to report data breaches of which they become aware to Data Protection Officer (sps-dpo-services@isystemsintegration.com) immediately.

Failing to observe these requirements may amount to a disciplinary offence, which will be dealt with under Skinners' Academy's disciplinary procedure. Significant or deliberate breaches of this policy, such as accessing employee or customer data without authorisation or a legitimate reason to do so, may constitute gross misconduct and could lead to dismissal without notice.

TRAINING

Skinner's Academy will provide training to all employees about their data protection responsibilities as part of the induction process and at regular intervals thereafter. This needs to include awareness of any restrictions on personal use of Skinner's Academy's systems as detailed in the Skinner's Academy's IT policy.

Employees whose roles require regular access to personal data, or who are responsible for implementing this policy or responding to subject access requests under this policy, will receive additional training to help them understand their duties and how to comply with them.

MONITORING

Skinner's Academy monitors individual's use of Skinner's Academy's computer systems (including emails and the use of the internet on company computers and other devices) because it needs to do so to protect other employees and because of duties owed to suppliers and customers.

If any other monitoring is being considered you will be advised of this and given all the relevant information, including the lawful basis for processing the data, at the time such monitoring is put in place. In all cases, a Privacy Impact Assessment will be undertaken. Covert monitoring will only take place exceptionally and where the Privacy Impact Assessment has established that there is no less intrusive way to gather the information.