



# Data Protection and GDPR Policy

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## 1. Aims

The Tommy Flowers SCITT aims to ensure that all personal data collected about trainees, assessment only candidates, end point assessment candidates, trainers, school mentors, professional tutors and other individuals is collected, stored and processed in accordance with the General Data Protection Regulation (GDPR) and the expected provisions of the Data Protection Act 2018 (DPA 2018) as set out in the Data Protection Bill.

This policy applies to all personal data, regardless of whether it is in paper or electronic format.

## 2. Legislation and guidance

This policy meets the requirements of the GDPR and the expected provisions of the DPA 2018. It is based on guidance published by the Information Commissioner's Office (ICO) on the GDPR and the ICO's code of practice for subject access requests.

## 3. Definitions

Term	Definition
<b>Personal data</b>	Any information relating to an identified, or identifiable, individual. This may include the individual's: <ul style="list-style-type: none"><li>• Name (including initials)</li><li>• Teacher Reference Number</li><li>• Unique Learner Number</li><li>• Contact details</li><li>• Qualifications and experience</li></ul> It may also include factors specific to the individual's physical, physiological, genetic, mental, economic, cultural or social identity.
<b>Special categories of personal data</b>	Personal data which is more sensitive and so needs more protection, including information about an individual's: <ul style="list-style-type: none"><li>• Racial or ethnic origin</li><li>• Health – physical or mental</li><li>• Criminal record – through DBS checks</li></ul>
<b>Processing</b>	Anything done to personal data, such as collecting, recording, organising, structuring, storing, adapting, altering, retrieving, using, disseminating, erasing or destroying. Processing can be automated or manual.
<b>Data subject</b>	The identified or identifiable individual whose personal data is held or processed.
<b>Data controller</b>	A person or organisation that determines the purposes and the means of processing of personal data.
<b>Data processor</b>	A person or other body, other than an employee of the data controller, who processes personal data on behalf of the data controller.
<b>Personal data breach</b>	A breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to personal data.

## 4. The data controller

The Tommy Flowers SCITT is a partnership between Denbigh Alliance and St. Paul's Catholic School. The Tommy Flowers SCITT processes personal data relating to trainees, assessment only candidates, end point assessment candidates, trainers, mentors, professional tutors, visitors and others, and therefore Denbigh Alliance is a data controller.

Denbigh Alliance is registered as a data controller with the ICO (registration number Z2570761) and will renew this registration annually or as otherwise legally required.

## 5. Roles and responsibilities

This policy applies to **all staff** employed by Denbigh Alliance or St. Paul's Catholic school who work on the Tommy Flowers SCITT's behalf. This includes self-employed end-point assessors, who complete end point assessments on behalf of the Tommy Flowers SCITT. Staff who do not comply with this policy may face disciplinary action.

### 5.1 Executive Body

The Executive Body has overall responsibility for ensuring that the Tommy Flowers SCITT complies with all relevant data protection obligations.

### 5.2 Data protection officer

The data protection officer (DPO) is responsible for overseeing the implementation of this policy, monitoring our compliance with data protection law, and developing related policies and guidelines where applicable.

The DPO is also the first point of contact for individuals whose data the SCITT processes, and for the ICO.

Full details of the DPO's responsibilities are set out in their job description.

Our DPO is Shannon Webb and is contactable via [GDPR@thedenbighalliance.org.uk](mailto:GDPR@thedenbighalliance.org.uk)

### 5.3 Accounting Officer

The Accounting Officer acts as the representative of the data controller on a day-to-day basis.

### 5.4 All staff

Staff are responsible for:

- collecting, storing and processing any personal data in accordance with this policy
- contacting the DPO in the following circumstances:
  - with any questions about the operation of this policy, data protection law, retaining personal data or keeping personal data secure
  - if they have any concerns that this policy is not being followed
  - if they are unsure whether or not they have a lawful basis to use personal data in a particular way
  - if they need to rely on or capture consent, draft a privacy notice, deal with data protection rights invoked by an individual, or transfer personal data outside the European Economic Area
  - if there has been a data breach
  - whenever they are engaging in a new activity that may affect the privacy rights of individuals
  - if they need help with any contracts or sharing personal data with third parties

## 6. Data protection principles

The GDPR is based on data protection principles that the Tommy Flowers SCITT must comply with.

The principles say that personal data must be:

- processed lawfully, fairly and in a transparent manner
- collected for specified, explicit and legitimate purposes
- adequate, relevant and limited to what is necessary to fulfil the purposes for which it is processed
- accurate and, where necessary, kept up to date
- kept for no longer than is necessary for the purposes for which it is processed

- processed in a way that ensures it is appropriately secure

This policy sets out how the Tommy Flowers SCITT aims to comply with these principles.

## 7. Collecting personal data

### 7.1 Lawfulness, fairness and transparency

We will only process personal data where we have one of 6 'lawful bases' (legal reasons) to do so under data protection law:

- The data needs to be processed so that the Tommy Flowers SCITT can **fulfil a contract** with the individual, or the individual has asked the Tommy Flowers SCITT to take specific steps before entering into a contract
- The data needs to be processed so that the Tommy Flowers SCITT can **comply with a legal obligation**
- The data needs to be processed to ensure the **vital interests** of the individual e.g. to protect someone's life
- The data needs to be processed so that the Tommy Flowers SCITT, as a public authority, can perform a task **in the public interest**, and carry out its official functions
- The data needs to be processed for the **legitimate interests** of the Tommy Flowers SCITT or a third party (provided the individual's rights and freedoms are not overridden)
- The individual has freely given clear **consent**

For special categories of personal data, we will also meet one of the special category conditions for processing which are set out in the GDPR and Data Protection Act 2018.

Whenever we first collect personal data directly from individuals, we will provide them with the relevant information required by data protection law.

### 7.2 Limitation, minimisation and accuracy

We will only collect personal data for specified, explicit and legitimate reasons. We will explain these reasons to the individuals when we first collect their data. If we want to use personal data for reasons other than those given when we first obtained it, we will inform the individuals concerned before we do so, and seek consent where necessary. Staff must only process personal data where it is necessary in order to do their jobs. When staff no longer need the personal data they hold, they must ensure it is deleted or anonymised.

In the case of application forms received through Apply (or directly in the case of Assessment Only Programme applications and End-Point Assessment applications), rejected applications will be deleted or anonymized at the end of the academic year in which they are received. Any trainee who starts a course with us will have their personal data kept for seven years after the end of the academic year in which they complete or leave the course. This is to enable references to be written.

## 8. Sharing personal data

We will not normally share personal data with anyone else, but may do so where we need to liaise with other partner schools for the running of our courses. We will also share personal data with the University of Northumbria, our partnered Higher Education Institute, for the purposes of running the PGCE element of our course.

We will also share personal data with law enforcement and government bodies (including Ofsted, the Department for Education, Apprenticeship Assessment Service, the ESFA, auditors and Student Finance England) where we are legally required to do so, including for:

- the prevention or detection of crime and/or fraud
- the apprehension or prosecution of offenders
- the assessment or collection of tax owed to HMRC
- in connection with legal proceedings
- where the disclosure is required to satisfy our safeguarding obligations
- research and statistical purposes, as long as personal data is sufficiently anonymised or consent has been provided

- inspections of the Tommy Flowers SCITT
- the arrangements of student loans
- the registering of trainees or apprentices with the Department for Education and the awarding of QTS or an Apprenticeship
- the auditing of the SCITT's financial accounts

We may also share personal data with emergency services and local authorities to help them to respond to an emergency situation.

## **9. Subject access requests and other rights of individuals**

### **9.1 Subject access requests**

Individuals have a right to make a 'subject access request' to gain access to personal information that the Tommy Flowers SCITT holds about them. This includes:

- confirmation that their personal data is being processed
- access to a copy of the data
- the purposes of the data processing
- the categories of personal data concerned
- who the data has been, or will be, shared with
- how long the data will be stored for, or if this isn't possible, the criteria used to determine this period
- the source of the data, if not the individual
- whether any automated decision-making is being applied to their data, and what the significance and consequences of this might be for the individual

Subject access requests must be submitted in writing, either by letter, email or fax to the DPO. They should include:

- name of individual
- correspondence address
- contact number and email address
- details of the information requested
- If staff receive a subject access request they must immediately forward it to the DPO.

### **9.2 Other data protection rights of the individual**

In addition to the right to make a subject access request (see above), and to receive information when we are collecting their data about how we use and process it (see section 7), individuals also have the right to:

- withdraw their consent to processing at any time
- ask us to rectify, erase or restrict processing of their personal data, or object to the processing of it (in certain circumstances)
- prevent use of their personal data for direct marketing
- challenge processing which has been justified on the basis of public interest
- object to decisions based solely on automated decision making or profiling (decisions taken with no human involvement, that might negatively affect them)
- prevent processing that is likely to cause damage or distress
- be notified of a data breach in certain circumstances
- make a complaint to the ICO
- ask for their personal data to be transferred to a third party in a structured, commonly used and machine-readable format (in certain circumstances)

Individuals should submit any request to exercise these rights to the DPO. If staff receive such a request, they must immediately forward it to the DPO.

## 10. CCTV

We use CCTV in various locations around Denbigh Alliance and St. Paul's Catholic School to ensure it remains safe. We will adhere to the ICO's code of practice for the use of CCTV. We do not need to ask individuals' permission to use CCTV, but security cameras are clearly visible.

## 11. Photographs and videos

As part of our activities, we may take photographs and record images of trainees and trainers engaged in training with the Tommy Flowers SCITT.

We will obtain written consent from individuals for photographs and videos to be taken for communication, marketing and promotional materials.

Uses may include:

- within partner schools on notice boards and in school magazines, brochures, newsletters, etc.
- by external agencies such as newspapers and campaigns
- online on the Tommy Flowers SCITT website or social media pages

Consent can be refused or withdrawn at any time. If consent is withdrawn, we will delete the photograph or video and not distribute it further.

## 12. Data protection by design and default

We will put measures in place to show that we have integrated data protection into all of our data processing activities, including:

- only processing personal data that is necessary for each specific purpose of processing, and always in line with the data protection principles set out in relevant data protection law (see section 6)
- completing privacy impact assessments where the Tommy Flowers SCITT's processing of personal data presents a high risk to rights and freedoms of individuals, and when introducing new technologies (the DPO will advise on this process)
- integrating data protection into internal documents including this policy, any related policies and privacy notices
- regularly training members of staff on this policy, any related policies and any other data protection matters
- maintaining records of our processing activities, including:
- for the benefit of data subjects, making available the name and contact details of Denbigh Alliance and St. Paul's Catholic Schools and DPO and all information we are required to share about how we use and process their personal data (via our privacy notices)
- for all personal data that we hold, maintaining an internal record of the type of data, data subject, how and why we are using the data, any third-party recipients, how and why we are storing the data, retention periods and how we are keeping the data secure

## 13. Data security and storage of records

We will protect personal data and keep it safe from unauthorised or unlawful access, alteration, processing or disclosure, and against accidental or unlawful loss, destruction or damage.

In particular:

- paper-based records that are required to be kept (e.g. interview packs) are scanned into electronic format and the paper copy is shredded.
- electronic personal data is stored on One Drive or the T:drive at St. Paul's Catholic School. Access is restricted by password and limited to TFSCITT staff.
- papers containing confidential personal data must not be left on office desks, on staffroom tables, pinned to notice/display boards, or left anywhere else where there is general access

- passwords that are at least 8 characters long containing letters and numbers are used to access school computers, laptops and other electronic devices. Staff are reminded to change their passwords at regular intervals
- encryption software is used to protect all portable devices and removable media, such as laptops and USB devices
- staff who store personal information on their personal devices are expected to follow the same security procedures as for school-owned equipment

## 14. Disposal of records

Personal data that is no longer needed will be disposed of securely. Personal data that has become inaccurate or out of date will also be disposed of securely, where we cannot or do not need to rectify or update it.

For example, we will shred paper-based records, and overwrite or delete electronic files. We may also use a third party to safely dispose of records on Denbigh Alliance and St. Paul's behalf. If we do so, we will require the third party to provide sufficient guarantees that it complies with data protection law.

## 15. Personal data breaches

The Tommy Flowers SCITT will make all reasonable endeavours to ensure that there are no personal data breaches.

In the unlikely event of a suspected data breach, the following steps will be followed without exception. The affected parties must be notified and the breach reported to relevant Data Protection Authorities, no later than 72 hours after data exfiltration.

Contact the Data Protection Officer or the Denbigh Alliance's CEO's Personal Assistant with the following information:

- the information that has been exposed
- detail about how the knowledge of the breach became understood
- the number of records that have been exposed

The Data Protection Officer will undertake an investigation into the nature of the breach.

This investigation must be completed, and relevant Data Protection Authorities notified with the following:

- the consequences of the breach
- the risks to the consumer rights and freedoms

The Denbigh Alliance CEO will approve notification of the breach of personal information to the Data Subject.

Post-breach, a new risk assessment must be completed to ensure that further loss is securely mitigated against.

## 16. Training

All staff are provided with data protection training as part of their induction process.

Data protection will also form part of continuing professional development, where changes to legislation, guidance or the Tommy Flowers SCITT's processes make it necessary.

## 17. Monitoring arrangements

The Executive Board is responsible for monitoring and reviewing this policy.

This policy will be reviewed and updated if necessary when the Data Protection Bill receives royal assent and becomes law (as the Data Protection Act 2018) – if any changes are made to the bill that affect the Tommy Flowers SCITT's practice. Otherwise, or from then on, this policy will be reviewed **every 2 years** and shared with the Executive Board.