



Data Protection Policy

Statement and purpose of policy

- a. Open Box Education Centre is committed to meeting its obligations under the Data Protection Act of 1998. Open Box Education Centre will strive to observe the law in all collection and processing of personal data and will meet any individual access request in compliance with the law.
 - b. We confirm for the purposes of the data protection laws, that Open Box Education Centre is a data controller of personal data. This means that we determine the purposes for which, and the manner in which, personal data is processed.
 - c. The purpose of this policy is to help achieve our data protection and data security aims by: notifying our staff of the types of personal information that we may hold about them and third parties, and what we do with that information; setting out the rules on data protection and the legal conditions that must be satisfied when we collect, receive, handle, process, transfer and store personal data and ensuring staff understand our rules and the legal standards; and clarifying the responsibilities and duties of staff in respect of data protection and data security.
 - d. This is a statement of policy only and does not form part of any contract of employment. We may amend this policy at any time, in our absolute discretion.
- a. For the purposes of this policy: Criminal records data means information about an individual's criminal convictions and offences, and information relating to criminal allegations and proceedings. Data protection laws means all applicable laws relating to the processing of Personal Data, including, for the period during which it is in force, the General Data Protection Regulation (Regulation (EU) 2016/679). Data subject means the individual to whom the personal data relates. Personal data means any information that relates to an individual who can be identified from that information. Processing means any use that is made of data, including collecting, storing, amending, disclosing, or destroying it. Sensitive data means information about an individual's racial or ethnic origin, political opinions, religious beliefs, trade union membership, physical or mental health or sexual life.

Principles of data protection outlined in the Data Protection Act:

There are eight principles put in place by the Data Protection Act 1998 to make sure that your information is handled properly. Staff whose work involves using personal data relating to staff, students or others must comply with this policy and with the data protection principles.

They say that Personal Information must be:

1. **fairly and lawfully processed;** We must always have a lawful basis to process personal data, as set out in the data protection laws. Personal data may be processed as necessary to perform a contract with the data subject, to comply with a legal obligations which the data controller is the subject of, or for the legitimate interest of the data controller or the party to whom the data is disclosed. The data subject must be told who controls the information (us), the purpose(s) for which we are processing the information and to whom it may be disclosed.
2. **processed for limited purposes;** Personal data must not be collected for one purpose and then used for another. If we want to change the way we use personal data, we must first tell the data subject.
3. **adequate, relevant and not excessive;** We will only collect personal data to the extent required for the specific purpose notified to the data subject.
4. **accurate;** Checks to personal data will be made when collected and regular checks must be made afterwards. We will make reasonable efforts to rectify or erase inaccurate information.
5. **not kept for longer than is necessary;** Information will not be kept longer than it is needed and we will take all reasonable steps to delete information when we no longer need it. For guidance on how long particular information should be kept, contact the Principal, or request a copy of our Data Retention policy.
6. **processed in line with your rights;**
7. **secure;**
8. **not transferred to countries without adequate protection.**

By law data controllers have to keep to these principles.

Policy on collecting subject data

- Open Box Education Centre will only use data in ways relevant to carrying out its legitimate purposes and functions as a school in a way that is not prejudicial to the interests of individuals.
- Subjects will be informed about how Open Box Education Centre will store and use the data at the time of collection. This will require a standard statement to be sent in all written requests for data.
- Open Box Education Centre will take due care in the collection and storage of any sensitive data.
- Open Box Education Centre staff will do their utmost to keep all data accurate, timely and secure.
- Data may be stored in many ways such as databases, ordered manual files or Word or Excel files. The data will be collected consistently no matter where the data is to be stored.
- All staff, whether permanent or temporary, and voluntary workers, must be aware of the requirements of the Data Protection Act when they collect or handle data about an individual.

- The level of data shared with the Governing Body will enable discussion and advice on general and specific cases. Where possible the identity of individuals will be withheld.
- Open Box Education Centre staff must not disclose data except where there is subject consent, or legal requirement. All collection and processing must be done in good faith.
- The Data Controller will keep records of all complaints by data subjects and the follow up. It will also keep a record of all data access requests. There will be a repository of all Open Box Education Centre statements of Data Protection Law compliance and information about any contacts made with the Data Protection Registrar. This information will be available to staff and data subjects on request.
- Open Box Education Centre will keep notification up to date.

Sensitive Data

We may from time to time need to process sensitive personal information (sometimes referred to as 'special categories of personal data')

Open Box Education Centre will strive to ensure that sensitive data is accurately identified on collection so that the proper safeguards can be put in place. Sensitive data means data consisting of information relating to the individuals:

- (a) racial or ethnic origin
- (b) political opinions
- (c) religious beliefs
- (d) Trade Union membership
- (e) Physical or mental health
- (f) Sexual life
- (g) Civil or Criminal offence

We will only process sensitive information if:

- We have a lawful basis for doing so, eg it is necessary for the performance of the employment contract; and one of the following special conditions for processing personal information applies:
 - The data subject has given explicit consent.
 - The processing is necessary for the purposes of exercising the employment law rights or obligations of the Company or the data subject.
 - The processing is necessary to protect the data subject's vital interests, and the data subject is physically incapable of giving consent.
 - Processing relates to personal data which are manifestly made public by the data subject.
 - The processing is necessary for the establishment, exercise, or defence of legal claims; or
 - The processing is necessary for reasons of substantial public interest.
- Before processing any sensitive information, Staff must notify the Principal of the proposed processing, in order for the Principal to assess whether the processing complies with the criteria above.

- Sensitive personal information will not be processed until the assessment above has taken place and the individual has been properly informed of the nature of the processing, the purposes for which it is being carried out and the legal basis for it.
- Our privacy notice sets out the type of sensitive personal information that we process, what it is used for and the lawful basis for the processing.

Procedures for collecting subject data

- Staff are responsible for ensuring that data are collected accurately, fully and consistently.
- Staff are responsible for ensuring that sensitive data are identified when collected and will inform the subject that this data will be stored at the time of collection.
- All personal information should be dated at the time of collection so that records can be archived at an appropriate time.

How we use your personal data

We will tell you the reasons for processing your personal data, how we use such information and the legal basis for processing in our privacy notice. We will not process Staff personal information for any other reason.

In general we will use information to carry out our business, to administer your employment or engagement and to deal with any problems or concerns you may have, including, but not limited to:

- **Staff Address Lists:** to compile and circulate lists of home addresses and contact details, to contact you outside working hours.
- **Sickness records:** to maintain a record of your sickness absence and copies of any doctor's notes or other documents supplied to us in connection with your health, to inform your colleagues and others that you are absent through sickness, as reasonably necessary to manage your absence, to deal with unacceptably high or suspicious sickness absence, to inform reviewers for appraisal purposes of your sickness absence level, to publish internally aggregated, anonymous details of sickness absence levels.
- **Monitoring IT systems:** to monitor your use of e-mails, internet, telephone and fax, computer or other communications or IT resources.
- **Disciplinary, grievance or legal matters:** in connection with any disciplinary, grievance, legal, regulatory or compliance matters or proceedings that may involve you.
- **Performance Reviews:** to carry out performance reviews.
- **Equal Opportunities Monitoring:** to conduct monitoring for equal opportunities purposes and to publish anonymised, aggregated information about the breakdown of the Employer's workforce.

Statement for written forms and web/email communications:

- When data are collected the following statement must be included in all written forms and also web/email communications:

If you complete this form Open Box Education Centre will store and process your data in accordance with the requirements of its Data Protection Policy and in keeping with the Data Protection Act 1998.

Data Security and Storage

We will use appropriate technical and organisational measures to keep personal data secure, and in particular to protect against unauthorised or unlawful processing and against accidental loss, destruction or damage.

Maintaining data security means making sure that:

- only people who are authorised to use the information can access it;
- where possible, personal data is pseudonymised or encrypted;
- information is accurate and suitable for the purpose for which it is processed; and
- authorised persons can access information if they need it for authorised purposes.

By law, we must use procedures and technology to secure personal information throughout the period that we hold or control it, from obtaining to destroying the information.

Personal information must not be transferred to any person to process (eg while performing services for us on or our behalf), unless that person has either agreed to comply with our data security procedures or we are satisfied that other adequate measures exist.

Security procedures include:

- Any desk or cupboard containing confidential information must be kept locked.
- Computers should be locked with a strong password that is changed regularly or shut down when they are left unattended and discretion should be used when viewing personal information on a monitor to ensure that it is not visible to others.
- Information that is stored on a laptop or computer should be password protected.
- Data stored on CDs or memory sticks must be encrypted or password protected and locked away securely when they are not being used.
- The Principal must approve of any cloud used to store data.
- All servers containing sensitive personal data must be approved and protected by security software.
- Servers containing personal data must be kept in a secure location, away from general office space.
- Data should be regularly backed up.
- Where data are passed to a third party for processing, Open Box Education Centre will ensure that a written contract is put in place. Control of the data will not be allowed to move to the third party.

- Any data processing will only be allowed where there is a clear rationale for the activity, which meets the Data Protection Act criteria. A 'Table of Data' will be maintained and all staff will be responsible for keeping this up to date.
- Any mailings generated from stored data will observe opt out choices in good faith.

Telephone Precautions. Particular care must be taken by Staff who deal with telephone enquiries to avoid inappropriate disclosures. In particular:

- the identity of any telephone caller must be verified before any personal information is disclosed;
- if the caller's identity cannot be verified satisfactorily then they should be asked to put their query in writing;
- do not allow callers to bully you into disclosing information. In case of any problems or uncertainty, contact the Principal.

Data Retention and Disposal

Data no longer required for the legitimate purposes of Open Box Education Centre will be regularly purged and archived appropriately or destroyed. A clear rationale must be supplied for personal data to be kept.

- Personal data (and sensitive personal information) will be kept securely in accordance with our **Data Retention policy**.

Methods of disposal. Copies of personal information, whether on paper or on any physical storage device, must be physically destroyed when they are no longer needed. Paper documents should be shredded and CDs or memory sticks or similar must be rendered permanently unreadable.

Policy on Disclosures

- Open Box Education Centre will not allow data collected from subjects to be disclosed to third parties except in circumstances which meet the requirements of the Data Protection Act. This will be either:
 1. The subject has consented to the disclosure.
 2. Open Box Education Centre is legally obliged to disclose the data.
 3. There is a business requirement to disclose data that is within the remit of the Data Protection Act and is not prejudicial to the interests of the individual.

Procedure on Disclosures

- All staff must ensure any general disclosure is recorded on the 'Table of Data' and each class of disclosure includes a clear rationale as to why this is taking place.

- Any new disclosure to be made must be checked for suitability. This may be referred to the Data Protection Registrar for advice.
- Any request for data based on a legal requirement, e.g. from Police or other body, must be put in writing and be checked against the advice of the Data Protection Registrar before data are disclosed.
- All staff have a duty to protect individual's data from accidental disclosure:
 1. Do not give out passwords to other people, who will then have access to the data you are entitled to view.
 2. Do not recycle reports that contain personal data.
 3. In particular, take due care to ensure that data is not left about on laptops or in files out of the office where they can be accessed by other people who are not Open Box Education Centre staff.

Data Impact Assessments

- Some of the processing that Open Box carries out may result in risks to privacy.
- Where processing would result in a high risk to Staff rights and freedoms, Open Box 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 risk for individuals and the measures that can be put in place to mitigate those risks.

Data breaches

- If we discover that there has been a breach of Staff rights and freedoms of individuals, we will report it to the information Commissioner within 72 hours of discovery, in line with their legal requirements.
 - We will record all data breaches regardless of their effect.
 - If the breach is likely to result in a high risk to your rights and freedoms, we will tell affected individuals that there has been a breach and provide them with more information about its likely consequences and the mitigation measures it has taken.

Subject Access Policy

Open Box Education Centre will provide information in response to any reasonable subject access request and will ensure data are kept in an accessible form to facilitate subject access.

Procedure on Subject Access

- Staff will make every effort to ensure that immediate action is taken when a data access is requested. They will contact the Principal immediately.
- A standard letter (amended as appropriate) will be sent to the subject stating Open Box Education Centre policy on subject access. This will promise to provide the required data to the best of Open Box Education Centre's ability within 40 days. Open Box Education Centre reserves the right to ask for a maximum payment of up to £10.

- A search will be set up by the Data Protection Officer to ensure that all relevant data will be collected and collated ready to present to the subject. The search will include all electronic data and ordered manual files if required.
- The data will be offered to the subject at Open Box Education Centre's premises with a staff member on hand to help with any queries or interpretations. If the subject is unable to visit the Open Box Education Centre premises, alternative arrangements can be negotiated.

Individual rights

You have the following rights in relation to your personal data.

Subject access requests:

You have the right to make a subject access request. If you make a subject access request, we will tell you:

- whether or not your personal data is processed and if so why, the categories of personal data concerned and the source of the data if it is not collected from you;
- to whom your personal data is or may be disclosed.
- for how long your personal data is stored (or how that period is decided);
- your rights of rectification or erasure of data, or to restrict or object to processing;
- your right to complain to the Information Commissioner if you think we have failed to comply with your data protection rights; and
- whether or not we carry out automated decision-making and the logic involved in any such decision making.

We will provide you with a copy of the personal data undergoing processing. This will normally be in electronic form if you have made a request electronically, unless you agree otherwise.

To make a subject access request, contact us at info@openboxededucation.org.uk.

We may need to ask for proof of identification before your request can be processed. We will let you know if we need to verify your identity and the documents we require.

We will normally respond to your request within 28 days from the date your request is received. In some cases, eg where there is a large amount of personal data being processed, we may respond within 3 months of the date your request is received. We will write to you within 28 days of receiving your original request if this is the case.

If your request is manifestly unfounded or excessive, we are not obliged to comply with it.

Other rights:

You have a number of other rights in relation to your personal data. You can require us to:

- rectify inaccurate data;
- stop processing or erase data that is no longer necessary for the purposes of processing;

- stop processing or erase data if your interests override our legitimate grounds for processing the data (where we rely on our legitimate interests as a reason for processing data);
- stop processing data for a period if data is inaccurate or if there is a dispute about whether or not your interests override the Open Box Education Centre's legitimate grounds for processing the data.

To request that we take any of these steps, please send the request to info@openboxededucation.org.uk.

Training

- We will provide training to all individuals about their data protection responsibilities as part of the induction process and at regular intervals thereafter.
- Individuals 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.

Policy on Complaints and Queries

- Open Box Education Centre will respond to any complaints as quickly and responsively as possible. Any letter we receive in relation to the Data Protection Act that questions our policy and/or procedure will be dealt with immediately.
- Records will be kept of all correspondence for 5 years.

Procedure on Complaints and Queries

- Notify the Data Protection Officer.
- Continue to inform the Data Protection Officer of any correspondence and developments as they occur.

Approved by: (Principal) (date)

Authorised by:..... (Chair of Governors) (date)

To be reviewed every: 2 Years

Next review date: January 2021