**Point-Virgule**

**Data Protection Policy**

# Purpose and Scope

Point-Virgule needs to keep certain information about its students, students’ parents and carers, self-employed teachers, volunteers and applicants which apply to Point-Virgule for teaching, including those which are unsuccessful. This allows Point-Virgule to contact parents/carers in case of emergency, for example.

To comply with the law information must be collected and used fairly, stored safely and not beyond a reasonable point and not disclosed unlawfully. Point-Virgule therefore complies with the Data Protection Principles set out in the Data Protection Act 1998 (“DPA”) and the General Data Protection Regulation (“GDPR”).

The DPA principles state that personal data shall:

* Be obtained and processed fairly and lawfully and shall not be processed unless certain conditions are met.
* 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 for longer than is necessary for that purpose.
* Be processed in accordance with the data subject's 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.

Anyone who processed data on behalf of Point-Virgule must ensure that they follow these principles always. In order to ensure that this happens, Point-Virgule has developed the Data Protection Policy.

# Definitions

The policy covers all volunteers and self-employed teachers and anyone working at Point-Virgule.

The term “**data processing**” is very widely defined in DPA and includes obtaining, recording, organising, using, disclosing, deleting, and simply holding data (information). Therefore, anything you do with information will amount to processing.

The term “**personal data**” is data that relates to a living individual who can be identified from that data or from that data and any other information that is in (or is likely to come into) the possession of the data controller (person processing the data).

There is a sub-category of personal data which is referred to in the DPA as “**sensitive personal data**” and there are even more obligations on those who process this data. Sensitive personal data is information that relates to an individual’s political opinions, racial or ethnic origins, mental or physical health, sexual life, religious persuasion, trade union affiliation or criminal record.

The DPA covers data held in non-electronic form, such as paper files as well as any held on computer or other electronic storage.

# Responsibilities

## Roles

|  |  |  |
| --- | --- | --- |
| Role | Person | Responsibility |
| Senior Information Risk Owner (SIRO) | Vamory Traore (trustee) | Manage response to breaches of the policy. Communicate major breaches to the Board of Trustees. Work with the Board to put preventative measures and resolutions in place. |

## Information about students

All volunteers (including trustees) and teachers are required to maintain confidentiality in their work as appropriate. However, in relation to personal data it is essential to review procedures for handling this data to ensure that all processing is lawful under DPA.

* Accessto personal data should be restricted to those who need it for clearly defined purposes. Personal data held on computer should be protected by regularly changed passwords, whilst data held in other ways should be kept secure when not in use. Special care should be taken when data is being moved around externally, eg when carrying laptops, and data should be encrypted. Failure to protect against unauthorised access would be an offence under DPA.
* Data must only be used for purposes for which it is collected. Data collected for one purpose must not be used for other purposes unless these were made known at the time the data was collected, or the data subject is advised and consents.
* Data should not be held for longer than necessary and so should be destroyed when no longer needed, or at the end of any statutory retention period. Only keep data if there is a good reason for doing so – getting rid of unnecessary data can also save on space. Data should be destroyed appropriately, which will usually involve shredding. Care must be taken not to throw personal data into general waste bins.
* Take care when revealing third party personal data to anyone other than the individuals themselves. Where necessary, obtain appropriate evidence of identity and establish why the data is needed. Consider whether or not revealing the data is in accordance with the DPA, and if in doubt, seek advice from the SIRO. The consent of the data subject should be obtained whenever possible.
* It is advisable for everyone working at or with Point-Virgule to review their data processing on a regular basis, to ensure compliance with the legal principles. Individuals should consider how long to retain the personal data that is relevant to their area of work and put together appropriate guidelines for destroying data, together with systems to ensure that these guidelines are followed.

## Right to Access Information

Students, parents and carers, teachers and applicants have the right to access any personal data that is being kept about them either on a computer or in hardcopy files.

Any person who wishes to exercise this right should contact the SIRO, in writing. Data should not be given out over the phone, due to the difficulty in verifying identities.

Data can be disclosed to a third party without the consent of the data subject in the following circumstances only:

* Data required by law e.g. data supplied to statutory bodies.
* Data that is in the vital interests of the data subject.
* Data that would prevent harm to a third party.
* Data that would prevent crime.
* Data that would be in the interest of national security.

A record must be kept on file of any disclosure, including date, to whom, and the reason for the request.

Point-Virgule aims to comply with requests for access to personal information as quickly as possible, but will ensure that it is provided within 40 days.

Exemptions to access

Access may not be permitted in the following circumstances:

* The data subject has not provided sufficient information to enable the SIRO to satisfactorily identify the data subject or otherwise comply with the request.
* Point-Virgule has already complied with the same or a similar request within a reasonable period.
* Disclosure of the data would also disclose information relating to another individual unless:
  + the other individual has consented; or
  + It is reasonable to disclose the information without such consent.

Careful consideration should be given to what is “reasonable”, in relation to the last point, thinking through any duty of confidentiality owed to the other individual, any steps that the data controller might take to seek consent from them, and whether the other individual is capable of consenting, eg. they may have left the organisation without a forwarding address.

1. Relevance

Point-Virgule holds personal data on its students, some of which is sensitive. Within the organisation this information is only accessible to the trustees, tough an edited version is also communicated to the teachers, relating only to their own pupils.

# Processing

Point-Virgule holds volunteers and teachers information eg DBS certificates and CVs. This is held for the legal and justifiable reasons, with volunteers and teachers being able to access the information that is held about them. Other information related to HR, such as interview notes for unsuccessful applicants is held for the appropriate amount of time and then destroyed.

Point-Virgule deals in little which would be classed as direct marketing. It sends emails and information to potential students’ parents and carers, however these are expected as part of the running of the organisation and do not feature marketing about Point-Virgule or its activities. Most activities which could be classed as marketing are done via Facebook or our website where people can choose to engage.

# Data Retention

Please see the Data Retention Schedule.

|  |  |  |
| --- | --- | --- |
| Data | Retention | Comment |
| Ex-student Information | 2 years after leaving |  |
| Ex-teacher Information | 2 years after leaving |  |
| Applicants for jobs, consultancy tenders or similar who are not shortlisted for interview | 12 months after receiving the information |  |
| Applicants shortlisted for job, consultancy or similar interview  who are not successful | 12 months after the interview date |  |

Policy statement agreed on behalf of the Board of Trustees

Signed: ………………………………

Date: ……12/5/2018…………………………...

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| --- | --- | --- | --- | --- | --- |
|  | Future review dates | | | | |
| 2019 | 2020 | 2021 | 2022 | 2023 |
| Date reviewed |  |  |  |  |  |
| Date approved by trustees |  |  |  |  |  |