

DATA PROTECTION & GDPR POLICY

PRIMARY PERSON RESPONSIBLE FOR IMPLEMENTATION AND MONITORING OF THIS POLICY

JAMES EYTLE, BEVERLEY MELLON (PRINCIPALS)

STEPHEN BAILEY (DATA PROTECTION OFFICER)

LAST REVIEW DATE

June 2021

NEXT REVIEW

June 2022

This policy supersedes and amalgamates the previous two separate policies: Data Protection Policy (GDPR) and GDPR Privacy Policy.

Data Protection Policy

Albemarle College is committed to protecting and respecting the confidentiality of sensitive information relating to staff, students and parents.

1. Introduction

Albemarle College needs to keep certain information about our employees, students and other users to allow us, for example, to monitor performance, achievement, and health and safety.

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, we must comply with the Data Protection principles which are set out in the Data Protection Act 2018.

In summary these principles state 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 that purpose.
- 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.

All staff who process or use personal information must ensure that they follow these principles at all times. In order to ensure that this happens, the College has developed this Data Protection Policy. This policy is a condition of employment that employees will abide by the rules and policies made by the College from time to time. Any failures to follow the policy can therefore result in disciplinary proceedings.

2. The Data Controller and the Designated Data Controllers

Albemarle College, as a body, is the Data Controller under the 2018 Act, and the Principals are therefore ultimately responsible for implementation. However, the Designated Data Controllers will deal with day to day matters.

The College has identified its Designated Data Controllers as:

- The College Administrators
- The Principals
- The Vice Principal
- The Directors of Studies
- The College Support Staff

Any member of staff, parent or other individual who considers that the Policy has not been followed in respect of personal data about himself or herself or their child should raise the matter with the Principal, in the first instance.

3. Responsibilities of Staff

All staff are responsible for:

- Checking that any information that they provide to the college in connection with their employment is accurate and up to date.
- Informing the college of any changes to information that they have provided, e.g. change of address, either at the time of appointment or subsequently. The College cannot be held responsible for any errors unless the staff member has informed the college of such changes.
- Handling all personal data (eg – student attainment data) with reference to this policy.

4. Data Security

All staff are responsible for ensuring that:

- Any personal data that they hold is kept securely.
- Personal information is not disclosed either orally or in writing or via Web pages or by any other means, accidentally or otherwise, to any unauthorised third party.

Staff should note that unauthorised disclosure will usually be a disciplinary matter, and may be considered gross misconduct in some cases.

Personal information should:

- Be kept in a filing cabinet, drawer, or safe in a secure office, or;
- If it is computerised, be password protected both on a local hard drive and on a network drive that is regularly backed up; and
- If a copy is kept on a USB memory key or other removable storage media, that media must itself be password protected and/or kept in a filing cabinet, drawer, or safe.

5. Rights to Access Information

All staff, parents and other users are entitled to:

- Know what information the College holds and processes about them or their child and why
- Know how to gain access to it
- Know how to keep it up to date
- Know what the College is doing to comply with its obligations under the 2018 Act

The College will, upon request, provide all staff and parents and other relevant users with a statement regarding the personal data held about them. This will state all the types of data the College holds and processes about them, and the reasons for which they are processed.

All staff, parents and other users have a right under the 2018 Act to access certain personal data being kept about them or their child either on computer or in certain files. Any person who wishes to exercise this right should make a request in writing and submit it to the Principals. The College will ask to see evidence of your identity, such as your passport or driving license, before disclosure of information.

The College may make a charge on each occasion that access is requested in order to meet the costs of providing the details of the information held.

The College aims to comply with requests for access to personal information as quickly as possible, but will ensure that it is provided within 40 days, as required by the 2018 Act.

6. Retention of Data

The College has a duty to retain some staff and student personal data for a period of time following their departure from the college, mainly for legal reasons, but also for other purposes such as being able to provide references. Different categories of data will be retained for different periods of time.

7. Monitoring and Evaluation

This is ongoing; where any clarifications or actions are needed the Policy will be amended at its next review.

8. Photography & Images

Where the capture or distribution of images of children raises a safeguarding concern, the Designated Safeguarding Lead (DSL) must be contacted immediately. Further details on safeguarding procedures are available in our Safeguarding policy.

9. Data Protection Act

Photographs and video images of students and staff are classed as personal data under the terms of the Data Protection Act 2018. Therefore, using such images for college publicity purposes requires the consent of either the individual concerned or in the case of students, their legal guardians. In line with the Data Protection Act, everyone responsible for using data has to follow strict rules called 'data protection principles'. They must make sure the information is:

- used fairly and lawfully
- used for limited, specifically stated purposes
- used in a way that is adequate, relevant and not excessive
- accurate
- kept for no longer than is absolutely necessary
- handled according to people's data protection rights
- kept safe and secure
- not transferred outside the UK without adequate protection

10. Photography and Image Capture in College

Images of children may be captured as part of the educational process. Recordings of students for college purposes will only ever be taken using official college equipment or by a designated external professional. Staff must not take or transmit any recording of students on any personal device. Staff should also be aware that taking photographs of colleagues using personal devices should only happen with the permission of that member of staff.

Images of students or staff must not be displayed on websites, in publications or in a public place without specific consent. The definition of a public place includes areas where visitors to the college have access. Where photographs are taken at an event attended by large crowds, this is regarded as a public area so it is not necessary to get permission of everyone in a crowd shot.

On occasions, commercial video films may be made of children on educational visits and performing in college productions. The College will inform parents where arrangements have been made for a commercial photographer to film such an event. Parents' media permissions must be kept on file.

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11. What will Albemarle College do with my personal data?

We use data of parents, students and staff to provide students with the education required to pass GCSE and A Level exams.

- Improving our educational provision for you to ensure everyone gets the best experience, performing research to understand your views and personalising your experiences to make our service more intuitive & engaging;
- Providing you with the academic programme you have selected, managing your welfare requirements, keeping you up-to-date and informed and responding to your enquiries, and keeping you updated on College matters;
- Legal, regulatory or business reasons.

12. How long will Albemarle College keep my personal data?

We keep information while you're attending the college and after you've left us for a period of 10 years, in order to respond to academic and employment references.

We use your information to provide you with the products and services you have selected and for a variety of other reasons.

For example, we might need to sort out disagreements, prove that you had education with us or follow our legal obligations. We may also keep information about how you use our products or services.

In each case, the length of time that we need to keep the information may be different, but we will only keep the information for as long as we need it.

13. Who does Albemarle College share my personal data with and why?

We will share your information in the following situations:

- When you have provided your consent;
- When we have legal or regulatory requirements such as a request for an academic or employment reference, from a law enforcement agency or a credit reference agency.

14. What data does Albemarle College hold about me? (and how do you get it?)

We will use the data we have on students and parents to help the college deliver its educational provision.

We collect information in three ways:

1. Directly from you, such as information filled in within application, pre-registration or registration forms, surveys;
2. From the educational programme selected;
3. From 3rd parties, such as information from credit reference agencies and fraud protection agencies.

15. What rights do I have?

You have the following rights:

- To be informed about how we use your personal data (the purpose of this Privacy Notice);
- Right of Access – you can request a copy of the information we hold on you
- Right to Rectification – you can correct data we hold on you if it is inaccurate or incomplete
- Right to be Forgotten – in certain circumstances you can ask for the data we hold on you to be erased from our records
- Right of Portability – you have the right to have the data we hold on you transferred to another organization
- Right to Object – you have the right to object to certain types of processing such as direct marketing
- Right to Object to Automated Processing – you have the right to object to profiling
- Right to greater control over how data controllers handle your data
- Right to request how our business demonstrates how we are securely handling your data

16. How do I change my preferences?

You can opt in and out of communications at any time by changing your preferences by emailing gdpr.albemarle@gmail.com.

17. How does Albemarle College ensure my data is secure?

Albemarle College is committed to keeping your data secure. We use a variety of security technologies and procedures to help protect your personal data from unauthorised access, use or disclosure.

18. Live Chat Service

We use a third party for our chat system on the Albemarle website, which is used to deal with the customer's enquiry in real time. We may ask you for your contact details and name which we can use to contact you if the chat is disconnected.

19. Special Categories of Personal Data are not Processed

We will not process data on special categories under the following list:

- Racial or Ethnic Origin
- Political opinions
- Religious beliefs
- Philosophical beliefs
- Trade union membership
- Genetic data
- Biometric data
- Sexual orientation

20. Cookie Policy

Albemarle uses cookies on our website www.albemarle.org.uk for a number of purposes. These cookies allow students, parents and staff access information when the website is browsed, and allows us to improve the website. By continuing to browse the site you are agreeing to our use of cookies.

A cookie is a small file of letters and numbers that we store on your browser or the hard drive of your computer if you agree. Cookies contain information that is transferred to your computer's hard drive.

We use the following cookies:

- Strictly necessary cookies – these are cookies that are required for the operation of our website. They include, for example, cookies that enable you

to log on to the secure area of our website

- Analytical/Performance cookies – these allow us to recognise and count the number of visitors and to see how visitors move around the website. This helps us improve the way the website works by for example ensuring that users find what they are looking for.
- Functionality cookies – these are used to recognise you when you return to our website and helps personalise content for you

21. Controlling Cookies

If you do not want to receive cookies, you can modify your browser so that it notifies you when cookies are sent to it or you can refuse cookies altogether. You can also delete cookies that have already been set.

If you wish to restrict or block web browser cookies which are set on your device then you can do this through your browser settings; the Help function within your browser should tell you how. However, if you use your browser settings to block all cookies (including essential cookies) you may not be able to access all or parts of our site.

Alternatively, you may wish to visit www.aboutcookies.org, which contains comprehensive information on how to do this on a wide variety of desktop browsers.

To switch off third-party advertising cookies, you can turn these off by visiting the Internet Advertising Bureau's consumer advice www.youronlinechoices.com.

22. How can I contact you?

If you would like more information or would like to raise any queries with us in relation to your information, you can contact us in writing:

Data Protection Officer
Stephen Bailey
Albemarle College
18 Dunraven Street
Mayfair
London
W1K 7FE

Or by email: gdpr.albemarle@gmail.com

23. Changes to this Privacy Notice

We will check this policy from time to time and post any changes here.

24. Resolving Privacy Issues

We will always try our best to resolve any data privacy issue you may have. You have the right to refer any data privacy issue to the Information Commissioner's Office at any time.