



DistanceLearningCentre.com Ltd

Data Protection Policy

1.0 Policy

1.1 The DistanceLearningCentre.com Ltd (referred to as the **Organisation**) recognises its responsibilities with regard to the management of the requirements of the Data Protection Act 2018 and UK General Data Protection Regulation (UK GDPR) and takes these very seriously. This policy sets out how the Organisation manages those responsibilities.

1.2 The Organisation obtains, uses, stores and otherwise processes personal data relating to potential staff and learners (applicants), current staff and learners, former staff and learners, current and former workers, contractors, website users and contacts, collectively referred to in this policy as data subjects.

1.3 When processing personal data, the Organisation is obliged to fulfil individuals' reasonable expectations of privacy by complying with GDPR and other relevant data protection legislation (data protection law).

This policy therefore seeks to ensure that we:

- are clear about how personal data must be processed and the Organisation's expectations for all those who process personal data on its behalf.
- comply with the data protection law and with good practice.
- protect the Organisation's reputation by ensuring the personal data entrusted to us is processed in accordance with data subjects' rights.
- protect the Organisation from risks of personal data breaches and other breaches of data protection law.

1.4 The purpose of this policy is to ensure that the Organisation, its staff and learners comply with the provisions of the Data Protection Act 2018 and UK GDPR when processing personal data. Any infringement of the Act and legislation will be treated seriously by the Organisation and may be considered under disciplinary procedures.

1.5 This policy applies to all personal data we process regardless of the location where that personal data is stored (e.g. on an employee's own device) and regardless of the data subject. All staff and others processing personal data on the Organisation's behalf must read this policy, and a failure to comply may result in disciplinary action.

1.6 This policy applies to all members of the DistanceLearningCentre.com Ltd. For the purposes of this policy, the term '**Staff**' means all members of the organisation including permanent, fixed term, temporary staff, any third-party representatives, volunteers and any persons engaged with the Organisation.

1.7 All contractors and agents acting for or on behalf of the Organisation will be made aware of this policy.

1.8 This policy applies to all personal and sensitive personal data processed on computers and stored in manual (paper based) files. It aims to protect and promote the rights of individuals and the Organisation.

(i) **Personal Data:** Any information which relates to a living individual who can be identified from the information. It also extends to any information which may identify the individual. Examples of personal data include:

- Name (first, last and maiden).
- Address (postal and email).
- Date of birth.
- Photo.
- Phone number.
- Bank account/credit card number.
- Passport number.
- National Insurance (NI) number.
- Statement of fact.
- Any expression or opinion communicated about an individual.
- Minutes of meetings, reports.
- Emails, file notes, handwritten notes, sticky notes.
- CCTV footage if an individual can be identified by the footage.
- Employment and learner applications.
- Spreadsheets and/or databases with any list of people set up by code or learner/staff number.
- Employment or education history.

(ii) **Sensitive Personal Data:** Any information relating to an individual's:

- Ethnicity.
- Gender.

- Religious or other beliefs.
- Political opinions.
- Membership of a trade union.
- Sexual orientation.
- Medical history.
- Offences committed or alleged to have been committed by that individual.

2.0 Definitions

2.1 The Data Protection Act 2018 and UK GDPR is designed to protect individuals and personal data, which is held and processed on their behalf. The Act defines the individual as the '**data subject**' and their personal information as '**data**'. These are further defined as:

(i) **Data Subject:** Any living individual who is the subject of personal data whether in a personal or business capacity and whose personal data is processed by a data controller and/or data processor or on their behalf. Examples of data subjects are learners, employees and alumni or past learners.

(ii) **Data:** Any personal information which relates to a living individual who can be identified. This includes any expression of opinion about the individual.

Personal data means any information relating to an identified or identifiable natural person; an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person. This includes: name, address, email address, telephone number, date of birth, driver's license number, bank account number, credit or debit card numbers, dates of employment, academic performance and achievements, disciplinary record and performance record.

Special categories of personal data or **sensitive data** means personal data that is more sensitive and requires additional protection, including health or medical information, racial or ethnic origin, political opinions, religious or similar beliefs, trade union memberships, sexual life or orientation information, and genetic or biometric data.

(iii) Data is information stored electronically i.e., on a computer, including word processing documents, emails, computer records, CCTV images, microfilmed documents, backed up files or databases, faxes and information recorded on telephone logging systems.

(iv) Manual records which are structured, accessible and form part of a 'relevant filing systems' (filed by subject, reference, dividers or content), where individuals can be identified and personal data easily accessed without the need to trawl through a file.

3.0 General Principles

3.1 The Data Protection Act 2018 and UK GDPR set legislative requirements for organisations processing personal data (referred to as **'Data Controllers'**).

'Data controller' means the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data. An example is where the Organisation acts as data controller in relation to the processing of employee data.

DistanceLearningCentre.com will be open and transparent when processing and using private and confidential information by ensuring we follow the key principles of Article 5 of the UK GDPR, which lie at the heart of general data protection.

Personal data shall be:

- a) processed lawfully, fairly and in a transparent manner in relation to individuals ('lawfulness, fairness and transparency').
- (b) collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes ('purpose limitation').
- (c) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed ('data minimisation').
- (d) accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay ('accuracy').
- (e) kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals ('storage limitation').
- (f) processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures ('integrity and confidentiality').

3.2 The Organisation recognises and understands the consequences of failure to comply with the requirements of the Data Protection Act 2018 and UK GDPR which may result in:

- Criminal and civil action.
- Fines and damages.
- Personal accountability and liability.

- Suspension/withdrawal of the right to process personal information by the Information Commissioners Office (ICO).
- Loss of confidence in the integrity of the Organisation's systems and procedures.
- Irreparable damage to the Organisation's reputation.

3.3 The Organisation may also consider acting, in accordance with the organisation's Disciplinary Procedure, where staff do not comply with the Data Protection Act 2018 and UK GDPR.

4.0 Roles and Responsibilities

4.1 As the Data Controller, the Organisation is responsible for establishing policies and procedures in order to comply with data protection law.

4.2 Staff will not attempt to gain access to information that is not necessary to hold, know or process. All information which is held will be relevant and accurate for the purpose for which it is required. The information will not be kept for longer than is necessary and will be kept secure at all times.

4.3 The Organisation will ensure that all personal or sensitive personal information is anonymised as part of any evaluation of assets and liability assessments except as required by law.

4.4 Staff who manage and process personal or sensitive personal information will comply with this policy and, ensure that it is kept secure and where necessary confidential.

4.5 Staff members must ensure that:

(a) all personal data is kept securely.

(b) no personal data is disclosed either verbally or in writing, accidentally or otherwise, to any unauthorised third party.

(c) personal data is kept in accordance with the Organisation's retention schedule;

(d) any queries regarding data protection, including subject access requests and complaints, are promptly directed to the Executive Manager (HR & Quality), Zafar Khan, at z.khan@distancelearningcentre.com

(e) any data protection breaches are swiftly brought to the attention of the Executive Director (Business), Andrew Whitehead, at a.whitehead@distancelearningcentre.com and that they support the Executive Director (Business) in resolving breaches.

(f) where there is uncertainty around a data protection matter advice is sought from the Executive Director (Business), Andrew Whitehead, at a.whitehead@distancelearningcentre.com

4.6 Sensitive personal information will only be processed fairly and lawfully and in line with the provisions set out in the Data Protection Act 2018 and UK GDPR, and only processed in accordance with instructions set out by the respective Data Controllers.

4.7 The Organisation will ensure that all staff are made aware of the reasons why personal and sensitive personal data is being processed:

- How it will be processed.
- Who will process it.
- How it will be stored and
- How it will be disposed of when no longer required.

4.8 The Organisation's Data Protection Officer (DPO) is Andrew Whitehead, Executive Director (Business), who can be reached at a.whitehead@distancelearningcentre.com

5.0 Data Subjects' Rights

5.1 GDPR Rights

GDPR aims to strengthen the rights of individuals. Data subjects have rights in relation to the way we handle their personal data and these include the following:

1. where the legal basis of our processing is Consent, to withdraw that Consent at any time.
2. to ask for access to the personal data that we hold.
3. to prevent our use of the personal data for direct marketing purposes.
4. to object to our processing of personal data in limited circumstances.
5. to ask us to erase personal data without delay:
 - a. if it is no longer necessary in relation to the purposes for which it was collected or otherwise processed.
 - b. if the only legal basis of processing is Consent and that Consent has been withdrawn and there is no other legal basis on which we can process that personal data.
 - c. if the data subject objects to our processing where the legal basis is the pursuit of a legitimate interest or the public interest and we can show no overriding legitimate grounds or interest.
 - d. if the data subject has objected to our processing for direct marketing purposes.
 - e. if the processing is unlawful.

6. to ask us to rectify inaccurate data or to complete incomplete data.
7. to restrict processing in specific circumstances e.g. where there is a complaint about accuracy.
8. to ask us for a copy of the safeguards under which personal data if it is transferred outside of the EU.
9. the right not to be subject to decisions based solely on automated processing, including profiling, except where necessary for entering into, or performing, a contract, with the Organisation; it is based on the data subject's explicit consent and is subject to safeguards; or is authorised by law and is also subject to safeguards.
10. to prevent processing that is likely to cause damage or distress to the data subject or anyone else.
11. to be notified of a personal data breach which is likely to result in high risk to their rights and freedoms.
12. to make a complaint to the ICO and
13. in limited circumstances, receive or ask for their personal data to be transferred to a third party (e.g. another educational institute to which a learner is transferring) in a structured, commonly used and machine-readable format.

5.2 The Organisation acknowledges individuals (data subjects) rights under the Data Protection Act and UK GDPR to access any personal data held on our systems and in our files upon their request, or to delete and/or correct this information if it is proven to be inaccurate, excessive or out of date.

5.3 The Organisation recognises that individuals have the right to make a request in writing and upon payment of a fee (if relevant and required), obtain a copy of their personal information, if held on our systems and files. Requests must be complied with, usually within one month of receipt. All Data Subject Access Requests must be made to Zafar Khan, Executive Manager (HR & Quality), at z.khan@distancelearningcentre.com. The identity of an individual requesting data must be verified under any of the rights listed.

6.0 Contractors, Short-Term and Voluntary Staff

The Organisation is responsible for the use made of personal data by anyone working on its behalf. Managers who employ contractors, short term or voluntary staff must ensure that they are appropriately vetted for the data they will be processing. In addition, managers should ensure that:

- (a) any personal data collected or processed in the course of work undertaken for the Organisation is kept securely and confidentially.
- (b) all personal data is returned to the Organisation on completion of the work, including any copies that may have been made. Alternatively, that the data is securely destroyed and the Organisation receives notification in this regard from the contractor or short-term/voluntary member of staff.

(c) the Organisation receives prior notification of any disclosure of personal data to any other organisation or any person who is not a direct employee of the contractor.

(d) any personal data made available by the Organisation, or collected in the course of the work, is neither stored nor processed outside the UK unless written consent to do so has been received from the Organisation.

(e) all practical and reasonable steps are taken to ensure that contractors, short-term or voluntary staff do not have access to any personal data beyond what is essential for the work to be carried out properly.

7.0 Learner Responsibilities

Learners are responsible for:

(a) familiarising themselves with the Privacy Notice provided by the Organisation.

(b) ensuring that their personal data provided to the Organisation is accurate and up to date.

8.0 DistanceLearningCentre.com Data Controllers Obligations

8.1 DistanceLearningCentre.com will follow Code of Practice issued by the ICO when developing policies and procedure in relation to data protection.

8.2 The Organisation will ensure that Data Processing Agreements are applied to all contracts and management agreements where the organisation is the data controller contracting out services and processing of personal data to third parties (data processors). The organisation will ensure this agreement clearly outlines the roles and responsibilities of both the data controller and the data processor.

8.3 The Organisation will adhere to and follow the principles of data protection when conducting surveys, marketing activities etc., where the Organisation collects, processes, stores and records all types of personal data.

8.4 The Organisation will not transfer or share personal information with any country outside of the UK unless that country has a recognised adequate level of protection in place in line with the recommendations outlined in the Data Protection Act.

8.5 The Organisation will ensure all staff are provided with data protection training and promote the awareness of the organisation's data protection and information security policies, procedures and processes.

9.0 Complaints

9.1 Complaints relating to breaches of the Data Protection Act 2018 and/or complaints that an individual's personal information is not being processed in line with the principles of data protection will be managed and processed by the Executive Manager (HR & Quality).

9.2 All complaints of dissatisfaction will be processed in accordance with the organisation's Complaints and Grievance Process and should be sent to:

studentservices@distancelearningcentre.com

Or via post at:

Executive Manager (Student Services and HE)
DistanceLearningCentre.com Ltd
Darwin House,
44 Rochdale Road,
Todmorden.
West Yorkshire.
OL14 7LD.

10.0 Confidentiality and Information Sharing

10.1 The Organisation will only share information in accordance with the provisions set out in the Data Protection Act 2018.

10.2 Where applicable the Organisation will inform individuals of the identity of third parties to whom we may share, disclose or be required to pass on information to, whilst accounting for any exemptions which may apply under the Data Protection Act 2018.

Reporting a Personal Data Breach

The GDPR requires that we report to the Information Commissioner's Office (ICO) any personal data breach where there is a risk to the rights and freedoms of the data subject. Where the Personal data breach results in a high risk to the data subject, he/she also has to be notified unless subsequent steps have been taken to ensure that the risk is unlikely to materialise, security measures were applied to render the personal data unintelligible (e.g. encryption) or it would amount to disproportionate effort to inform the data subject directly. In the latter circumstances, a public communication must be made or an equally effective alternative measure must be adopted to inform data subjects, so that they themselves can take any remedial action.

We have put in place procedures to deal with any suspected personal data breach and will notify data subjects or the ICO where we are legally required to do so.

If learners know or suspect that a personal data breach has occurred, they should immediately contact the Student Services team at: studentservices@distancelearningcentre.com. You must retain all evidence relating to personal data breaches in particular to enable the Organisation to maintain a record of such breaches, as required by the GDPR.

Record Keeping

The GDPR requires us to keep full and accurate records of all our data processing activities. You must keep and maintain accurate corporate records reflecting our processing, including records of data subjects' Consents and procedures for obtaining Consents, where Consent is the legal basis of processing.

These records should include, at a minimum, the name and contact details of the Organisation as Data Controller and the named point of contact, clear descriptions of the personal data types, data subject types, processing activities, processing purposes, third-party recipients of the personal data, personal data storage locations, personal data transfers, the personal data's retention period and a description of the security measures in place.

Records of personal data breaches must also be kept, setting out:

1. the facts surrounding the breach
2. its effects; and
3. the remedial action taken.

Training and Audit

We are required to ensure that all staff at the Organisation undergo adequate training to enable them to comply with data protection law. We must also regularly test our systems and processes to assess compliance.

Changes to this Policy

We reserve the right to change this policy at any time without notice to you so please check regularly to obtain the latest copy.

DistanceLearningCentre.com: 30/09/15; 08/12/17; 06/07/18; 14/12/19; 17/12/20; 20/11/21; 27/02/23;
12/05/2023