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Internal Policy: Data Protection

Introduction

The purpose of this policy is to ensure you do not breach the Act. If you are in any doubt about what you can or cannot disclose and to whom, do not disclose the personal information until you have sought further advice from Career Hounds' Data Protection Officer (see below).

Employees and learners should be aware that they are personally accountable for their actions can be held criminally liable if you knowingly or recklessly disclose personal data in breach of the Act. A serious breach of data protection is also a disciplinary offence and will be dealt with under Career Hounds disciplinary procedure. If you access another learner or employee's personnel records without authority, this constitutes a gross misconduct offence and could lead to your summary dismissal from a training programme or employment.

This policy does not form part of a learner or employee's contract of training/employment but it is a condition that they abide by this policy and therefore any failure to follow it can result in disciplinary proceedings.

The data protection principles:-

There are eight data protection principles that are central to the Act. Career Hounds and all learners and employees must comply with these principles at all times in their information-handling practices. In brief, the principles say that personal data must be:

Processed fairly and lawfully and must not be processed unless certain conditions are met in relation to personal data and additional conditions are met in relation to sensitive personal data. The conditions are either that the employee has given his consent to the processing, or the processing is necessary for the various purposes set out in the Act. Sensitive personal data may only be processed with the explicit consent of the employee and consists of information relating to:

- Race or ethnic origin.
- Political opinions and trade union membership.
- Religious or other beliefs.
- Physical or mental health or condition.
- Sexual life.
- Criminal offences, both committed and alleged.

Obtained only for one or more specified and lawful purposes and must not be processed in any manner incompatible with those purposes.

Adequate, relevant and not excessive in relation to the purposes for which it is processed. Career Hounds will review learners' and employees' personnel files on a regular basis to ensure they do not contain a backlog of out-of-date or irrelevant information and to check there is a sound business reason requiring information to continue to be held.

Accurate and, where necessary, kept up to date. If your personal information changes, for example you change address or you get married and change your surname, you must inform your line manager as soon as practicable so that Career Hounds' records can be updated. Career Hounds cannot be responsible for any such errors unless the employee has notified Career Hounds of the relevant change.

Not kept for longer than is necessary. Career Hounds will keep personnel files for no longer than six years after an employee or student has left Career Hounds. Different categories of data will be retained for different

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periods of time, depending on legal, operational and financial requirements. Any data which Career Hounds decides it does not need to hold for a particular period of time will be destroyed after approximately one year. Data relating to unsuccessful job applicants will only be retained for a period of one year.

Processed in accordance with the rights of employees under the Data Protection Act.

Secure, appropriate technical and organisational measures must be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, data. Personnel files are confidential and are stored as such in locked filing cabinets. Only authorised employees have access to these files. For a list of authorised employees, please contact Career Hounds Data Protection Officer. Files will not be removed from their normal place of storage without good reason. Data stored on memory sticks, discs, portable hard drives or other removable storage media is kept in locked filing cabinets. Data held on computer is also stored confidentially by means of password protection, encryption or coding and again only the above employees have access to that data. Career Hounds has network back-up procedures to ensure that data on computer cannot be accidentally lost or destroyed.

Not transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection relation to the processing of personal data.

Learners' and employees' consent to personal information being held.

Career Hounds holds personal data about its learners and employees and, by signing your contract of training programmes or employment, you have consented to that data about you being processed by Career Hounds for any purpose related to your continuing employment or its termination including, but not limited to, payroll, human resources and business continuity planning purposes. Agreement to Career Hounds processing your personal data is a condition of your training programme or employment. This includes giving your consent to Career Hounds using your name, photograph and a brief work experience history in its marketing or promotional material, whether in hard copy print format or online on Career Hounds website, unless you inform us otherwise in writing. It also includes supplying Career Hounds with any personal data that it may request from you from time to time as necessary for the performance of your contract of employment or the conduct of Career Hounds business, for example, supplying up-to-date contact telephone numbers to be held by tutors/line managers as part of its business continuity plan.

Career Hounds also holds limited sensitive personal data about its learners and employees and, by signing this policy, you give your explicit consent to our holding and processing that data, for example sickness absence records, particular health needs and equal opportunities monitoring data.

Learners' and employees' rights to access personal information:-

Under the Act, learners and employees have the right on request to receive a copy of the personal data that Career Hounds holds about them, including personal data held on personnel files that form part of a relevant filing system, and to demand that any inaccurate data held be corrected or removed. They also have the right to seek compensation where damage and distress have been caused to them as a result of any breach of the Act by Career Hounds.

Learners and employees have the right, on request:

- To be told by Career Hounds whether and for what purpose personal data about them is being processed.
- To be given a description of the personal data concerned and the recipients to whom it is or may be disclosed.
- To have communicated in an intelligible form the personal data concerned, and any information available to Career Hounds as to the source of the data.
- To be informed in certain circumstances of the logic involved in computerised decision-making.

Upon request, Career Hounds will provide you with a statement regarding the personal data held about you. This will state all the types of personal data Career Hounds holds and processes about you and the reasons for which they are processed.

If you wish to access a copy of any personal data being held about you, you must make a written request for this and Career Hounds reserves the right to charge you a fee of £10.00 for the supply of the information requested. If you wish to make a request, please complete a Personal Data Request Form, which can be obtained from the Data Protection Officer. Once completed, it should be returned to the Data Protection Officer. Career Hounds will respond promptly and in any case within 40 calendar days of receiving the request. Note that Career Hounds will always check the identity of the learner or employee making the request before processing it.

If you wish to make a complaint that this policy has not been followed in respect of personal data Career Hounds holds about you, you should raise the matter with the Data Protection Officer. If the matter is not resolved, it should be raised as a formal grievance under Career Hounds grievance procedure.

Exemptions:-

There are a number of exemptions from the data protection regime set out in the Data Protection Act, for example:

Confidential references that are given, but not those received by Career Hounds from third parties. Only designated tutors or line managers can give Company references. Confidential references will not be provided unless Career Hounds is sure this is the learners' or employee's wish.

Management forecasts and management planning (including documents setting out management plans for an employee's future development and progress).

Data which is required by law to be publicly available.
Documents subject to legal professional privilege.

Learners' and employees' obligations in relation to personal information:-

If, as part of your training or job duties and responsibilities, you collect personal information about other learners, employees or other people such as clients or customers, you must comply with this policy. This includes ensuring the information is processed in accordance with the Act, is only processed for the purposes for which it is held, is kept secure and is not kept for longer than necessary. You must also ensure you comply with the following guidelines at all times:

Do not give out confidential personal information except to the data subject. In particular, it should not be given to someone, either accidentally or otherwise, from the same family or to any other unauthorised third party unless the data subject has given their explicit prior consent to this.

Be aware that those seeking information sometimes use deception in order to gain access to it. Always verify the identity of the data subject and the legitimacy of the request, particularly before releasing personal information by telephone.

Where Career Hounds provides you with code words or passwords to be used before releasing personal information, for example by telephone, you must strictly follow Career Hounds requirements in this regard. Only transmit personal information between locations by fax or e-mail if a secure network is in place, for example, a confidential fax machine or encryption is used for e-mail.

If you receive a request for personal information about another employee, you should forward this to the Data Protection Officer, who will be responsible for dealing with such requests.

Ensure that any personal data which you hold is kept securely, either in a locked filing cabinet or, if it is computerised, it is password protected so that it is protected from unintended destruction or change and is not seen by unauthorised persons.

Do not access another learners', employee's or customers' records without authority as this will be treated as gross misconduct and it is a criminal offence.

Do not write down (in electronic or hard copy form) opinions or facts concerning a data subject which it would be inappropriate to share with that data subject.

Do not remove personal information from the workplace with the intention of processing it elsewhere unless this is necessary to enable you to carry out your job duties and has been authorised by your tutor or line manager. Ensure that, when working on personal information as part of your job duties when away from your workplace and with the authorisation of your line manager, you continue to observe the terms of this policy and the Act, in particular in matters of data security.

Ensure that hard copy personal information is disposed of securely, for example cross-shredded.

Compliance with the Act is the responsibility of all learners and employees. Any questions or concerns about the interpretation of this policy should be raised with the Data Protection Officer at the organisation.