

Consortium of Vocational and Educational Trainers Limited (COVET) Data Protection Policy

Purpose

The Data Protection Act 1998 has two principal purposes:

- To regulate the use of those (herein referred to as data controllers) who obtain, hold and process personal data on living individuals of those personal data: and
- To provide certain rights (for example accessing personal information) to those living individuals (herein referred to as data subjects) whose data is held.

Within the Act are eight main data protection principles which prescribe:

- Guidelines on the information life-cycle (creation/acquisition; holding; processing, querying, amending, editing, disclosure or transfer to third parties; and destruction
- The purpose for which data are gathered and held
- Enshrine rights for data subjects.

The Act applies to COVET and anyone who holds personal information in a structured way so that retrieval is easy. COVET is fully committed to abiding, both by letter and spirit of the Act and, in particular, is committed to the observation, wherever possible, of the highest standard of conduct mandated by the Act. This policy has been written to acquaint staff with their duties under the Act and to set out standards expected by COVET in relation to processing of personal data and safeguarding individuals' rights and freedom.

Staff Duties

COVET employees, trainees, volunteers and subcontractors are expected to:

- Acquaint themselves with and abide by the Data Protection Principles
- Read and understand this policy document
- Understand how to conform to the standard expected in any stage in the life cycle
- Understand how to conform to the standard expected in relation to safeguarding data subjects' rights (e.g. the right to inspect personal data) under the Act
- Understand what is meant by 'sensitive personal data', and know how to handle such data
- Contact the Data Protection Officer if in doubt, and not to jeopardise individuals' rights or risk a contravention of the Act.



Data Protection Principles

The principles in summary are:

- Personal data shall be processed fairly and lawfully
- Personal data shall be obtained only one or more specified lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes.
- Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they were processed.
- Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.
- Personal data shall be processed in accordance with the rights of data subjects under this Act

Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.

Personal data shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subject in relation to the processing of personal data.

Best Practice guidelines for the life-cycle process

Acquisition of personal data

Those wishing to obtain personal data must comply with COVET guidelines and in particular should tell data subjects the purpose(s) for which they are gathering the data. They should obtain their specific consent and inform them that COVET will be the data controller for purposes of the Act and the identities of any other persons to whom the data may be disclosed. If sensitive personal data are being collected, explicit consent is mandatory. No more data should be collected than is necessary for the purpose(s) declared.

Holding/safeguarding/disposal of personal data

Data should not be held for longer than it is necessary. COVET Record Retention and Document Disposal Policy should be consulted for what is necessary for what kind of data. Personal data should be reviewed periodically to check that they are accurate and up to date and to determine whether retention is still necessary.

Adequate measures should be taken to safeguard data so as to prevent loss, destruction or unauthorised disclosure. The more sensitive the data, the greater the measures that need to be taken.

Processing of personal data

In this context 'processing' is used in the narrow sense of editing, amending or querying data. In the context of the Act as a whole, 'processing' is very widely defined to include acquisition, passive holding, disclosure and deletion.

Personal data must not be processed except for the purpose(s) for which they were obtained or for a similar, analogous purpose. If the new purpose is very different, the data subject's consent must be obtained.



Disclosure and transfers of personal data

COVET's policy is to exercise discretion under the Act to protect the confidentiality of those who's personal data it holds.

Disclosures

Employees, trainees, volunteers or sub contractors of COVET may not disclose any information about applicants, students, trainees or any other employee, including information as to whether or not any person is or has been an applicant, student, trainee or employee unless they are clear that they have been given authority by COVET to do so. Particular care should be taken in relation to any posting of personal information on the internet.

No employee, trainee, volunteer or sub contractor of COVET may provide references to prospective employers or landlords or others without the consent of the individual concerned. It is therefore essential that where COVET is given as a referee, the subject of the reference should provide COVET with the necessary notification and consent.

No employee, trainee, volunteer or sub contractor may disclose personal data to the police or any other public authority unless that disclosure has been authorised by a COVET director.

Transfers

Personal data should not be transferred outside COVET and in particular not to a country outside the EEA Except with the data subject's consent; or

- Unless that country's data protection laws provide an adequate level of protection; or
- Adequate safeguards have been put in place in consultation with a COVET director; or
- In consultation with a COVET director it is established that other derogations apply

Destruction of personal data

Personal data must not be held for longer than necessary; and when such data has been earmarked for destruction, appropriate measures must be taken to ensure that the data cannot be reconstructed or processed by a third party.

Data subject's rights of access

COVET is fully committed to facilitating access by data subjects (applicants) to their personal data, while bearing in mind the need to protect other individuals' rights of privacy.

All applicants will be expected to fill in a Subject Access request form, with supporting documentation which establishes that they are the data subject (or where the application is made by a third party on behalf of the data subject, which establishes the third party identity, that of the data subject and a form of authority signed by the data subject is produced).

All requests are to be dealt with by a COVET director.

Review

This policy will be reviewed periodically and at least annually to take account of changes in the law and the guidance issued by the Information Commissioner.