



Policy Review Record

GDPR and Data Protection Policy

| Policy Written on | Policy Written By | Policy approved by the Board of Directors on | Review Date |
|--------------------------|--------------------------|---|--------------------|
| May 2021 | Sarah Cox | 8th June 2021 | June 2022 |
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General Statement

The Melton Learning Hub collects and uses personal information about staff, volunteers, students, parents and other individuals with whom it has contact. This information is gathered in order to enable it to provide education, services to the community and other associated functions. In addition, there may be a legal requirement to collect and use information to ensure that The Melton Learning Hub complies with its statutory obligations, including safeguarding. The Melton Learning Hub will ensure that all processing is appropriately registered, when necessary notify the Information Commissioner's Office (ICO), and review and update notified entries.

The Data Protection Officer for the Melton Learning Hub is Sarah Cox

Please view the Melton learning Hub website for our privacy notices.

Aim

This policy seeks to ensure that personal information is dealt with correctly and securely, and in accordance with legislation. The Directors of The Melton Learning Hub intend to fully comply with the requirements and principles of the General Data Protection Regulations (GDPR) 2018, Data Protection Act 1998, Human Rights Act 1998, and Freedom of Information Act 2000, and other related legislation in relation to the management of personal data in The Melton Learning Hub. This policy applies to information regardless of the way it is collected, used, recorded, stored and destroyed, irrespective of whether data is held in paper files or electronically. It is recognised that other legislation (for example the Crime and Disorder Act) may override Data Protection law and necessitate the otherwise unwarranted sharing of information. All personnel involved with the collection, processing and disclosure of personal data will be made aware of their duties and responsibilities within these guidelines. Personnel deliberately acting outside their recognised authority may be subject to appropriate disciplinary proceedings.

The Melton Learning Hub aims to follow the 7 golden rules of information sharing:

1. **GDPR is not a barrier:** You can share information even with GDPR in place.
2. **We will be open and honest.**
3. **We will seek advice.**
4. **We will share with consent wherever possible.**
5. **We will always consider safety and well-being.**
6. **We will ensure information is necessary, proportionate, relevant, accurate, timely, and secure.**
7. **We will Keep a record**

Personal Information/Data

The Melton Learning Hub primarily works with children. As such we will follow the Information Commissioners Office guidance on sharing information to safeguard children. **There is 10 steps to this guidance, they are:**

- 1. Be clear about how data protection can help you share information to safeguard a child.*
- 2. Identify your objective for sharing information, and share the information you need to, in order to safeguard a child.*
- 3. Develop clear and secure policies and systems for sharing information.*
- 4. Be clear about transparency and individual rights.*
- 5. Assess risks before sharing and do so as required.*
- 6. Consider entering into a data sharing agreement.*
- 7. Ensure that the information you share is accurate and up-to-date.*
- 8. Ensure that the information you share is relevant and proportionate.*
- 9. Ensure that the information you share is shared only with those who need to know.*
- 10. Ensure that the information you share is shared in a timely and appropriate manner.*

Definition of Data

Data which relates to a living individual who can be identified from that data, or other information held. For example, a staff member's name and address, students' attendance record(s), students' exam results, internet cookies.

Data Controller

Data controllers may be organisations or individuals who determine the purposes and means of processing the personal data. A company, in this case The Melton Learning Hub Charity, is the data controller, rather than any individual employee who is simply part of the Charity. The controller is responsible for ensuring that the processes abide by data protection law.

Data Processing

Data processing refers to any activity relating to personal data. This includes initial collection through organising, altering, consulting, using, disclosing or combining data, as well as its final destruction. This includes holding data either electronically or manually. The Melton Learning Hub shall, so far as is reasonably practicable, comply with the Data Protection Principles contained in the GDPR and Data Protection Act to ensure all data is:

- processed fairly and lawfully in a transparent manner;
- obtained and processed for a specific lawful purpose;
- adequate, relevant and limited to what is necessary;
- accurate and, where necessary, kept up to date;
- not kept for longer than necessary;
- processed in a manner to ensure appropriate security

In accordance with the GDPR The Melton Learning Hub, as the controller, is responsible for and will be able to demonstrate compliance with the principles. Personal data (including sensitive personal data, where appropriate) is processed by The Melton Learning Hub strictly in accordance with the Data Protection Act in order to:

- support its teaching and learning;
- monitor and report on students' progress;
- publish examination results;
- provide appropriate pastoral care;
- assess how well The Melton Learning Hub as a whole is doing;
- communicate with former students;
- where appropriate, promote The Melton Learning Hub to prospective students (including through The Melton Learning Hub prospectus and website);
- other reasonable purposes relating to the operation of The Melton Learning Hub, e.g. arranging community transport.

The Melton Learning Hub will not use or process personal information that contravenes its statutory or registered/notified purposes. Any new purposes for data processing will, where appropriate, be notified to the individual and, if required by law, their consent will be sought

In general, The Melton Learning Hub will only process data with the subject data's consent (or with the consent of the parent/guardian acting on behalf of their child). There may be exceptions as outlined below.

Data shall only be shared with others when it is legally appropriate to do so – e.g. if there is a safeguarding concern about a child. Only authorised and properly instructed staff are allowed to make external disclosures of personal data. Data used within The Melton Learning Hub should be made available to staff only if they need to know in order to perform their work for The Melton Learning Hub.

Exemptions

Certain data is exempted from the provisions of the Data Protection Act which includes, but is not restricted to the following:

- national security and the prevention or detection of crime;
- the assessment of any tax or duty;
- where the processing is necessary to exercise a right or obligation conferred or imposed by law upon The Melton Learning Hub, including safeguarding and prevention of terrorism and/or radicalisation.

Fair Obtaining

The Melton Learning Hub undertakes to obtain information fairly and lawfully by informing all data subjects of:

- the reason for its collection
- the purposes for which the data will be held
- when their information is shared, why, and with whom it was shared with
- the data subject's rights of access.

Personal data will usually be obtained through the sharing from third parties (students' school/referring inclusion partnership) when a student starts at The Melton Learning Hub. This will include details of a students' name, address, DOB, educational record and other such information. We may also seek to collect data directly from parents or students.

Data Integrity

The Melton Learning Hub will not collect data from individuals that is excessive or irrelevant in relation to the registered/notified purpose(s). Details collected will be relevant to performing our education/community function and no more. Data held will be as accurate and up-to-date as is reasonably possible. We request that all data subjects inform The Melton Learning Hub of any changes to information held (e.g. change of address). If The Melton Learning Hub is informed of a change of circumstances records will be updated as soon as possible. Where a student themselves informs The Melton Learning Hub of a change in their information, The Melton Learning Hub will seek to confirm this with the students' parent/carer and/or school/referring agency as soon as possible. Where a data subject challenges the accuracy of their data and it cannot be updated immediately, or where the new information needs to be checked for accuracy and validity, a note will be made of the "challenged" record indicating the nature of the dispute or delay. The Melton Learning Hub will try to resolve the issue(s) informally but if this is not possible any dispute will be referred in accordance with The Melton Learning Hub's Complaints Procedure, which can be downloaded from The Melton Learning Hub website.

Information will only be held for as long as is necessary for the registered/notified period. After this time period details will be deleted and/or destroyed. Data subjects have the right in some circumstances to request that inaccurate information about them is erased. This does not apply in all cases, for example, where records of mistakes or corrections are kept, or records which must be kept in the interests of all parties to which they apply.

Security

The Melton Learning Hub undertakes to ensure the security of personal data to prevent unauthorised individuals and staff from gaining access to personal information by:

Physical security:

- Ensuring that no student has access to electronic networks where personal data about students (including themselves) is stored;
- Restricting access of students and other unauthorised personnel (including visitors) to offices and rooms where personal data systems are kept;
- Provision of secure storage and filing systems for paper records, including lockable filing cabinet(s);
- Provision of appropriate building security through the locking of doors and building alarms;

- Ensuring laptop computers are always stored in secure areas and not left unattended on site and off site;
- Safe storage of computer/laptop back up tapes and/or disks (risk of fire, theft, other damage or loss).

Logical security

- Password protection for the Wi-Fi network(s) to prevent use by any external parties;
- Password protection for The Melton Learning Hub's laptops/computers;
- Password protection for The Melton Learning Hub's electronic data storage network (SharePoint);
- Password protection for The Melton Learning Hub's email system;
- Passwords only shared with appropriate personnel as and when necessary.

Procedures and protocols:

- Only permitted authorised personnel have access to personal data records;
- Ensuring that all staff and volunteers are made aware of their responsibilities for confidentiality and data protection and for general security matters, and ensuring that staff's knowledge is updated as required;
- Destroying data securely in accordance with best practice at the time of destruction.

Subject Access and Subject Information Requests

Any person whose details are held or processed by The Melton Learning Hub (data subjects) have a general right to receive a copy of their own information. This may include students, staff, volunteers. A subject access/information request should be submitted in written format, to ensure that The Melton Learning Hub has the required information to be able to conduct a data search and fulfil the request. The Melton Learning Hub will respond in writing to requests for access to student records within 15 school days and for all other types of record within the 40 [calendar] days allowed by the Data Protection Act 1998. The Data Protection Act 1998 allows exemptions as to the provision of some information; therefore all information will be reviewed prior to disclosure.

The Melton Learning Hub's policy for dealing with requests for subject access in respect of a student is:

- Requests from students who demonstrate an understanding of the nature of their request (see note below) will be processed as any subject access request as outlined below.
 - Requests from students who do not understand the nature of the request will be referred to the child's parents.
 - Requests from parents in respect of their own child will, where the child is judged to not understand the nature of the subject access requests (see note below), be processed as requests made on behalf of the data subject (child).
 - Requests from parents of children who are of an age whereby they can understand the nature of issues relating to their data will only be approved whereby the data subject (child) has also given their consent. Responses to such requests will involve the child.
- NB. The normal assumption will be that at the age of 13 a child is able to understand the

issues concerning access to their data. The data controller will make the judgement about whether a child has the necessary level of understanding and will seek guidance from the student's school, referrer and/or Council in the event of a dispute.

The identity of the requestor must be established before the disclosure of any information, and checks should also be carried out regarding proof of relationship to the child. Evidence of identity can be established by the production of a passport, driving license, birth/marriage certificate, P45 or other, suitable, document. Where information is not available from The Melton Learning Hub but is processed by a student's school, the Local Authority, a Health Care professional or another professional or organisation (such as admissions and transfers) the requests will be directed to the appropriate officer.

Third party information is that which has been provided by another, such as the Police, Local Authority, Health Care professional or another school. Before disclosing third party information consent should normally be obtained. This will still be provided within the 40-day statutory timescale. In some cases, especially with requests not submitted on the appropriate forms, further information may need to be required from the requester which will delay the start of the 40-day maximum period for response. Repeat requests will be fulfilled unless deemed unreasonable, such as a second request received so soon after the first that it would be impossible for the details to have changed.

Sharing Personal Information

There are occasions where sharing personal data with local authorities, other schools, social services etc. cannot be avoided. It may be that without sharing the data, actions cannot be completed. For example, it may be necessary to pass on details about a child showing signs of harm to social services. In such cases, The Melton Learning Hub will ensure that only necessary information is passed onto the appropriate parties. **In all cases the DSL (Sarah Cox) will be responsible for passing on any personal data. In Sarah Cox's absence this will be Deputy DSL – Lucie Larke.**

Disclosures

The Melton Learning Hub will normally only disclose data to third parties about individuals with their consent. However, disclosure may be made without consent where:

- it is to authorised recipients related to The Melton Learning Hub carrying out its statutory duties and obligations;
- it is to authorised recipients in respect of the students' health, safety and welfare;
- (for staff) it is to relevant authorities in respect to payroll, administration, safeguarding matters;
- It is unavoidable eg. during IT maintenance. In this case the relevant party would be expected to be bound to not disclose personal data.

Complaints and Appeals

Complaints, disputes or challenges as described above should be first taken up with the Manager – Sarah Cox, or an authorised person acting on her behalf (Deputy Manager - Lucie Larke).

The Melton Learning Hub's Complaints Procedure should be followed. In certain cases the Leadership Team may deem it inappropriate for the complaint to be dealt with in accordance with The Melton Learning Hub's Complaints Procedure.