

## **Freelearners Community Interest Company**

### **Data Protection Policy**

October 2020

#### **Introduction**

Freelearners collects and uses personal data, for example about its staff, volunteers, members and users, to fulfil its purpose and to meet its statutory obligations. Freelearners is committed to ensuring this personal data will be dealt with in line with the General Data Protection Regulations 2018 (henceforth: the GDPR or “the Regulations”). In order to comply with the law, personal information will be collected and used fairly, stored safely and not disclosed to any other person unlawfully. The Regulations also give individuals the right to access and change personal data that is kept on them.

The purpose of this policy is to inform staff and volunteers how Freelearners complies with the GDPR and its associated legislation and Codes of Practice.

The following definitions are operative in what follows:

- Personal data is information that relates to a living individual who can be identified from that data: this includes opinions as well as facts;
- The data subject is an individual who is the subject of personal data;
- Processing is the obtaining, holding, organising, retrieval or destruction of data;
- A data controller is a person (or body) who determines the purposes for which data is processed and the manner in which this processing is carried out; and
- A data processor is someone, other than an employee, who processes personal data on behalf of a data controller.

#### **The Principles of Data Protection**

Freelearners recognises that personal data is the property of the individual and it regards the lawful and correct treatment of personal data as very important. To this end Freelearners fully supports and adheres to the Seven Principles of Data Protection as set out in the Regulations:

1. Lawfulness, fairness and transparency – all personal data is processed lawfully, fairly and in a transparent manner
2. Purpose limitation – personal data is collected for specified, explicit and legitimate purposes
3. Data minimisation – all personal data is adequate, relevant and limited to what is necessary in relation to the purposes for which it is processed
4. Accuracy – every reasonable step must be taken to ensure that personal data that is inaccurate, is erased or rectified without delay
5. Storage limitation – kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data is processed, or for the amount of time required by law. For personnel files this is 7 years after the termination of the contract of employment. Information that is of vital importance to the future protection of an individual (e.g. safeguarding notes) will be securely archived and stored as long as express agreement is retained from the data subject or in the case of children and young people, until the age of 21 or for 5 years, depending on which period is shorter.
6. Integrity and confidentiality – processed in a manner that ensures appropriate security of personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction, or damage, using appropriate technical or organisational measures. All personal data is confidential, unless the following exceptions apply:
  - a. Abuse of a young person (<18 years of age) is suspected
  - b. A young person reports or alleges abuse
  - c. A life is at risk, or there is a reasonable cause to believe that there is a risk of significant harm to a young person
  - d. Information is revealed about a criminal activity
  - e. A young person could cause harm to themselves or others

Then, information relevant to Safeguarding and Child Protection may be divulged to appropriate external agencies, as detailed in the Freelearners Safeguarding and Child Protection Policy.

7. Accountability – the most senior member of the organisation shall be responsible for, and be able to demonstrate compliance with these principles

**All Freelearners staff and volunteers must observe these Principles when processing personal information, be it for the purposes of recruitment, managing employee records, or in the course of providing services to clients.**

### **Type of information processed**

Freelearners processes the following personal information:

- Names of individuals
- Postal addresses
- Email addresses
- Telephone numbers
- Debit/credit card details
- Safeguarding and child protection data (safeguarding notes, accident records)
- From employees only: bank details, information relating to national insurance and tax
- From employees and regular volunteers only: information relevant to enhanced DBS checks

Personal information is kept in the following forms:

- Computer-based system, excepting debit/credit card details
- paper-based system that be kept in a secure, locked filing cabinet as per the Act

### **Responsibilities of the Data Protection Officer and Freelearners Board of Directors**

Freelearners's Board of Directors is the data controller for all personal data processed in the course of all our business. The Data Protection Officer (DPO) is appointed by the Board to ensure that the organisation complies with the Regulations. As part of these duties, the DPO is responsible for auditing the organisation's compliance (policies and procedures) every three years; for auditing detailed procedures on a regular cycle; and for reporting audit results to the Board of Directors. The DPO is responsible for immediately raising any serious breaches or risks of non-compliance with the Regulations with the Board of Directors. The DPO is also responsible for advising Freelearners's staff and volunteers on all matters relating to data protection, for issuing detailed guidance as appropriate and for responding to subject access requests (see the last section of this policy).

Freelearners is responsible for keeping an up to date data mapping document and ensuring that all actions are adhered to in a timely manner.

Any high risk data protection breaches will be reported within 72 hours to the Information Commissioners Office on 0303 1231113.

### **Responsibilities of all Freelearners's staff and volunteers**

If, in the course of their duties, Freelearners's staff acquire information about other people (eg about service users or about members of staff or volunteers) they must comply with this Data Protection Policy.

**It is a disciplinary offence, and may be a criminal offence, to obtain or disclose personal information without authority or to misuse another individual's personal data in any way.**

Freelearners's staff and volunteers are responsible for ensuring that:

- the Data Protection Officer is informed of any processing of personal information carried out on behalf of the organisation, in order that full notification can be made to the Office of the Information Commissioner;
- the Data Protection Officer is informed of any proposed new systems developments, and of any proposed end user applications (such as a spreadsheet or database) holding personal data;
- staff or others processing personal information on behalf of Freelearners are aware of their obligations under the GDPR and this policy and compliant with the Regulations;
- staff or others processing personal information on behalf of Freelearners implement the data protection principles (1-7) outlined above;
- procedures, manuals etc. relating to the processing of personal information are consistent with the data protection principles (1-7) outlined above, with this policy, and with any other guidance issued by the Data Protection Officer, and that such procedures are followed correctly at all times;
- any breaches of data protection are reported to the Data Protection Officer, who will report to the Board of Directors.
- subject access requests are dealt with as a priority and in line with the timescales defined in the last section of this policy.

### **Responsibilities of Freelearners staff and volunteers as data subjects**

All staff and volunteers are responsible for:

- ensuring that any personal data that they provide to the organisation is accurate and up to date;
- informing the organisation of any changes to information which they have provided, e.g. changes of address;
- checking any information that Freelearners may send out from time to time which gives details of information that is being kept and processed.

## **Responsibilities of data processors**

All data processors processing personal information on behalf of Freelearners are contractually required to comply with the GDPR and any associated Codes of Practice.

## **Notification of data processing**

Freelearners will ensure that its Information Commission Register entry, detailing what information it collects and for what purpose, is up-to-date and as full and accurate as possible. Notification of any change is carried out by the Data Protection Officer on behalf of Freelearners Board of Directors, and it is therefore essential that staff inform the DPO of any change or additions to processes carried out using personal data by or on behalf of the organisation.

## **Rights of data subjects**

All individuals who are the subject of personal data held by the Organisation are entitled to:

- Ask what information the Organisation holds about them and why
- Ask how to gain access to it
- Be informed how to keep it up to date
- Be informed what the Organisation is doing to comply with its obligation under the General Data Protection Regulations
- Individuals also have the right to ask for data to be deleted, though this may be refused in certain circumstances e.g. legal reasons
- Any person who wishes to exercise these rights, should make the request in writing to the Data Protection Officer. Such a request will be fulfilled within 40 days.

**If an access request is received by any other member of staff or volunteer, it should be forwarded to the Data Protection Officer immediately.**

This policy was agreed to by the Freelearners Board of Directors on: October 26, 2020

Date of next policy review: October 2023