

Data Protection Policy

Version: 3
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Reviewed By: Caroline Bartle
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POLICY STATEMENT

3SpiritUK collects and uses specific information regarding staff and learners. This data will be stored and processed in accordance with legal obligations under UK law, including but not limited to, the General Data Protection Regulation (GDPR). 3SpiritUK may, from time to time, be required to share personal information about its staff or learners with other organizations; this policy sets out the requirements for protecting, storing, processing and transferring of personal data whilst abiding by personal rights set out in legislation.

1. DEFINITIONS

1.1 "Data Controller"

3SpiritUK personnel whom determines the purposes and means of the processing of personal data

Data Controller

Mrs. Caroline Bartle (Managing Director)

1.2 "Data Processor"

3SpiritUK personnel who process personal data on behalf of the data controller. These include the following people:

Janet Fawcett
Holly Woods
Jenny Stanley
Main Al-Najjar
Lorna Gaukroger

The GDPR defines data processing as

'set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organization, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction'

1.3 "Third Party Processor"

Outside organizations who have been verified with due diligence by 3SpiritUK, who, under the direct authority of the data controller are authorized to process personal data in order for 3SpiritUK to fulfill its service agreement with either own personnel, learners or clients.

Third party processors are required to meet the following standards:

- Data Protection Act 2018 or GDPR
- ISO/IEC 27001

Or similar regulations/standards in other countries. As part of our procurement process, third-party processors are also required to submit a Data Privacy Risk Assessment.

1.4 “Personal Data”

The GDPR defines personal data as:

‘Any information relating to an identified or identifiable natural person (data subject); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as 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.’

1.5 “Sensitive Personal Data”

Sensitive Personal Data refers to Personal Data regarding a person’s

- Racial or ethnic origin, political opinions or religious or philosophical beliefs
- Membership of a trade union
- Physical or mental health or condition or sexual life
- Commission or alleged commission of any offence or
- Any proceedings for an offence committed or alleged to have been committed by the person, the disposal of such proceedings or the sentence of any court in such proceedings, criminal convictions or the alleged commission of an offence.

2. SCOPE

2.1 This policy covers all the activities and processes of 3SpiritUK that uses personal information in whatever format.

2.2 This policy relates to all 3SpiritUK staff, learner and others acting for or on behalf of the 3SpiritUK or who are given access to 3SpiritUK stored personal information

3. REGISTRATION

3.1 In compliance with UK law, the 3SpiritUK will register with the Information Commissioner the personal information it holds and the purposes for which the personal information is processed.

ICO Data Protection Registration Number

ZA171183

3.2 The 3SpiritUK will keep its registration details up-to-date and inform the Information Commissioner of any changes to its processing of personal information

4. GDPR PRINCIPLES

4.1 3SpiritUK will manage the processing of personal information in compliance with the key GDPR principles and its relevant Articles and Recitals, as set out in the full Regulation, and with any relevant supporting guidance issued by the UK Information Commissioner.

The six key principles, in Article 5 of the GDPR, can be briefly summarized as:

4.2 Personal data shall be:

- a) Processed lawfully, fairly and in a transparent manner in relation to the data subject (**'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, where allowed for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes personal information will be collected for clear and specific purposes, shall not be considered 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 (**'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 organizational measures (**'integrity and confidentiality'**);

3SpiritUK will adhere to these core principles.

5. Personal Data Protection in Practice

3SpiritUK will comply with the GDPR and UK law; specifically 3SpiritUK will undertake the following approaches:

5.1 Personal information collection and use

- 5.1. When personal information is collected, individuals will be told clearly what the information will be used for and who will have access to it, and if it is to be shared, who with and for what purpose.
- 5.2. Collection and use of personal information will be kept to a minimum to meet required purposes. Where it is possible to use anonymous information collection to fulfill required purposes, in research or general service feedback for example, these approaches should be encouraged.
- 5.3. Where personal information is being collected with the intention of using it for direct marketing purposes, individuals will be given the opportunity at the point of collection to refuse consent to direct marketing.

- 5.4. 3SpiritUK will apply approaches to personal information capture; use and maintenance that helps ensure personal information quality and reduces risks of inaccuracy and unnecessary duplication.

5.2 Personal Information Rights

The rights of information subjects, detailed in the GDPR Articles 15-21, will be respected and supported.

These include:

Right of Subject Access

Right of Rectification

Right of Erasure ('right to be forgotten')

Right to Restriction of Processing

Right of Data Portability

Right to Object to Processing

The rights will be facilitated by a formal policies and procedures, qualified where appropriate by specific reference to Articles and exemptions in the GDPR or UK law.

5.3 The Protection and Security of Personal Information

- 5.3.1 3SpiritUK will create and maintain a Security Policy and a Privacy Policy along with a framework of technical measures and support, guidance and training to ensure appropriate levels of security are in place to adequately protect personal information it controls or processes, with reference to principle f) above.

- 5.3.2 Security breaches will be monitored and subject to appropriate processes, activities and reporting with reference to Article 33. The GDPR requires breach reporting to be made to the ICO in a timely manner, within 72 hours if required. 3SpiritUK staff should report all personal data breaches as soon as they are discovered.

- 5.3.3 Security policies and processes will encompass access to user accounts and the interception of communications for legitimate 3SpiritUK purposes (for example to intercept email containing potentially damaging attachments or viruses) or where required to do so by law.

- 5.3.4 3SpiritUK will, on a quarterly basis, run an internal audit and a risk assessment to ensure that the appropriate data protection measures are in place as required by the law in the UK.

5.5. Awareness and Training

3SpiritUK will provide accessible guidance, support and training on the management of personal information and relevant legislation to all staff, learners and those acting for or on behalf of the 3SpiritUK. Staff will successfully pass awareness of security and information compliance before they undertake activities or are given access to systems that involve the processing of personal information.

5.6 Responsibilities of Staff

5.6.1 All staff are responsible for:

- checking that any information that they provide to 3SpiritUK in connection with their employment is accurate and up to date;
- informing 3SpiritUK of any changes to information which they have provided e.g. change of address;
- checking the accuracy of information that 3SpiritUK will send out from time to time giving details of information kept and processed about staff;
- informing 3SpiritUK of any errors or changes (3SpiritUK cannot be held responsible for any errors unless the staff member has informed 3SpiritUK of them)

5.6.2 If and when, as part of their responsibilities, staff collect information about other people (i.e. about students' course, work, opinions about ability, references to other academic institutions or details of personal circumstances) they must comply with the core principles set out in Section 4 of this policy.

5.6.3 Staff should not pass personal information or work contact details of colleagues if a request is made from an external source, unless permission has been received from the staff member in question. In normal circumstances, if a request is made for contact details then the external person should be asked to make a request in writing (usually via email) which provides their contact details and allows the staff member in question to contact them if they deem this to be appropriate.

5.6.4 Staff must note that it is a criminal offence to use personal data that they have access to as part of their work and use it for their own personal or commercial reasons, and this can lead to prosecution.

5.7 Learners Obligations

Learners must ensure that all personal data provided to 3SpiritUK is accurate and up to date. They must ensure that all changes of address etc are notified to their personal tutor, who should notify the admin team. Learners who use 3SpiritUK computer facilities may from time to time have access to personal data about themselves. 3SpiritUK can bear no responsibility for the sharing of personal information if this is carried out by the Learner themselves.

5.8 Security Breach & Information Requests

5.8.1 Any security breach or data damage or loss that affects personal information should be reported to the Data Controller. Security breaches or data damage or loss should be reported as soon as anything is discovered.

5.8.2 Mishandling of personal information in any instance could lead to a disciplinary investigation and additionally could be a breach of the law.

5.8.3 Data subject rights and information requests are granted in law and all staff involved in such requests should ensure requested information is made available in a timely and accurate manner. It should be noted that it is an offence to conceal, alter or destroy personal information to prevent it from being processed or reviewed that been the subject of a data rights request.