



AFC Totton
Development Program
Data Protection Policy

Introduction

AFC Totton DP collects and uses certain types of personal information about staff, students, parents and other individuals who encounter the centre in order to provide education and associated functions.

AFC Totton DP may be required by law to collect and use certain types of information to comply with statutory obligations related to employment, education and safeguarding, and this policy is intended to ensure that personal information is dealt with properly and securely and in accordance with the General Data Protection Regulation and other related legislation.

The GDPR applies to all computerised data and manual files if they come within the definition of a filing system. Broadly speaking, a filing system is one where the data is structured in some way that it is searchable based on specific criteria.

Legislation and guidance

This policy meets the requirements of the GDPR and the expected provisions of the DPA 2018. It is based on guidance published by the Information Commissioner's Office (ICO) on the GDPR and the ICO's code of practice for subject access requests. It also reflects the ICO's code of practice for the use of surveillance cameras and personal information. In addition, this policy complies with regulation 5 of the Education (Pupil Information) (England) Regulations 2005, which gives parents the right of access to their child's educational record.

Personal Data

Any information relating to an identified, or identifiable individual. This may include the individual's:

- Name (including initials)
- Identification number
- Location data
- Online identifier, such as a username

It may also include factors specific to the individual's physical, physiological, genetic, mental, economic, cultural or social identity. Personal data includes (but is not limited to) an individual's, name, address, date of birth, photograph, bank details and other information that identifies them.

Special categories of personal data

This is personal data which is more sensitive and so needs more protection, including information about an individual's:

- Racial or ethnic origin
- Political opinions
- Religious or philosophical beliefs
- Trade union membership
- Genetics or biometrics (such as fingerprints, retina and iris patterns), where used for identification purposes
- Health – physical or mental
- Sex life or sexual orientation

Criminal conviction data

Is information relating to criminal convictions and offences or related security measures and this includes personal data relating to the alleged commission of offences or proceedings for an offence committed or alleged to have been committed, including sentencing. This is collectively referred to as 'criminal offence data'.

Processing

Anything done to personal data, such as collecting, recording, organising, structuring, storing, adapting, altering, retrieving, using, disseminating, erasing or destroying. Processing can be automated or manual.

Data subject

The identified or identifiable individual whose personal data is held or processed.

Data controller

A person or organisation that determines the purposes and the means of processing of personal data.

Data processor

A person or other body, other than an employee of the data controller, who processes personal data on behalf of the data controller.

A data protection breach

A breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to personal data.

Data protection principles

The UK GDPR establishes six principles as well as a number of additional duties that must be complied with at all times:

1. Lawfulness, fairness and transparency

Personal data shall be processed lawfully, fairly and in a transparent manner. In order for personal data to be processed lawfully, it must be processed on the basis of one of the legal grounds set out in the UK GDPR. These include (amongst other relevant conditions) where processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority exercised by the AFC Totton DP. Where the special categories of personal data are processed, this shall include (amongst other relevant conditions) where processing is necessary for reasons of substantial public interest. When processing personal data and special category data in the course of AFC Totton DP business, the AFC Totton DP will ensure that these requirements are met where relevant.

2. Purpose limitation

Personal data shall be collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes (subject to exceptions for specific archiving purposes). The AFC Totton DP will only process personal data for specific purposes and will notify those purposes to the data subject when it first collects the personal data or as soon as possible thereafter

3. **Data minimisation**

Personal data shall be adequate, relevant and limited to what is necessary to the purposes for which they are processed and not excessive. Personal data which is not necessary for the purpose for which it is obtained will not be collected.

4. **Accuracy**

Personal data shall be accurate and where necessary, kept up to date; Personal data should be reviewed and updated as necessary and should not be retained unless it is reasonable to assume that it is accurate. Individuals should notify the AFC Totton DP of any changes in circumstances to enable records to be updated accordingly. The AFC Totton DP will be responsible for ensuring that updating or records takes place where appropriate.

5. **Storage limitation**

Personal data shall be kept in a form that permits the identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed. The AFC Totton DP will not keep personal data for longer than is necessary for the purpose or purposes for which they were collected and will take reasonable steps to destroy or erase from its systems all data which is no longer required.

6. **Integrity and confidentiality**

Personal data shall be processed in a manner that ensures appropriate security of the personal data and which includes protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

Duties

Personal data shall not be transferred to a country or territory outside the UK and the European Union (EU)/European Economic Area (EEA), unless that country or territory ensures an adequate level of data protection.

Data Controllers have a General Duty of accountability for personal data.

Commitment

AFC Totton DP is committed to maintaining the principles and duties in the UK GDPR at all times.

Therefore AFC Totton DP will:

- Inform individuals of the identity and contact details of the data controller.
- Inform individuals of the contact details of the Data Protection Officer
- Inform individuals of the purposes that personal information is being collected and the basis for this.
- Inform individuals when their information is shared, and why and with whom unless the UK GDPR provides a reason not to do this.
- If AFC Totton DP plans to transfer personal data outside the UK and the EU/EEA AFC Totton DP will inform individuals and provide them with details of where they can obtain details of the safeguards for that information.
- Inform individuals of their data subject rights.

- Inform individuals that the individual may withdraw consent (where relevant) and that if consent is withdrawn that AFC Totton DP will cease processing their data although that will not affect the legality of data processed up until that point.
- Provide details of the length of time an individual's data will be kept.
- Should AFC Totton DP decide to use an individual's personal data for a different reason to that for which it was originally collected AFC Totton DP shall inform the individual and where necessary seek consent.
- Check the accuracy of the information it holds and review it at regular intervals.
- Ensure that only authorised personnel have access to the personal information whatever medium (paper or electronic) it is stored in.
- Ensure that clear and robust safeguards are in place to ensure personal information is kept securely and to protect personal information from loss, theft and unauthorised disclosure, irrespective of the format in which it is recorded.
- Ensure that personal information is not retained longer than it is needed.
- Ensure that when information is destroyed that it is done so appropriately and securely.
- Share personal information with others only when it is legally appropriate to do so.
- Comply with the duty to respond to requests for access to personal information (known as Subject Access Requests).
- Ensure that personal information is not transferred outside the UK and the EU/EEA without the appropriate safeguards.
- Ensure that all staff and governors are aware of and understand these policies and procedures.

Retention and Disposal of Personal Data

AFC Totton DP will dispose of personal data in a way which protects the rights and privacy of data subjects (e.g. shredding, disposal as confidential waste, secure electronic deletion) as appropriate.

AFC Totton DP maintains a Retention Schedule that is specific and relevant to the specific types of information retained. The schedule outlines the appropriate periods for retention in each case.

Subject access requests

Anybody who makes a request to see any personal information held about them by AFC Totton DP is making a subject access request. All information relating to the individual, including that held in electronic or manual files should be considered for disclosure, provided that they constitute a "filing system" (see clause 1.5).

All requests either verbally or written should be sent to Data Protection Officer within 3 working days of receipt.

All requests must be dealt with in full immediately and at the latest within one month of receipt.

Where a child or young person does not have sufficient understanding to make his or her own request (usually those under the age of 12, or over 12 but with a special educational need which makes understanding their information rights more difficult), a person with parental responsibility can make a request on their behalf. The Data Protection Officer must, however, be satisfied that:

- The child or young person lacks sufficient understanding; and
- The request made on behalf of the child or young person is in their interests.

Any individual, including a child or young person with ownership of their own information rights, may appoint another person to request access to their records. In such circumstances AFC Totton DP must have written evidence that the individual has authorised the person to make the application and the Data Protection Officer must be confident of the identity of the individual making the request and of the authorisation of the individual to whom the request relates.

Access to records will be refused in instances where an exemption applies, for example, information sharing may place the individual at risk of significant harm or jeopardise police investigations into any alleged offence(s).

An individual only has the automatic right to access information about himself or herself, and care needs to be taken not to disclose the personal data of third parties where consent has not been given, or where seeking consent would not be reasonable, and it would not be appropriate to release the information. Particular care must be taken in the case of any complaint or dispute to ensure confidentiality is protected.

All files must be reviewed by the Data Protection Officer before any disclosure takes place.

Access will not be granted before this review has taken place.

Where all the data in a document cannot be disclosed a permanent copy should be made and the data obscured or retyped if this is more sensible. A copy of the full document and the altered document should be retained, with the reason why the document was a

Complaints

Complaints will be dealt with in accordance with the AFC Totton DP's complaints policy. Complaints relating to the handling of personal information may be referred to the Information Commissioner who can be contacted at Wycliffe House, Water Lane Wilmslow Cheshire SK9 5AF or at www.ico.gov.uk

Review

This policy will be reviewed as it is deemed appropriate, but no less frequently than every 2 years. The policy review will be undertaken by the Data Protection Officer.