



DATA PROTECTION POLICY

ThemPra Social Pedagogy CIC is legally required to hold, maintain and process certain personal information (data) about participants and workers to help us to do our work and meet our legal responsibilities. This document explains to staff, associates, learners and other partners how we will do this.

The sort of information that we may collect includes:

- ▲ Names and addresses
- ▲ Dates of birth
- ▲ Ethnic origin (to ensure we are inclusive)
- ▲ Personal features (on photographs and pictures)
- ▲ Qualifications and experience
- ▲ Details about staff sickness absence and annual leave
- ▲ Marital status
- ▲ Learner and staff attendance records and marks
- ▲ Learner progress reports
- ▲ Staff review reports
- ▲ Any opinion about or intentions regarding students, associates, staff and associates that is recorded in any form.

Subject Consent

ThemPra's need to collect and store information for ordinary purposes will be communicated to all who we ask for information from by making them aware of this policy. In some cases if this is sensitive, for example information about health, race or gender, express consent to process it will be obtained. We will do so by asking your consent and making a record of this. You have the right to withhold or withdraw consent at any time.

Principles of Information Use

ThemPra Social Pedagogy fully agrees with and adheres to the principles set out in the EU General Data Protection Regulation (2018). Article 5 requires that personal data shall be:

- a) *processed lawfully, fairly and in a transparent manner in relation to individuals;*
- b) *collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes;*
- c) *adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;*

- 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;*
- 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; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals; and*
- 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 organisational measures.*

What is our legal basis for processing personal data?

ThemPra processes personal data on a lawful basis where at least one of the following applies:

- a) *Consent: You have given clear consent for us to process your personal data for a specific purpose, such as to register for an event we offer or sign up to our mailing list.*
- b) *Contract: We need to process your personal data to fulfil a contract we have with you, or because you have asked us to take specific steps before entering into a contract, such as submitting an application form for a course or qualification we offer or requesting access to our Moodle Virtual Learning Environment.*
- c) *Legal obligation: The processing is necessary for us to comply with the law (not including contractual obligations).*
- d) *Vital interests: The processing is necessary to protect someone's life.*
- e) *Public task: The processing is necessary for us to perform a task in the public interest or for our official functions, and the task or function has a clear basis in law.*
- f) *Legitimate interests: The processing is necessary for our legitimate interests or the legitimate interests of a third party unless there is a good reason to protect your personal data which overrides those legitimate interests. As a social enterprise our legitimate interests include both commercial and wider societal aspects through the development of social pedagogy.*

Information Processing Checklist

Before collecting any personal information, we will consider the checklist set out below:

- ▲ Do we really need to record the information?
- ▲ Is the information 'ordinary' or is it 'sensitive'?
- ▲ Do we have the data subject's consent?
- ▲ Are we authorised to collect/store/process the data?
- ▲ Unless the data have been obtained from a reliable source, have we checked with the data subject that the data is accurate?
- ▲ Are we sure that the data are secure?

- ▲ If we do not have the data subject's consent to process, are we satisfied that it is in the best interests of the learner or the staff member to collect and retain the data?

If there is any doubt as to the type of information to be collected as above we will consult with our Data Protection Officer (DPO).

Information Security

The need to ensure that information is kept securely means that we take precautions against physical loss or damage, attacks by malware, viruses and that both access and disclosure must be restricted. We will make all reasonable efforts to ensure that all personal information is kept securely and will pay particular attention to the security of sensitive information whether in paper or electronic form. All personal information should be accessible only by those who need to use it and sensitive information will be:

- ▲ Kept in a lockable room with controlled access, or
- ▲ Kept in a locked filing cabinet, or
- ▲ In a locked drawer, or
- ▲ If computerised, be password protected, or
- ▲ Kept only on disks or other media that are themselves kept securely.

ThemPra staff, associates or partners will:

- ▲ Take all reasonable steps to prevent unauthorised access to personal or sensitive information,
- ▲ Ensure the hardware and software used in processing this information is reliable and protected against viruses and other malware;
- ▲ Ensure that all individuals who have access to the information are reliable and are trained how to comply with the Act;
- ▲ Have in place methods for detecting and dealing with breaches of security including the ability to identify which individuals have worked with specific information and having a proper procedure in place for investigating and remedying breaches;
- ▲ Have a secure procedure for backing up and storing back-ups separately from originals; and
- ▲ Have a secure method of disposal for back-ups, disks and printouts.
- ▲ Not use personal USB drives to store any learner or staff data

No member of ThemPra Social Pedagogy may, without the agreement of the Data Protection Officer:

- ▲ Develop a new computer system for processing personal information;
- ▲ Use an existing computer system to process personal information for a new purpose;
- ▲ Create a new manual filing system containing personal information;
- ▲ Use an existing manual filing system containing personal information for a new purpose.

Information Retention

ThemPra Social Pedagogy will retain some items of information for longer periods than others. The following information about staff, associates or partners will be kept indefinitely on the ThemPra Social Pedagogy database:

- ▲ Name
- ▲ Date of birth
- ▲ Gender
- ▲ Periods of service or employment

ThemPra Social Pedagogy will keep more detailed information such as address, relevant financial and professional details relating to its staff and associates for a maximum of 7 years from the end of their engagement. Those individuals who were unsuccessful when applying for engagement with ThemPra Social Pedagogy will have their information kept for 6 months subject to any changes in existing legislation. Other information relating to Income Tax, Maternity Pay etc, will be retained for the statutory time limits.

As a Crossfields Institute approved Centre, ThemPra Social Pedagogy retains the registration and certification details of all learners indefinitely to provide evidence of the learner's achievements as and when the learner or nominated third party (such as employer or educational establishment) requires them. This includes the learner's name, date of birth, URN (where applicable), centre of study and academic achievements attained through ThemPra Social Pedagogy. This information will never be shared with a third party without the express consent of the learner.

Learner obligations

Learners will be advised at registration about the information that ThemPra Social Pedagogy will collect, use and retain about them, and those to whom such information will be disclosed. Learners must ensure that all personal information provided to ThemPra Social Pedagogy is accurate and up to date. They must ensure that any changes, of address, for example, are notified to the DPO or other responsible person. ThemPra Social Pedagogy cannot be held accountable for errors arising from changes about which we have not been informed.

Learners who come into contact with personal information through ThemPra Social Pedagogy for the purposes of research or study, in pursuit of an academic programme or qualification and under the direct supervision of a member of staff must abide by the relevant parts of this policy and how we manage information.

ThemPra Social Pedagogy is not responsible for notification of personal information processed by students for their own use. Personal information is not disclosed either orally or in writing, intentionally or otherwise to any unauthorised third party. (Staff should note that unauthorised disclosure might be a disciplinary matter.)

Right of Access to Information

All individuals who are the subject of personal information held by ThemPra Social Pedagogy have the following rights in accordance with the GDPR:

THE RIGHT TO BE INFORMED

You can access our Privacy Notice and Data Protection Policy before agreeing to share your personal data with us. Both resources are available on our website and referred to in any booking forms.

THE RIGHT OF ACCESS TO PERSONAL INFORMATION

We're happy to provide you with details about how we process your personal data and give you access to it.

THE RIGHT TO REQUEST RECTIFICATION

You can ask us to rectify the personal data we hold about you.

THE RIGHT TO BE FORGOTTEN

If you do not wish for us to keep your personal data, you can ask us to erase any information we hold about you. We can only refuse to do this in specific circumstances.

THE RIGHT TO RESTRICT PROCESSING

In some cases, we share some of your personal data with partner organisations that may use the data for collaboration on projects. You are allowed to restrict this processing of data where you feel it is inaccurate, or if you object to the basis on which we are processing it.

THE RIGHT TO DATA PORTABILITY

We can send you any personal data we hold in a format that allows you to obtain and reuse your personal data for your own purposes across different services.

THE RIGHT TO OBJECT TO PROCESSING

You may object at any time to how we process your personal data and can withdraw your consent.

For further information about data protection and your rights, please visit the Information Commission's Office website: <https://ico.org.uk>

Publication of Organisational Information

Information that is already in the public domain is exempt from the 1998 Data Protection Act and the GDPR. This would include, for example, information on staff contained within externally circulated publications such as any ThemPra Social Pedagogy course publicity material or on our website. Any individual who has good reason for wishing details in such publications to remain confidential should contact ThemPra Social Pedagogy and request that this happen.

Disclosure outside of the EEA

The 1998 Act places restrictions on the transfer of personal information outside the European Economic Area (EEA), unless the country or territory involved has a similar level of protection for the rights and freedoms of data subjects in relation to the processing of personal information.

ThemPra Social Pedagogy may, from time to time, wish to transfer personal information to countries or territories outside of the European Economic Area in accordance with purposes made known to individual data subjects. For example, the names, photographs and contact details of staff, associates or partners on a website or via social media may constitute a transfer of personal data worldwide. Accordingly, the consent form signifies an individual's consent to the inclusion of such data on the authorised ThemPra Social Pedagogy website. If an individual wishes to raise an objection to this disclosure then written notice should be given to the Data Protection Officer.

Other personal data, even if it would otherwise constitute fair processing, must not, unless certain exemptions apply or protective measures taken, be disclosed or transferred outside the EEA to a country or territory which does not ensure an adequate level of protection for the rights and freedoms of data subjects.

If, after careful consideration it is regarded as essential that the transfer of personal data outside the EEA should take place - and if the transfer does not qualify as one of the circumstances when this principle does not apply - the consent of the data subject must be sought. Members of staff and associates should note that: this restriction has particular implications for international relationships, research projects and information placed onto websites.

Staff and associates must take special care in connection with requests for the transfer of personal data outside the European Economic Area (EEA). In particular, staff should not: disclose personal data requested by non-EEA governments, agencies and organisations for the purposes of assessing the names, numbers and whereabouts of foreign nationals studying overseas without the specific and informed consent of the data subjects concerned. Staff should not disclose personal data requested by non-EEA governments for the purpose of determining liability to attend National Service, without the specific and informed consent of the data subjects concerned.

What safeguards are there for transfers to third countries?

We store your personal data on secure servers, password-protected devices or in a lockable file cabinet with restricted access. Where secure servers are located outside EU countries, we ensure that the service providers have in place all necessary security measures required under the GDPR and industry codes of practice. We also ensure that partner organisations we may share your personal data with are legally required to be fully compliant with the GDPR requirements or have comparable data protection standards and safeguards.

Emails

It is recognised that email and other electronic media are used for such communications and should form part of the ThemPra Social Pedagogy's records. All staff, associates, partners and learners need to be aware that:

The 1998 Act applies to emails and other media containing personal data about individuals, which are sent or received by members of ThemPra Social Pedagogy

Subject to certain exceptions, individual data subjects will be entitled to make a data subject access request and have access to emails which contain personal data concerning them, provided that the individual data subject can provide sufficient information for the organisation to locate the personal data in the emails.

Data retention

When processing personal data for any purpose we are committed to not keeping these any longer than necessary. The following table outlines the category of data, where data are stored, the retention period and the criteria we have applied to determine the retention period.

Category of data	Storage location	Retention period	Criteria used to determine retention period
SPDN member details	Mailchimp, secure cloud drive	SPDN member personal data will be kept on MailChimp mailing list until the individual unsubscribes from mailing list.	SPDN members wish to stay informed about social pedagogy and SPDN activities. They are free to unsubscribe at any time via the link provided in each email.
	Eventbrite, secure cloud drive	Name and organisational affiliation of previous SPDN event participants will be kept until the individual asks us to remove these.	We keep a record of who has attended which event.
Employer details	Secure cloud drive	Until the request not to receive updates	Employers return to our service, often with long gaps in between. Requests to be removed from our mailing lists are enacted as soon as practicable.
ThemPra newsletter subscriber details	Mailchimp, secure cloud drive	ThemPra newsletter subscribers' personal data will be kept on MailChimp mailing list until the individual unsubscribes from mailing list.	Subscribers wish to stay informed about social pedagogy and our activities. They are free to unsubscribe at any time via the link provided in each email.

Course participant details	Secure cloud drive	Name and organisational affiliation indefinitely or until participant asks to have his records deleted, email addresses for the duration of the course / project	To keep an accurate record of who we have trained, which may be required later on for fast-track route into our qualifications.
Qualification learner application forms	Secure cloud drive and locked filing cabinet for paper forms	For the duration of the qualification, usually 9 months.	We may need to contact the learner or make specific arrangements for them. Beyond the qualification, information supplied on the application form is no longer required.
Individual qualification learner details (names, date of birth, gender, unique learner number)	Secure cloud drive and Mercury (management information system used by our awarding organisation)	Indefinitely, unless requested to remove	Required by our awarding organisation
Qualification learner assignments, reasonable adjustment and special consideration agreements	Secure cloud drive	Until learners have been issued with their qualification certificates and External Quality Assurer has reviewed all evidence.	In order to be able to respond to any appeals, our awarding organisation requires us to retain this until all quality assurance procedures have been satisfactorily completed.
Assessment & monitoring records - EQA Reports, IQA Reports, Assessment feedback, Attendance/Notes from meetings	Secure cloud drive	3 years	This is held by our awarding organisation as it may be required for audit by Ofqual (the regulator). The only personal data should be names and signatures.
Employment applicants	Secure server and locked filing cabinet for paper records	6 weeks after applications close	We retain applications for a short period of time, and may ask to retain them for longer if

			an applicant wishes to be contacted in relation to future employment opportunities
Employee and third party records	Secure server and locked filing cabinet for paper records	7 years from the end of employment or contract	Records held in order to be able to respond meaningfully to employment reference requests or to respond to HMRC requests
Special Category data (sensitive data – e.g. medical records, ethnicity, disabilities, etc)	Secure server – restricted access to data controller and designated data processors	The shortest possible time; context dependent.	We will retain this data in relation to special consideration applications for learners for as long as needed to make a decision. We will retain this in relation to employees for as long as needed to ensure that their health and wellbeing needs at work are met.
Criminal data	Secure server – restricted access to data controller and designated data processors	The shortest possible time; context dependent.	We will retain this data for as short as possible a time, due to its sensitive nature. The only likely context for us to require this data is when a DBS check is required for employees or third party suppliers

Further information

This policy is intended for guidance, not as an authoritative statement of the law. Further information and advice is available from the Data Protection Officer.

How can you contact us?

ThemPra Social Pedagogy is a data controller under data protection legislation. If you have any queries about how we process your personal data or this policy, please contact ThemPra’s Data Protection Officer at dataprotection@thempra.org.uk.



2 Mount Pleasant
Church Road
Allithwaite
Cumbria
LA11 7RE

www.thempra.org.uk

This document was updated in May 2018 to ensure full compliance with the EU General Data Protection Regulation.

It will be reviewed by an internal advice process in May 2019.

THEMPRA SOCIAL PEDAGOGY RIGHT OF ACCESS TO INFORMATION REQUEST

PERSONAL DATA – SUBJECT ACCESS REQUEST

Please provide the following details about yourself:

Full name

Address

.....

Tel No

E-mail:

FEE

A fee of £10.00 is payable for each application for information. Please enclose a cheque made payable to ThemPra. Other means of payment are available on request. Please note that in accordance with the Freedom of Information Act 2000 a different fee structure will apply where personal information is contained in unstructured files i.e. a filing system which is not organised in a way that makes it easy to locate information about a particular individual. If your request falls within this category, you will be provided with an estimate of the cost of providing the information before ThemPra starts any work on your behalf.

1. Are you requesting information about yourself?

If so, you are the 'data subject' and documentary evidence of your identity is required, i.e. driving licence, birth certificate (or photocopy) and a stamped addressed envelope for returning the document. (Please go to 3 below.) If not, please supply the written consent of the data subject and supply their details as follows:

Full name

Address

.....

Tel No

E-mail:

2. Please briefly explain why you are requesting this information rather than the data subject.

.....

.....

3. Please describe the information you seek together with any other relevant information to help us identify the information you require.

.....

.....

.....

.....

ALL APPLICANTS MUST COMPLETE THIS SECTION [Please note that any attempt to mislead may result in prosecution].

I confirm that the information given on this application form to ThemPra Social Pedagogy CIC is true, and I understand that ThemPra Social Pedagogy CIC may need more information to confirm my identity/that of the data subject and to locate the information that I am requesting.

Signature:

Date:

Please return the completed form to

ThemPra Social Pedagogy CIC.
2 Mount Pleasant,
Church Road.
Allithwaite
LA11 7RE

along with the following:

- a) Evidence of your identity(ies).
- b) Evidence of the data subject’s identity (if different from (a)).
- c) The fee of £10.00 (cheque to be made payable ThemPra Social Pedagogy CIC);or The fee referred to in the Fees Notice issued under the Freedom of Information Act 2000;
- d) Stamped addressed envelope for return of proof of identity/authority document.

Whilst ThemPra Social Pedagogy CIC must respond to your request for information within 40 days, please note this time period does not begin to run until all of the above have been received. Please note: If the data subject provides the ThemPra with all the information necessary for the ThemPra to comply with their request, ThemPra must comply with it.

