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| **Policy Name** | Data Protection Policy |
| **Department** | CEO |
| **Created By (Job Title)** | Director of Governance  |
| **Date Reviewed**  | March 2020 |
| **Date of Next Review** | February 2022 |
| **Pathway** |  |
| **E & D Policy Disclaimer**  | This policy has been reviewed in line with the Equality Act 2010 which recognises the following categories as Protected Characteristics: Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion and Belief, Sex (gender) and Sexual orientation. We will continue to monitor this policy to ensure that it provides equal access and does not discriminate against anyone, especially any person/s listed under any protected characteristic. ***17.03.20*** |

**Data Protection Policy**

1. **About this policy**

“Bedford College” is the legal entity registered with the Information Commissioner Office (“ICO”) under registration Z7651165 for the purposes of Data Protection

This Policy applies to The Bedford College Group (“TBCG”), meaning all businesses which form part of or are associated with TBCG, including but not limited to Bedford College, National College for Motorsport, Shuttleworth College, the Bedford Sixth Form, Tresham College and wholly owned subsidiaries of Bedford College, Bedford College Services Limited and Bedford College Professional Services Limited.

Bedford College Services Limited (“BCS”) is registered independently with the ICO under registration ZA660642 as a data controller due to its responsibility for some processes outside those of Bedford College in respect of its commercial activities. BCS remains subject to this policy as a wholly owned subsidiary of Bedford College.

**TBCG’s reputation and future growth are dependent on the way TBCG manages and protects Data. Protecting the confidentiality and integrity of Data is a key responsibility of all TBCG Personnel and those working on its operations.**

**2.Policy Statement of TTBCG**

TBCG’s policy is to comply with the Data Protection Act 2018 (“DPA”), The General Data Protection Regulation (EU) 2016/679) (“GDPR”) and any national implementing laws and regulations relating to the processing of Data and privacy, including where applicable the guidance and codes of practice issued by the Information Commissioner or any other national data protection authority.

As a group we need to collect and use certain types of information about people with whom we deal in order to operate. These include current, past and prospective employees, volunteers, learners, prospective learners, parents, alumni, suppliers, clients/customers, and others with whom it communicates.

In addition, we are required by law to collect and use certain types of information of this kind to comply with the requirements of government departments.

This Personal Data and Special Category Personal Data **(together referred to for the purposes of this Policy as “Data” and further defined in paragraph 7)** must be dealt with properly however it is collected, recorded and used – whether on paper, in a computer, or recorded on any other material.

We recognise and regard the lawful and correct treatment of Data as extremely important within our day to day functions and in treating those with whom we deal with respect and professionalism ensuring their confidence in our ability at all times.

1. **TBCG Personnel responsibilities**

All TBCG Personnel are obliged to comply with this Policy, the Data Management procedures and other relevant policies at all times.

For the avoidance of doubt and for the purpose of this Policy “TBCG Personnel” includes any employee, worker or contractor who accesses any of TBCG’s Data and will include employees, consultants, contractors and temporary personnel hired to work on behalf of TBCG.

TBCG Personnel must ensure that they keep confidential all Data that they collect, store, use and come into contact with during the performance of their duties.

TBCG Personnel must not release or disclose any Data:

* Outside the TBCG; or
* Inside the TBCG to TBCG Personnel not authorised to access the Data

without specific authorisation from their manager or the DPO; this includes by phone calls or in emails.

TBCG Personnel must take all steps to ensure there is no unauthorised access to Data whether to TBCG Personnel who are not authorised to see such Data or by people outside TBCG.

1. **Data Protection Officer**

We have appointed **Eno Kadiri** of the DPO Centre Limited as the Data Protection Officer for TBCG who will endeavour to ensure that all Data is processed in compliance with this Policy and the Principles of the Data Protection Act 2018 (“DPA”). The Freedom of Information Act 2000 and the Protection of Freedoms Act 2012 are also relevant to parts of this policy.

1. **The Principles**

We will fully endorse and adhere to the principles within the Data Protection Act 2018 and ensure that Data:

1. shall be processed fairly and lawfully and transparently
2. shall be processed for a lawful purpose
3. shall be adequate, relevant and not excessive;
4. shall be accurate and, where necessary, kept up to date;
5. shall not be kept for longer than is necessary shall be processed in accordance with the rights of data subjects under the Act;
6. shall be kept securely
7. shall not be transferred to other countries outside the European Economic Area without adequate protection
8. **Personal Data**

Personal Data covers both facts and opinions about an individual where that data identifies or in conjunction with other information an individual. For example, it includes information necessary for employment such as the member of staff’s name and address and details for payment of salary or a pupil’s attendance record and exam results. Personal data may also include sensitive personal data as defined in the Act.

1. **Special Category Personal Data**

Special Category Personal Data includes data relating to medical information, gender, religion, philosophical beliefs, race or ethnic origin, sexual life or sexual orientation, trade union membership, political opinions, genetic data (i.e. information about physical, physiological or behavioural Characteristics such as facial images and fingerprints), physical or mental health and criminal records and proceedings

For the purposes of this Policy Personal Data and Special Category Personal Data will together be referred to as **“Data”**

1. **Processing of Data**

Through appropriate management we will:

* fully observe our legal obligations regarding the fair collection and use of information;
* obtain appropriate consent for the processing of Data unless processing does not require consent
* meet our legal obligations to specify the purposes for which information is used and apply suitable privacy notices;
* collect and process appropriate information, and only to the extent that it is needed to fulfil operational needs or to comply with any legal requirements;
* ensure the quality of information used;
* ensure that where Data is processed by external processors, for example, service providers, cloud services including storage, web sites etc. the appropriate data protection clauses/agreements are in place.
* retain Data for different periods of time in accordance with legal requirements or best practice and apply checks to determine the length of time information is held and ensure compliance with the College’s Data Retention Policy.
* ensure that the rights of people about whom information is held can be fully exercised under the Act. (These include: the right to be informed that processing is being undertaken: the right of access to one’s Data; the right to prevent processing in certain circumstances; the right to rectify, block or erase information which is regarded as wrong information.);
* take appropriate technical and organisational security measures to safeguard Data;
* ensure that Data is not transferred abroad without suitable safeguards.
* ensure when Data is destroyed , it is destroyed only where appropriate and securely in accordance with best practice at the time of destruction

In addition, we will ensure that:

* there is someone with specific responsibility for data protection in the organisation;
* everyone managing and handling Data understands that they are contractually responsible for following good data protection practice;
* everyone managing and handling Data is appropriately trained to do so;
* everyone managing and handling Data is appropriately supervised;
* anybody wanting to make enquiries about handling Data knows what to do;
* queries about handling Data are promptly and courteously dealt with;
* a regular review and audit is made of the way Data is managed;
* methods of handling Data are regularly assessed and evaluated.
1. **Enforcement and breach management**

If an individual believes that we have not complied with this Policy or acted otherwise than in accordance with Data Protection Principles the individual should notify the DPO immediately at dpo@bedford.ac.uk.

We have a legal obligation to notify the Information Commissioner of any breach or suspected breach of Data Protection legislation within 72 hours of the breach or suspected breach.

If an individual therefore believes or suspects a breach may have occurred they should notify the DPO immediately at dpo@bedford.ac.uk and in conjunction with the Breach Notification Procedure1 at Annex 1 of the Data Management Procedures.

1. **Other relevant policies and procedures**

The following Policies and procedures and others that are from time to time applicable shall be adhered to by all those processing Data at TBCG;

* Data Management Policy (including Breach notification form and Subject Access Request form,
* ICT Systems Acceptable Use Policy
* Relevant Employee related policies
* Relevant Student related policies
* Network Security Policy
* Mobile Devices and Laptops Policy
* Privacy Policy
* Data Retention Policy / guidelines
* Freedom of Information Policy
* Raising Concerns Procedure
* Special Category Personal Data Policy

For further information and guidance concerning The TBCG’s responsibilities in respect of data protection please email mydata@bedford.ac.uk