**Policy 02 – Data Protection Policy**

| Revision Number | Page No(s) | Revision Date | Author | Modifications |
|---|---|---|---|---|
| 1.0 | All | 15/12/15 | Steve Henton | First issue of policy |
| 2.0 | All | 29/03/16 | Steve Henton | Entire document reviewed and published. |
| 2.1 | All | 15/07/16 | Sam Taylor | Rebrand onto new template and review. |
| 2.2 | All | 20/5/17 | Mark Urch | Rebranded and name changes, updated inconsistencies |
| 2.3 | All | 30/06/17 | Mark Urch | Updated to reflect the adoption of GDPR. |

This policy applies to all staff of Smart Apprentices Ltd (hereafter referred to as Smart Apprentices) and all other computer, network or information users authorised by Smart Apprentices, or any department thereof. It relates to their use of any Smart Apprentices-owned facilities (and those leased by or rented or on loan to Smart Apprentices), centrally managed or otherwise; to all private systems (whether owned, leased, rented or on loan) when connected to the company network; to all company-owned or licensed data and programs (wherever stored); and to all data and programs provided to Smart Apprentices by sponsors or external agencies (wherever stored).

The policy also relates to paper files and records created for the purposes of Smart Apprentices business.
The Data Protection Act 1998 requires every data controller who is processing personal data to notify the Information Commissioner unless they are exempt. Failure to notify is a criminal offence. Smart Apprentices has set up a direct debit to renew our notification each year for the following purposes:

- Staff administration;
- Advertising, marketing and public relations;
- Accounts and records;
- Administration of membership records;
- Advertising, marketing and public relations for others;
- Consultancy and advisory services;
- Education;
- Fundraising;
- Information and databank administration;
- Journalism and media;
- Legal services;
- Processing for not for profit organisations;
- Realising the objectives of a charitable organization or voluntary body;
- Research;
- Trading/sharing in personal information.

Formal record keeping of any changes in the scope of records being kept will be maintained by SA, these records will be made available upon request.

**EIGHT DATA PROTECTION PRINCIPLES**

Whenever collecting information about people Smart Apprentices agrees to apply the Eight Data Protection Principles:

1. Personal data should be processed fairly and lawfully;
2. Personal data should be obtained only for the purpose specified;
3. Data should be adequate, relevant and not excessive for the purposes required;
4. Accurate and kept up-to-date;
5. Data should not be kept for longer than is necessary for purpose;
6. Data processed in accordance with the rights of data subjects under this act;
7. Security: appropriate technical and organisational measures should be taken unauthorised or unlawful processing of personal data and against accidental loss or destruction or damage to personal data;
8. Personal data shall not be transferred outside the EEA unless that country or territory ensures an adequate level of data protection.

**Following the changes in EU legislation and the introduction of the GDPR the following principals have also been adopted.**

1. Consent
   SA will ensure any agreement terms are intelligible and in an easily accessible form, using clear and plain language and ensure it is as easy to withdraw consent as it is to give it

2. Breach Notification
   SA will notify any affected party within 48hrs of the identification of a breach and loss of data.

3. Right to Access
   All personal data can be made available either through access from colleges/providers or upon request to SA.

4. Right to be Forgotten
   - All data is achieved by the college/providers following this data is excluded from any access or from any processing except to the originating providers.
   - Data will only be kept for a period required to conform with audit requirements
   - As part of the employee leaver process, employees are marked as left and removed from any further processing.
5. Data Portability
   SA SLAs provide for control of data transferred from other systems, all data is securely transmitted and stored in accordance with all DP controls.

6. Privacy by Design
   SA will ensure privacy by design, ensuring the inclusion of data protection from the onset of the designing of systems

7. Data Protection Officers
   SA will ensure a robust process of internal record keeping for all data sets and a DPO appointment will be made.


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**NOTES FOR SMART APPRENTICES**

Data Controller (Smart Apprentice's Chief Executive Officer) must provide their identity; inform people what the information is being collected for and any other information necessary. We must get their consent.

We should think in advance about what we wish to do with personal data. I.E.; if we get names and addresses for a specific campaign we should only use that info for that campaign. We should from now on add other purposes to forms. E.g.; I wish to be kept up-to-date with Smart Apprentices activities.

Individuals have a right to see what data is being kept on them, and for what purpose in 40 days. We must be able to provide a meaningful response within that time.

Same principles apply when data is taken out of the office.

If we buy in a mailing list, we cannot use it for any other purpose than the original Data Controller specified. We must check original use before purchasing the list.

**WORKING FROM HOME**

- Smart Apprentices keeps note of which staff take work home with them.
- If working on something at home and at work, try to keep both sets of information pretty much up to date.
- Home computers should have records removed once project/work records are no longer needed at home.
- Staff agree to keep work taken home secure; to return all work related material upon the completion /termination of their contract; and the organisations should be informed if information gets into wrong hands.

**SPECIAL FUNDING TRACKING REQUIREMENTS AND DATA PROTECTION**

- Try not to keep more information than project/tracking requires;
- The more information kept, the more secure it should be;
- If publishing volunteers' details, tell them first;
- Take extra care if records include sensitive data;
- Just keep personal data as long as necessary under funding rules;
- Don't keep surplus information.

**SECURITY STATEMENT**

Smart Apprentices has taken measures to guard against unauthorised or unlawful processing of personal data and against accidental loss, destruction or damage. This includes:

- Adopting an information security policy (please see Smart Apprentice's Information Security Policy);
- Taking steps to control physical security;
- Putting in place controls on access to information (please see Smart Apprentice's Password Policy);
- Establishing a business continuity/disaster recovery plan;
- Training all staff on security systems and procedures;
- Detecting and investigating breaches of security should they occur (Please see Incident Reporting Policy);
- Access to data whether current or archived is provided to those individuals who need to use the specified data in performing their responsibilities and functions;


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- All data on the network is protected by Avast! anti-virus software that runs on servers and workstations, and is updated automatically with on-line downloads from the Avast! Website. This includes alerts whenever a virus is detected;
- Any viral infection that is not immediately dealt with by Avast! is notified to the Chief Technical Officer;
- Any access to Smart Apprentices is protected through our hosting company Rackspace which has all the latest virus patches etc.;
- All user data is backed up automatically on a daily basis by Rackspace who host the solution for Smart Apprentices and this can be restored as necessary;
- A full server backup takes place weekly;
- As Rackspace are a completely separate company to Smart Apprentices and is 100 miles away from the Smart Apprentices offices, a disaster contingency plan is already in place in case of catastrophic system loss such as fire, flood etc.;
- Every page on Smart Apprentices is also SSL certificated for extra protection. Each page contains the prefix https://

**Acknowledgement**

I have read and understood the content of this policy.
I am aware of where to find it on the Integrated Management System to ensure I am updated with any amendments to it.
I agree to abide by the content of this policy at all times.

| Signature: | Date: |
|---|---|
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