

DATA PROTECTION POLICY

Policy statement:

This Policy outlines our data protection procedures and the legal conditions that must be satisfied in relation to the obtaining, handling, processing, storage, transportation and destruction of personal information.

Any questions or concerns about the operation of this policy should be referred in the first instance to our Data Protection Officer (DPO): Matt Paver (mattp@projectingsuccess.co.uk)

Purpose:

Everyone has rights about how their personal information (otherwise called personally identifiable information, or PII) is handled. During our activities, we will collect, store and process personal information about our learners, employees, employers, and suppliers, and we recognise the need to treat it in an appropriate and lawful manner.

The information, which may be held on paper or on a computer or other media, is subject to certain legal safeguards specified in the UK General Data Protection Regulation (GDPR) Act 2018 and other regulations. The Act imposes restrictions on how we may use that information.

Legal Framework:

- GDPR 2018
- Computer Misuse Act & Cyber Crime 2018

For more information on the UK data protection legal frameworks, reference is available here: <https://www.gov.uk/data-protection>

Our responsibility:

The Company needs to hold and use information about its employees, job applicants, clients/learners, prospective clients/learners, members and suppliers, in order to carry out its business. Where the information stored constitutes personal data that relates to a living individual, we are obliged to comply with the requirements of the Data Protection Act, 2018, and General Data Protection Regulation (GDPR), as amended.

This Policy sets out what data will be retained and how this data will be managed.

Data Protection Principles

The Company is required to ensure that personal data (PII) is:

- processed fairly, lawfully, and transparently;
- processed only for specific purposes;
- adequate, relevant and not excessive in collection;
- accurate and kept up to date;
- kept for no longer than is necessary;

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- kept and processed in an appropriately secure manner in accordance with your rights; and
- kept secure and processed in a demonstrably manner

In essence, this means that we aim to tell you, in writing, what information we hold about you, the legal reason we hold it, as below, from whom we have obtained it, to whom we will disclose it, where the data is being transferred to (if outside the UK), how the data is to be protected, and the retention period of the data.

Please review the Information Commissioner's Office (ICO), the UK's independent authority for data protection and information rights law, guide to the UK GDPR seven key principles for more information: <https://ico.org.uk/for-organisations/uk-gdpr-guidance-and-resources/data-protection-principles/a-guide-to-the-data-protection-principles/>

Personal Data, and the legal reasons why we hold it

The following are the legal options for holding your data, also referred to as the lawful bases for holding and processing personal data (PII):

- You give your consent
- Processing is necessary for the implementation and performance of a contract with you
- Compliance with a legal obligation
- Processing is necessary to protect the vital interests of yourself or another person
- The data is necessary for the performance of a task carried out in the public interest
- The data is necessary for the purposes of legitimate interests pursued by the controller (likely to be the Company holding the data) or a third party (could be someone acting on the Company's behalf).

The ICO's guidance on the lawful bases for data processing is available for review here: <https://ico.org.uk/for-organisations/uk-gdpr-guidance-and-resources/lawful-basis/a-guide-to-lawful-basis/>

Personal data is defined within the UK GDPR as:

“personal data’ means 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 a 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”.

A non-exhaustive list of personal data include examples such as:

- Name
- Date of Birth
- Email address
- Phone number
- Address
- Location Data

For the ICO guidance on what constitutes personal data see: <https://ico.org.uk/for-organisations/uk-gdpr-guidance-and-resources/personal-information-what-is-it/what-is-personal-data/what-is-personal-data/>

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It should be noted that pseudonymised data (data where the personal information has been masked by mapped values) still constitutes personal data under UK GDPR. This is due to the potential to reverse engineer the pseudonymisation, re-identifying the original personal data. Anonymised data, where the personal data has been dropped or replaced with dummy values, does not count as personal data and so is not covered under the GDPR legislation.

Learner Recruitment

Much of the personal or sensitive personal data stored by an organisation will relate to learner recruitment.

In terms of recruitment, these are the reasons why we keep and process data:

- considering your suitability for recruitment;
- administration of all relevant paperwork;
- RPL and APA information relevant to the qualification;
- compliance with legal requirements;
- performance monitoring;
- absence management;
- to establish your training and/or development requirements;
- to establish a contact point in an emergency.

Sensitive Personal Data

In addition, the Company may hold, use and otherwise process sensitive personal data. Sensitive personal data, also referred to as “special categories of personal data”, is, according to the GDPR, personal data which consists of the following:

- your racial or ethnic origin;
- your political opinions;
- your religious or similar beliefs;
- your professional memberships
- your physical or mental health or condition;
- your sexual life;

We envisage processing sensitive personal data in the following circumstances:

- information relating to your physical or mental health or condition, for health monitoring purposes, assessing your suitability for work and for equal opportunities monitoring;
- information relating to your racial or ethnic origin where relevant to any application for a work permit and for equal opportunities monitoring;

A high level of security will be in place for this type of data and limited access will apply. Storage and processing of sensitive personal data will only be done in compliance with the UK GDPR and Data Protection Act.

Obligations relating to your Personal Data

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Personal data and sensitive personal data will be held, both manually and on computer. Such data shall only be kept for as long as necessary, in accordance with legislation and the Company's Data Retention Policy.

In order to enable us to comply with the obligation to keep data up to date, you are required to immediately notify the Company of any changes to your personal details including, without limitation, any changes to your name, address, emergency contacts.

Obligations relating to the Personal Data of Others

The Company will not make use of, divulge, or communicate to any person, any personal data or sensitive personal data relating to any third parties, including without limitation the following:

- applicants for training, learning and development (successful and unsuccessful);
- learners and employers and former learners and employers
- other individuals who are working within the organisation

Breach of this requirement will be treated very seriously and, where appropriate, disciplinary action will be taken against the relevant employees. You should also be aware that, in certain circumstances, someone making an unauthorised disclosure of personal data, could be committing a criminal offence.

The Company will carry out a Data Protection Impact Assessment (DPIA) when implementing new technology or dealing with processing involving high risk for individuals.

Data Subject Rights

The GDPR gives learners, employers and employees certain rights in connection with personal and sensitive personal data which relates to them.

These are your rights in relation to your personal data:

- to be informed of what data we hold, why we hold it and where it came from. This will be explained at the point of requesting the information.
- to make a data subject access request (DSAR) and (subject to certain legal exemptions) to receive copies of your personal data which we hold. If you wish to exercise this right, you must make a request in writing to a senior member of staff. There will normally be no charge for providing the information you have requested and it will normally be provided within one month from the date of request.
- to have any inaccurate data corrected or erased.
- to restrict processing.
- data portability.
- to object to the data being held and processed. This may, however, not result in us withdrawing our holding and processing of the data.
- to withdraw consent under certain circumstances.
- Other rights in relation to automated decision making and profiling.
- to lodge a complaint with a supervisory authority.

If you are curious about what rights you have as a data subject under UK GDPR, please review the ICO "for the public" page: <https://ico.org.uk/for-the-public/> . If you wish to contact the company with any queries around your personal data, please refer queries to the Data Protection Officer: Matt Paver (mattp@projectingsuccess.co.uk)

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Where the Company decides to use an external data processor, this will be detailed in the written contract. This will ensure that both sides understand their responsibilities.

Data relating to persons under 18 years of age may require the parents' consent.

The Company is obliged to report serious data breaches to the ICO within 72 hours. Disciplinary action will be taken against you should you not report a breach immediately you are aware one has occurred.

Our Apprenticeship

As an online training provider we record the lessons, edit the video for brevity, and make the lesson videos available to members of the related training cohort via a private playlist. If a learner objects to being present in the lesson recordings please reach out to the companies L&D team.

Only company tutors are allowed to record videos of course lessons or other meetings related to the apprenticeships. Learners, also known as apprentices, are expressly forbidden from recording videos. Failure to comply will constitute breach of the terms of service of the apprenticeship.

Due to the online nature of our apprenticeships, a learner's name and email address will be visible to other learners/ apprentices within that learner's specific cohort. This is required to complete the contractual obligations to provide the contents of the apprenticeship. Personal information like names and emails will not be visible outside the learner's cohort. Please contact the L&D team if the visibility of names or email addresses will cause distress.

Version Table

Version	Author	Change Made	Date
1.0	Vicky Emerson	1 st Version	2019-06
2.0	Vicky Emerson	Annual Review	2020-06
3.0	Darren Brown	Annual Review – added signoff signature	2021-07
4.0	Vicky Emerson	Annual Review	2022-07
4.1	Tallulah Kelly-Carter	Annual Review	2023-08
5.0	James Challis	Review, minor updates, added section for Our Apprenticeship	2025-05

To whom it may concern:

I can confirm as a member of the Leadership Team that I fully agree with the content of this policy as part of the annual review.

Name: Terri McGregor Position: Head of Strategic Initiatives

Signature:



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