

# Data Protection

## Data Protection Policy Statement and Procedure

Jacaranda holds, maintains and processes 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.

Please see this policy in conjunction with our Privacy Statement, which is available on the [About Us page](#) of our website.

### The sort of information that we may collect includes:

1. Name and address
2. Date of birth
3. Ethnic origin
4. Personal features
5. Qualifications and work experience
6. Details about staff sickness absence and annual leave
7. Marital status
8. Learner and staff attendance records and marks
9. Learner progress reports
10. Staff review reports
11. Any opinion about or intentions regarding learners, associates and staff

### Subject Consent

Jacaranda's need to collect and store information for normal purposes is communicated via our Privacy Policy and in the case of special category data (e.g. about health, race or gender) via specific consent for a specific purpose, which we will record.

### Principles of information Use

Jacaranda agrees with and adheres to the principles of the Data Protection Act and the General Data Protection Regulation (GDPR). These principles specify the conditions that must be met in relation to what we do with this information. Employees and any others who collect and/or process data on behalf of Jacaranda adhere to these principles which specify that information must:

1. Be fairly and lawfully processed and that the information shall not be processed or used unless certain conditions are met.
2. Be processed only for the purpose for which it is given and in a manner compatible with that purpose.

#### About this document

Last reviewed: 05 Feb 2018

Next review: Feb 2019

#### Is this the right document for your query?

Others include:

Privacy Statement  
Learner Handbook  
Mission Statement  
Admissions Policy

3. Be adequate, relevant and not excessive for those purposes; and only to the extent that it is needed to fulfil reasonable organisational activities or to comply with any legal requirements.
4. Be accurate and kept up to date.
5. Not be kept for longer than is necessary for the purpose for which it was collected
6. Be processed in accordance with the data subject's rights, and ensuring that the rights of people about whom information is held can be fully exercised under the Act. See our Privacy Statement for further detail.
7. Be kept safe and secure from unauthorised access, unlawful processing, accidental loss or destruction or damage by using the appropriate technical and security measures.
8. Not be transferred to a third country, unless that country has equivalent levels of protection for personal data.

### **Information Processing Checklist**

Before collecting any personal information, we will consider the following:

1. Do we need to record the information?
2. Is the information 'special category data'?
3. Do we have the data subject's consent, if this is required?
4. Are we authorised to collect/store/process the data?
5. Unless the data have been obtained from a reliable source, have we checked with the data subject that the data is accurate?
6. Are we sure that the data are secure?
7. 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 Controller.

### **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 are restricted. We will make all reasonable efforts to ensure that all personal data is kept securely and will pay particular attention to the security of special category data 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:

1. Kept in a lockable room with controlled access, or
2. Kept in a locked filing cabinet, or
3. In a locked drawer, or
4. If computerised, be password protected, or
5. Kept only on disks that are themselves kept securely

### **People processing data for Jacaranda will:**

1. Take all reasonable steps to prevent unauthorised access to personal or sensitive information
2. Ensure the hardware and software used in processing this information is reliable and protected against viruses and other malware
3. Ensure that all individuals who have access to the information are reliable and are informed about this policy and how to comply with it

4. 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
5. Have a secure procedure for backing up and storing back-ups separately from originals; and
6. Have a secure method of disposal for back-ups, disks and printouts

**No person processing data for Jacaranda may, without the agreement of the Data Controller:**

1. Develop a new computer system for processing personal information;
2. Use an existing computer system to process personal information for a new purpose;
3. Create a new manual filing system containing personal information;
4. Use an existing manual filing system containing personal information for a new purpose.

**Information Retention**

Jacaranda will retain some items of information for longer periods than others and will not retain data for longer than necessary.

Category of data	Retention period	Criteria used to determine the retention period
<p><b>Overarching guidance:</b> Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.</p>		
Candidate details	Until a candidate asks us to be deregistered	Candidates receive job details, often for years, until they wish to be removed from mailing lists. These requests are enacted as soon as practicable.
Employer details	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.
Learner application forms	For the duration of the qualification, usually 9 months	Beyond the qualification, information supplied on the application form is no longer required.
Learner assignments, reasonable adjustment and special consideration agreements	Until learners have been issued with their qualification certificates	In order to be able to respond to any appeals
Assessment reports, IQA reports and standardisation records	3 years	Required by our awarding organisation
Internal applicant records	As close to 4 weeks following closure of application process as practicable, unless: a) applicant is appointed or b) express consent is sought for possible future recruitment	As an SME, we do not have capacity to retain hard-copy records for extended periods.

	consideration	
Employee and associate records	7 years from end of employment	Records held in order to be able to meaningfully respond to employment reference requests.
Special category data	The shortest possible time; context-dependent and usually no more than 3 weeks, with the exception of special category data relating to our qualification learners (see above)	Retention period is as short as practicable in relation to the purpose the data has been collected, due to its sensitive nature.
Criminal offence data	The shortest possible time; context-dependent and usually no more than 3 weeks.	Retention period is as short as practicable in relation to the purpose the data has been collected, due to its sensitive nature. Please note: Jacaranda is from time to time asked to process DBS checks, which are in the vast majority of cases, clear (i.e. no conviction). At the time of writing this statement, the Data Protection Bill is still going through Parliament and the ICO are unable to clarify if a DBS check is considered to fall under the category of "criminal offence data".

### **Learner obligations**

Learners will be advised at registration about the information that Jacaranda 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 Jacaranda is accurate and up to date, and ensure that any changes are communicated to Jacaranda. Jacaranda cannot be held accountable for errors arising from changes about which it has not been informed.

Learners who come into contact with personal information via Jacaranda for the purposes of research or study in pursuit of the academic programme or qualification must adhere to the relevant parts of this policy.

Personal information is not disclosed either orally or in writing, intentionally or otherwise to any unauthorised third party. (Staff and associates should note that unauthorised disclosure may be subject to disciplinary/investigation).

## **Right of Access to Information**

All individuals who are the subject of personal information held by Jacaranda are entitled to:

1. Ask what information is held about them and why
2. Ask to access it
3. Be informed how to keep it up to date
4. Be informed what Jacaranda is doing to comply with its obligations under the 1998 Data Protection Act and the GDPR, via this policy document

You have the right to access personal information relating to you which is held by Jacaranda. This applies to information held electronically and also manual records that are held in a systematic filing system. If you wish to see this information you can do so by writing to the Data Controller. We are not permitted to make any charge for this, unless the request is manifestly unfounded or excessive, particularly if it is repetitive, in which case we would make a reasonable charge. We will provide the information that you have asked for within 1 month, unless the request is complex, in which case we may extend by up to two months and we would inform you of this.

The Information Commissioners Office website provides clear details about your rights.

<https://ico.org.uk/>

## **Publication of Organisational Information**

Information that is already in the public domain is exempt from the 1998 Act. This would include, for example, information on staff/associates contained within externally circulated publications such as any Jacaranda promotional material. We undertake to check with data subjects and obtain their permission before inclusion in any such material.

## **Disclosure to third countries**

The 1998 Act and the GDPR places restrictions on the transfer of personal information to third countries, 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.

Jacaranda may, from time to time, need to transfer personal information to countries or territories outside the UK and this is detailed in our Privacy Statement, which is available on the [About Us](#) page of our website.

Other personal data, even if it would otherwise constitute fair processing, will not, unless certain exemptions apply or protective measures are taken, be disclosed or transferred to third countries which do 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 to a third country must take place, the consent of the data subject will 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.

### **Emails**

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

The 1998 Act and GDPR applies to emails and other media which contain personal data about individuals which are sent or received on behalf of Jacaranda.

### **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 Controller and on the Information Commissioner website: <https://ico.org.uk>

### **Next revision date February 2019**

Reviewed by: Abby Ladbrooke

Data Controller: Abby Ladbrooke