



## **Data Protection Policy**

Open Box Education Centre is committed to meeting its obligations under the Data Protection Act of 1998. Open Box Education Centre will strive to observe the law in all collection and processing of personal data and will meet any individual access request in compliance with the law.

### **Principles of data protection outlined in the Data Protection Act:**

There are eight principles put in place by the Data Protection Act 1998 to make sure that your information is handled properly.

They say that data must be:

1. fairly and lawfully processed;
2. processed for limited purposes;
3. adequate, relevant and not excessive;
4. accurate;
5. not kept for longer than is necessary;
6. processed in line with your rights;
7. secure;
8. not transferred to countries without adequate protection.

By law data controllers have to keep to these principles.

### **Policy on collecting subject data**

- Open Box Education Centre will only use data in ways relevant to carrying out its legitimate purposes and functions as a charity in a way that is not prejudicial to the interests of individuals.
- Subjects will be informed about how Open Box Education Centre will store and use the data at the time of collection. This will require a standard statement to be sent in all written requests for data.
- Open Box Education Centre will take due care in the collection and storage of any sensitive data.
- Open Box Education Centre staff will do their utmost to keep all data accurate, timely and secure.
- Data may be stored in many ways such as databases, ordered manual files or Word or Excel files. The data will be collected consistently no matter where the data is to be stored.

- All staff, whether permanent or temporary, and voluntary workers, must be aware of the requirements of the Data Protection Act when they collect or handle data about an individual.
- The level of data shared with the Governing Body will enable discussion and advice on general and specific cases. In all cases the identity of individuals will be withheld.
- Open Box Education Centre staff must not disclose data except where there is subject consent, or legal requirement. All collection and processing must be done in good faith.
- The Data Controller will keep records of all complaints by data subjects and the follow up. It will also keep a record of all data access requests. There will be a repository of all Open Box Education Centre statements of Data Protection Law compliance and information about any contacts made with the Data Protection Registrar. This information will be available to staff and data subjects on request.
- Open Box Education Centre will keep notification up to date.

### **Sensitive Data**

Open Box Education Centre will strive to ensure that sensitive data is accurately identified on collection so that the proper safeguards can be put in place. Sensitive data means data consisting of information relating to the individuals:

- (a) racial or ethnic origin
- (b) political opinions
- (c) religious beliefs
- (d) Trade Union membership
- (e) Physical or mental health
- (f) Sexual life
- (g) Civil or Criminal offences

### **Procedures for collecting subject data**

- A Data Table will be kept showing all data collection points. Staff must inform the Data Protection Desk (based in the Directorate) if they plan to access any new data from individuals.
- Staff are responsible for ensuring that data are collected accurately and fully.
- Staff are responsible for ensuring that sensitive data are identified when collected and will inform the subject that this data will be stored at the time of collection.
- All personal information should be dated at the time of collection so that records can be archived at an appropriate time.

### **Statement for written forms and web/email communications:**

- When data are collected the following statement must be included in all written forms and also web/email communications:

If you complete this form Open Box Education Centre will store and process your data in accordance with the requirements of its Data Protection Policy and in keeping with the Data Protection Act 1998.

### **Policy for Data Storage and Processing**

Data no longer required for the legitimate purposes of Open Box Education Centre will be regularly purged and archived appropriately or destroyed. A clear rationale must be supplied for personal data to be kept beyond five years.

- All individual data will be kept secure, by regular office security procedures or through the controls over the computer network. Precautions will be taken to avoid letting data become accidentally disclosed.
- Sensitive data will be treated with appropriate security.
- Staff will also take care to dispose appropriately of any written reports, which are generated from individual records.
- Any data processing will only be allowed where there is a clear rationale for the activity, which meets the Data Protection Act criteria. A 'Table of Data' will be maintained and all staff will be responsible for keeping this up to date.
- Where data are passed to a third party for processing, Open Box Education Centre will ensure that a written contract is put in place that states that the agent will work within Open Box Education Centre's data protection policy. Control of the data will not be allowed to move to the third party.
- Any mailings generated from stored data will observe opt out choices in good faith.
- Information that is stored on a laptop should be password protected.

### **Policy on Disclosures**

- Open Box Education Centre will not allow data collected from subjects to be disclosed to third parties except in circumstances which meet the requirements of the Data Protection Act. This will be either:
  1. The subject has consented to the disclosure.
  2. Open Box Education Centre is legally obliged to disclose the data.
  3. There is a business requirement to disclose data that is within the remit of the Data Protection Act and is not prejudicial to the interests of the individual.

## **Procedure on Disclosures**

- All staff must ensure any general disclosure is recorded on the 'Table of Data' and each class of disclosure includes a clear rationale as to why this is taking place.
- Any new disclosure to be made must be checked for suitability with the Data Protection Desk. This may be referred to the Data Protection Registrar for advice.
- Any request for data based on a legal requirement, e.g. from Police or other body, must be put in writing and be checked against the advice of the Data Protection Registrar before data are disclosed.
- All staff have a duty to protect individual's data from accidental disclosure:
  1. Do not give out passwords to other people, who will then have access to the data you are entitled to view.
  2. Do not recycle reports that contain personal data.
  3. In particular, take due care to ensure that data is not left about on laptops or in files out of the office where they can be accessed by other people who are not Open Box Education Centre staff.

## **Subject Access Policy**

Open Box Education Centre will provide information in response to any reasonable subject access request and will ensure data are kept in an accessible form to facilitate subject access.

## **Procedure on Subject Access**

- Staff will make every effort to ensure that immediate action is taken when a data access is requested. They will contact the Data Protection Desk immediately.
- A standard letter (amended as appropriate) will be sent to the subject stating Open Box Education Centre policy on subject access. This will promise to provide the required data to the best of Open Box Education Centre's ability within 40 days. Open Box Education Centre reserves the right to ask for a maximum payment of up to £10.
- A search will be set up by the Data Protection Desk to ensure that all relevant data will be collected and collated ready to present to the subject. The search will include all electronic data and ordered manual files if required.
- The data will be offered to the subject at Open Box Education Centre's premises with a staff member on hand to help with any queries or interpretations. If the subject is unable to visit the Open Box Education Centre premises, alternative arrangements can be negotiated.

## **Policy on Complaints and Queries**

- Open Box Education Centre will respond to any complaints as quickly and responsively as possible. Any letter we receive in relation to the Data Protection Act that questions our policy and/or procedure will be dealt with immediately.

- Records will be kept of all correspondence for 5 years.

**Procedure on Complaints and Queries**

- Notify the Data Protection Desk.
- Continue to inform the Data Protection Desk of any correspondence and developments as they occur.

**Approved by:** ..... (Principal) ..... (date)

**Authorised by:**..... (Chair of Governors) ..... (date)

**To be reviewed every:** 2 Years

**Next review date:** May 2018