

Data Protection Policy

1. Introduction

Truro and Penwith College recognises its obligations under the General Data Protection Regulation (GDPR) to ensure that personal data shall be:

- Processed lawfully, fairly and in a transparent manner
- Collected only for specified, explicit and legitimate purposes
- Adequate, relevant and limited to what is necessary for our purpose
- Accurate and kept up to date
- Kept in a form which permits the identification of data subjects for no longer than is necessary
- Processed and stored in a manner that ensures appropriate security of the data, using appropriate technical or organisational measures
- Protected from accidental loss, destruction or damage
- Managed and destroyed in a secure and timely manner according to the GDPR and related policies.

2. Scope

The GDPR applies to '**personal data**' meaning any information relating to a person who can be identified in particular by reference to an identifier. The GDPR also includes '**special category data**' (including genetic or biometric data) used to identify an individual.

Personal identifiers include, but are not limited to, name, identification number(s), location data or online identifier. This reflects changes in technology and the way we collect and use information about people. The GDPR applies to both automated personal data and to manual filing systems.

Truro and Penwith College will identify a lawful basis for processing data and demonstrate this to comply with the accountability principle. Truro and Penwith College will provide people with information about our lawful basis for processing by including these details in our **Privacy Notice**.

3. GDPR Compliance

One of the six lawful bases of processing will apply whenever we process personal data

- (a) **Consent:** an individual has given clear consent for us to process their personal data for a specific purpose.
- (b) **Contract:** processing is necessary for a contract we have with the individual, or because they have asked us to take specific steps before entering into a contract.
- (c) **Legal obligation:** processing is necessary for us to comply with the law (not including contractual obligations).
- (d) **Vital interests:** processing is necessary to protect someone's life or immediate safety.
- (e) **Public task:** processing is necessary for us to perform a task in the public interest or for our official functions, and the task or function has a clear basis in law.
- (f) **Legitimate interest:** processing is necessary for our legitimate interests or the legitimate interests of a third party unless there is a good reason to protect the individual's personal data, which overrides those legitimate interests.

4. Individual Rights

Truro and Penwith College recognises its obligation to uphold the following rights for individuals:

- The right to be informed
- The right of access
- The right to rectification
- The right to erasure
- The right to restrict processing
- The right to data portability
- The right to object
- Rights in relation to automated decision making and profiling.

A copy of personal data and supplementary information will be provided on completion of our Data Subject Access Request Form and confirmation of identity. This will be free of charge unless the request is manifestly unfounded, excessive or repetitive, when a reasonable charge may be made.

Personal data will be rectified if it is inaccurate or incomplete and we are advised of this. We recognise the 'right to be forgotten' and will respect requests for the deletion or removal of personal data when there is no compelling reason for its continued processing. Processing of personal data will be suppressed on receipt of a legitimate request. Personal data will be supplied in a structured, commonly used form.

Truro and Penwith College recognises that individuals have a right to object to direct marketing and processing for the purposes of scientific or historical research and statistics, or those based on legitimate interests, including profiling.

Truro and Penwith College does not undertake any automated decision making that has legal or similarly significant effects on individuals.

5. Governance and Accountability

Proportionate measures are in place to promote and ensure accountability, to minimise the risk of breaches and uphold the protection of personal data. Technical and organisational measures including policy reviews, staff training, internal audits and impact assessments are implemented.

Documentation on processing activities are retained centrally and monitored. Where external Processors are used, a written contract will be in place, which includes all compulsory details and terms required under the GDPR.

Truro and Penwith College maintains a central record of our processing activities covering areas such as processing purposes, data sharing and data retention.

6. Privacy by Design

Data protection will be a key consideration in the early stages any project, including but not limited to, new IT systems for data storage or access, developing policy or procedures which have privacy implications and using data for sharing or marketing new opportunities or initiatives.

7. Status of the Policy

This policy does not form part of the formal contract of employment. As a condition of employment, employees must abide by the policies and procedures of Truro and Penwith College. Failure to follow a policy can therefore result in disciplinary proceedings.

Anyone who considers that the policy has not been followed in respect of personal data about themselves, should initially raise the matter with the designated Data Processor. If the matter is not resolved, it should be raised with Director of Operations (Truro), or Director of Quality (Penwith).

8. Responsibilities for Staff

All staff are responsible for;

- Checking all personal information that they provide to the College in relation to their employment is up to date and accurate
- Informing the Personnel Officer promptly of any changes to information they have supplied (e.g. change of address or name)
- Familiarising themselves with the Data Protection guidance leaflet for keeping student and colleague data secure and complying with these requirements
- Ensuring that all information is securely stored, protected from view or overhearing and respect that the confidentiality of individuals is maintained
- Reporting any data loss or accidental disclosure promptly.

9. Electronic Communication & File Sharing

All staff must;

- Only send personal data by secure means. Email communication between Truro and Penwith College emails is secure, external email addresses are vulnerable.
- Treat emails to other email addresses as open postcards which can be seen or intercepted by others.
- Check the recipients of emails carefully before sending to avoid errors.
- Maintain email communication in a format which is retrievable if required.
- Delete emails which are no longer required for College purposes.
- Personal data, or messages containing personal information of any kind, must be encrypted using our supported method (Microsoft 365).
- File sharing with external bodies or contacts should only be done by secure means using our supported platform, Microsoft 365.
- When sharing files, you should set a password if appropriate and choose an expiration date to make sure files are not accessible after they are needed.
- Microsoft Teams supports “guest access”. Appropriate settings should be chosen to make sure guests only access the information they require.
- If you need to use social media and mobile communication apps (for example WhatsApp, Facebook Messenger etc) for work purposes, please ensure no contacts or confidential personal data are shared with the platform you are using.

Further guidance on electronic communication is available in the Truro and Penwith College IT Policies or Data Protection Policy

10. Responsibilities for Students

- Checking all personal information that they provide to the College in relation to their enrolment at College is up to date and accurate
- Checking personal data College holds on them is accurate and up to date (e.g. attendance records)
- Informing their tutor or MIS promptly of any inaccuracies in their personal data
- Supplying the contact details for a person or persons with whom we may communicate in an emergency.

11. Related Standards, Policies and Procedures

1. Privacy Statement
2. Data Retention and Archiving Policy
3. Data Subject Access Policy
4. Article 23 Disclosure Policy
5. Clear Desk and Information Protection Policy
6. Data Protection Leaflet

12. Review Frequency

This Policy will be reviewed as legislative change requires.

Date Last Reviewed September 2022

Date of Next Review September 2024