



**Greenhead College  
Corporation**

## **DATA PROTECTION POLICY**

*Reviewed June 2021*

## **DATA PROTECTION POLICY**

This policy has been written in accordance with the 2018 General Data Protection Regulation (GDPR) (the Act), which came into effect in May 2018.

This policy and the way in which the Greenhead College (the College) manages data protection is based upon the six principles defined in the Act:

1. Lawfulness, fairness and transparency
2. Purpose limitation
3. Data minimization
4. Accuracy
5. Storage limitation
6. Integrity and confidentiality (security).

The College aims to achieve practical risk-based compliance with the regulation.

### **Information that the GDPR applies to**

#### **Personal data**

The GDPR applies to 'personal data' meaning any information relating to an identifiable person who can be directly or indirectly identified in particular by reference to an identifier.

This definition provides for a wide range of personal identifiers to constitute personal data, including name, identification number, location data or online identifier, reflecting changes in technology and the way organisations collect information about people.

The GDPR applies to both automated personal data and to manual filing systems where personal data are accessible according to specific criteria. This could include chronologically ordered sets of manual records containing personal data.

Personal data that has been pseudonymised – eg key-coded – can fall within the scope of the GDPR depending on how difficult it is to attribute the pseudonym to a particular individual.

#### **Sensitive personal data**

The GDPR refers to sensitive personal data as "special categories of personal data" (see Article 9).

The special categories specifically include genetic data, and biometric data where processed to uniquely identify an individual.

Personal data relating to criminal convictions and offences are not included, but similar extra safeguards apply to its processing (see Article 10).

## **Principles**

In accordance with the requirements outlined in the GDPR, personal data will be:

- Processed lawfully, fairly and in a transparent manner in relation to individuals.
- Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes.
- Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.
- Accurate and, where necessary, kept up-to-date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay.
- Kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods, insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes, subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals.
- Processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

The GDPR also requires that “the controller shall be responsible for, and able to demonstrate, compliance with the principles”.

## **Introduction**

Students, Staff and Governors (Stakeholders) together with prospective candidates (but not ultimately successful staff applicants and students) will be asked to provide the College with personal information about themselves in order to join Greenhead College in a particular capacity. Whenever stakeholders provide such personal information, the College will treat it in accordance with this policy and the current legislation.

At the point of collecting this information, the College will explain in its Privacy Notice how it will be used and who the information will be shared with. Unless required or permitted by law, the College will always ask students before it uses personal information for any other reason.

Special Category (as defined under Article 9 of the Act) personal information will not be supplied to anyone outside the College without first obtaining stakeholder

consent, unless required or permitted by law. We will only use a stakeholder's name and image for marketing purposes with their prior consent.

### **Basis of Processing Data**

As a public body charged with the task of 16-19 education, the legal basis under which the College processes the majority of its data is deemed to be a Public Task. On occasions, the College will also have to share data under other lawful bases as detailed under the Act. The processing is necessary for the College to perform a task in the public interest or for official functions.

### **Data Protection Officer**

As a public body, the College has appointed a Data Protection Officer (DPO). This role currently rests with the Director of Finance and Resources. The DPO will ensure that the College operates according to the Data Protection Act and be the college contact point for Subject Access Requests. This position is detailed on the College website. The role is expected to comply with GDPR article 39 which specifies the role of the DPO and incorporates:

Informing and advise the College and its employees about their obligations to comply with the GDPR and other data protection laws.

Monitoring the College's compliance with the GDPR and other laws, including managing internal data protection activities, advising on data protection impact assessments, conducting internal audits, and providing the required training to staff members.

It is considered that there is not a conflict of interest between the roles of DPO and DFR. No DPO job description has been written.

### **Retention and Destruction/Erasure of Data**

The College has a data retention policy that details how long personal data is retained in college before it is destroyed or erased.

Paper records are destroyed confidentially by a 3<sup>rd</sup> party once the retention period is reached and a destruction certificate obtained and retained. Confidential waste awaiting destruction is stored securely. Staff must ensure that all student/staff personal data is secure.

Electronic data will be totally removed from the College's computer system once the retention period is reached. Deletion records will be maintained by the I.T. Support Manager.

Staff should ensure that electronic and paper files, including emails that are no longer required, are deleted.

Once a Stakeholder has left the College, they may request that their personal data is destroyed prior to the retention period being reached. The College will normally agree to such a request.

## **Staff Data**

New College staff will be asked to provide essential personal data to the College to enable fulfilment of their contract. They will be asked to sign a privacy statement regarding use of their data.

## **Information to 3<sup>rd</sup> Parties**

The College shares Stakeholder personal data with selected Processor and Controller 3<sup>rd</sup> parties in the fulfilment of its education responsibilities and legal obligations. Privacy notices are requested from all Data Processors together with best practice statements from Controllers.

From time to time, requests from outside the EU may be received regarding student data. On such occasions, students will be asked to send this information themselves once provided by the College.

Requests for personal information should be carefully verified by staff before being agreed. Verification of the identity of the person making the request should be beyond doubt. Special care should be taken to verify identity when considering answering an email request for information. All staff must treat the personal data of others in a confidential manner and follow guidelines as set out in this document. Failure of staff to maintain confidentiality will be dealt with via the College's discipline process.

A record of which 3<sup>rd</sup> parties have access to College personal data is kept by the DPO.

## **Data Subject Access Requests**

The College will comply with a Data Subject Access request within a month of receipt. This will normally be carried out free of charge unless the request is considered out of the normal or unreasonable. All requests should be sent to:

The DPO  
Greenhead College  
Greenhead Road  
Huddersfield  
HD1 4ES

or [jblake@greenhead.ac.uk](mailto:jblake@greenhead.ac.uk)

Requests that are manifestly unfounded or excessive will be refused.

Individuals have the right to have incorrect personal data corrected.

## **Taking Stakeholder Data Away From College**

Staff who need to take stakeholder information away from college must ensure that there is an educational need/requirement for them to do so and that there is agreement for the data to be transported. Electronic data on a laptop or memory device must be encrypted before it leaves the college. Paper data must be transported in a secure container to and from college and be stored in a secure location overnight.

## **Security Breaches**

Breaches of data security must be advised to the DPO immediately who will notify the Information Commissioners Office (ICO) within 72 hours of detection. If the breach affects an individual's rights and freedoms, the individual(s) concerned must be advised without delay.

A record of any security breaches must be kept whether or not it has affected an individual's rights and freedoms.

## **Enrolment**

This section explains how the College uses the personal information that students provide on the College's Enrolment Form.

Primarily, the information will be used for purposes relating to education, training, advice and guidance. The College may share non-special category personal information about a student with other organisations, for example the Local Authority and the school the student previously attended.

Special Category personal information provided by the student may be used by the College for the purposes of equality of opportunity, support for their studies and to minimise risk. It may also be used anonymously for statistical purposes. The College will obtain the student's specific consent before sharing Special category information with other organisations.

The College will pass some of a student's information to government agencies in order to meet funding arrangements. The College will pass the personal information (and some special category information) to the Education and Skills Funding Agency (ESFA) and, when required, the Department for Education, in order to meet its legal responsibilities under the Apprenticeships, Skills, Children and Learning Act 2009.

Information provided by Stakeholders may be shared with other organisations for purposes of administration, the provision of career and other guidance and statistical and research purposes, relating to education, training, employment and well-being. Further information about use of and access to personal information, and details of partner organisations, are available from the Education and Skills Funding Agency and the Learning Records Service.

## **Information to Parents and Carers**

The College may share information if College holds the student's consent, or there is a particular piece of legislation or agreement allowing it to share information without consent.

Regardless of their age, when a student is in Post 16 Education, parents/carers (or any other third party) are not automatically entitled to this information. We can only release information about students if consent is recorded on the College system. Students may indicate their consent on the Enrolment Form or inform the College at a later stage regarding who we may discuss College matters with.

Information may be shared with parents/carers if it is decided that this will aid a student's wellbeing in College.

## **Participation in Learning: Sharing information with Local Authorities**

The Education and Skills Act 2008 places duties on Local Authorities (LAs) to promote the effective participation in education or training of all 16-and-17 year-olds resident in their area, and to make arrangements to identify young people resident in their area who are not participating. It is part of the LA's duties to secure sufficient suitable education and training provision for all 16-19 year olds, and to encourage, enable and assist young people to participate in learning.

Under the Act, it is the College's duty to provide relevant information about its students to the LA of each student's residence, when requested to do so, and to notify local LAs when a young person leaves learning at the College. All educational institutions are required to share information with LAs as part of their duty under the Act.

Section 72 of the Act provides the legal basis for sharing information between LAs and educational institutions. The link to the relevant section is referenced here: [www.legislation.gov.uk/ukpga/2008/25/section/14](http://www.legislation.gov.uk/ukpga/2008/25/section/14)

When a student provides the College with their information, it will use their details to inform the LA about the course that they are participating in. This will enable the LA to report on a monthly basis to the Department of Education and deliver their duties, as listed above.

## **Training**

Staff will undergo appropriate Data Protection training at regular intervals.

## **Websites and Cookies**

Greenhead College does not capture and store any personal information about individuals who access the College website, except where they voluntarily choose to give their personal details via email, or enquire about any College services. We do not pass any of their personal data to outside organisations and/or individuals, except with express consent.

Greenhead College does not store any personal information about the use of cookies. To find out more about cookies and what cookies might be stored on a device, please visit [www.whatarecookies.com](http://www.whatarecookies.com)

During the course of their study, a student may be asked to use third party websites or services, or access linked content (e.g. YouTube) which may collect personal data. The site's own privacy notice will explain you how they use this data.

### **Social Media**

Greenhead College's Facebook page was created and is managed by the College. The purpose of this page is to communicate with the College's audiences, including, but not limited to, students. Materials and/or comments posted on this page will be in keeping with this purpose. They will not reveal another person's protected information, student records information or any other information protected by existing privacy laws. Any such materials/comments will be removed.

Greenhead College welcomes everyone's contributions to its Facebook Page (e.g. comments, photo tagging, wall posts, etc.) but it should be noted any content contributed by individual Facebook members is the opinion of the specific author and does not represent the opinions or policies of Greenhead College or any of its services. Greenhead College does not permit using the College's website for advertising users' products/websites/businesses, for any sort of commercial or awareness gain.

Greenhead College adheres to Facebook's Statement of Rights and Responsibilities and asks its Facebook Followers and Friends to do the same. In particular, users must not "post unauthorised commercial solicitations (such as spam)"; "bully, intimidate, or harass any user"; "post content that is hateful, threatening, pornographic or that contains nudity or graphic or gratuitous violence"; or "do anything unlawful, misleading, malicious, or discriminatory" on its Facebook page. The College encourages all users to report content that violates Facebook's Code of Conduct by using the official Facebook procedure.

Greenhead College does not pre-screen comments but at the same time reserves the right to block the content of any post which violates any Greenhead College policy, rule or regulation or applicable law. Greenhead College also reserves the right – although is not obliged to – remove content and / or block users from its Facebook page at any time, without prior notice, whenever such is deemed to be in violation with one of these policies or regulations. The College may also, in extreme cases or where circumstances require it, report such users to the relevant authorities.

### **Complaints to the ICO**

Individuals have the right to complain to the ICO if they believe that their personal data has been mishandled. Details of the ICO address is located on privacy notices and the College website.



## **Conclusion**

If you have any questions about Data Protection at the College, please contact:

[jblake@greenhead.ac.uk](mailto:jblake@greenhead.ac.uk)

Greenhead College  
Greenhead Road  
Huddersfield  
West Yorkshire  
HD1 4ES

Full details of how personal data is used can be found on the College website

## **Appendix 1**

**The following information is an extract from the College's Enrolment Pack sent to parents, carers and prospective students prior to the start of a student enrolling at Greenhead College:**

### **Enrolment**

Greenhead College uses the personal information that you give us on the enrolment form for purposes relating to education, training, advice and guidance. The College may share non-special category personal information about you with other organisations, for example the Local Authority and the school you attend, for these purposes.

Special category personal information you provide may be used by the College for the purposes of equality of opportunity, support for your studies and to minimise risk. It may also be used anonymously for statistical purposes. The College will obtain your specific consent before sharing special category information with other organisations.

We also must pass some of the information to government agencies to meet funding arrangements. As Data Processor for the Education and Skills Funding Agency (ESFA), the College will pass the personal information and some of the special category information you provide to the ESFA and, when needed, the Department for Education to meet legal responsibilities under the Apprenticeships, Skills, Children and Learning Act 2009, and for ESFA's Learning Records Service to create and maintain a unique learner number (ULN).

Information provided by learners may be shared with other organisations for purposes of administration, the provision of career and other guidance and statistical and research purposes, relating to education, training, employment and well-being. Further information about use of and access to your personal information, and details of partner organisations are available at: Education and Skills Funding Agency and Learning Records Service.

### **Parents and carers**

Regardless of their age, when a student is in Further Education, parents/carers (or any other third party) are not automatically entitled to their information. We can only

release information about our students if we have their consent recorded on the College system. Students may indicate their consent on the enrolment form, or inform the College later on of who the College may discuss with about their College matters.

### **Participation in Learning: Sharing information with Local Authorities**

The Education and Skills Act 2008 places duties on Local Authorities (LAs) to promote the effective participation in education or training of all 16 and 17 year olds resident in their area, and to make arrangements to identify young people resident in their area who are not participating. It is part of the LA's duties to secure sufficient suitable education and training provision for all 16-19 year olds, and to encourage, enable and assist young people to participate in learning.

Under the Act, it is the College's duty to provide relevant information about their students to the LA of each student's residence, when requested to do so, and notify local LAs when a young person leaves learning at the College. All educational institutions are required to share information with LAs as part of their duty under the Act.

Section 72 of the Act provides the legal basis for sharing information between LAs and educational institutions. Link to relevant section is referenced here:  
[www.legislation.gov.uk/ukpga/2008/25/section/14](http://www.legislation.gov.uk/ukpga/2008/25/section/14)

When you give us your information we will use your details to inform the LA where you live about the learning that you are participating in so that they are able to report monthly to the Department of Education and deliver their duties listed above. Please note that some of the services for young people provided by the LA to fulfil their duties are provided by commissioned external contractors and organisations and they are required to use the same security standards as the LA.

### **Appendix 2:**

#### **The following statement appears on both the College's student Application and Enrolment Forms:**

I agree to Greenhead College processing personal data contained in this form, or other data which the College may obtain from me or other organisations. I agree to the processing of such data for purposes relating to education, training, advice and guidance. I understand that information on me may be passed to the Education and Skills Funding Agency (ESFA), the Department for Education, my Local Authority and the school I attended.

I agree that the College may release information to my parents or guardian, as listed on this form.

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### **Connected Polices**

CCTV

*“This policy has been impact assessed to ensure it complies with all aspects of Equality and Diversity. Members are reassured that this policy is compliant with current equality legislation”.*

<i>Author:</i>	<i>J Blake</i>
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