

# Data Protection Policy

Seta needs to collect and use certain types of information about its customers and other individuals who come into contact with the company. This personal information must be dealt with properly however it is collected, recorded and used. Whether this be on paper, on a computer, or recorded on other material. There are safeguards to ensure this in the Data Protection Act 1998.

Seta regards the treatment of personal information as very important and therefore ensures that personal information is used lawfully and correctly. To this end Seta fully endorses and adheres to the 8 Principles of Data Protection, as detailed in the Data Protection Act 1998.

## **Aims of the Policy**

To ensure Seta meet the requirements for data processing, control and retention.

To ensure that all Seta staff adhere to the 8 key principles which require that personal information;

- 1) Shall be processed fairly and lawfully and, in particular, shall not be processed unless specific conditions are met
- 2) Shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes
- 3) Shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed
- 4) Shall be accurate and, where necessary, kept up to date
- 5) Shall not be kept for longer than is necessary for that purpose or those purposes
- 6) Shall be processed in accordance with the rights of data subjects under the Act
- 7) Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data
- 8) Shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

## **Management Responsibilities and the Skills Funding Agency (SFA) Chief Executive**

Seta shall:

- Process Personal Data in accordance with the instructions from SFA (which may be specific instructions or instructions of a general nature as set out in the Contract or otherwise notified by the Contracts and Finances – Overview HM Government – “The Hub” UKPRN 10006408 <https://contracts.hub.imservices.org.uk/Providers/gyw557/Pages/index.aspx>)
- Process the Personal Data only to the extent and in such manner as is necessary for the provision of the Services or as is required by Law or any Regulatory Body;
- Implement appropriate technical and organisational measures to protect the Personal Data against unauthorised or unlawful processing and against accidental loss, destruction, damage, alteration or disclosure. These measures shall be appropriate to the harm which might result from any unauthorised or unlawful Processing, accidental loss, destruction or damage to the Personal Data and having regard to the nature of the Personal Data which is to be protected;
- Take reasonable steps to ensure the reliability of any Contractor Personnel who have access to the Personal Data;
- Obtain prior written consent from SFA in order to transfer the Personal Data to any sub-contractor or other third parties for the provision of the Services;
- Not publish, disclose or divulge any of the Personal Data to any third party unless directed in writing to do so by SFA;

- Notify SFA within 5 working days if it receives a request from a Data Subject to have access to that person's Personal Data; or a complaint or request relating to SFA obligations under the Data Protection Legislation;
- Provide SFA with full co-operation and assistance in relation to any complaint or request made, including by providing SFA with full details of the complaint or request; complying with a data access request within the relevant timescales set out in the Data Protection Legislation and in accordance with SFA's instructions;
- Provide SFA with any Personal Data it holds in relation to a Data Subject (within the timescales required by SFA); and Contracts and Finances – Overview HM Government – “The Hub” UKPRN 10006408  
<https://contracts.hub.imservices.org.uk/Providers/gyw557/Pages/index.aspx>
- Provide SFA with any information requested by them or their representatives;
- Permit SFA or SFA representative (subject to reasonable and appropriate confidentiality undertakings), to inspect and audit Profound Group data Processing activities (and/or those of its agents, subsidiaries, and sub-contractors) and comply with all reasonable requests or directions by SFA to enable SFA to verify and/ or procure that Profound Group is in full compliance with its obligations under this Contract;
- Provide a written description of the technical and organisational methods employed by Seta for processing Personal Data (within the timescales required by SFA); and not Process Personal Data outside the European Economic Area without the prior written consent of SFA and, where SFA consents to a transfer, to comply with: the obligations of a Data Controller under the Eighth Data Protection Principle set out in Schedule 1 of the Data Protection Act 1998 by providing an adequate level of protection to any Personal Data is transferred;
- If Seta provides services to learners claiming out of work benefits, the Secretary of State for Work and Pensions (or their successor) is the Data Controller in relation to Personal Data which Seta is required to provide to the Secretary of State for Work and Pensions under any enactment. This Clause 16 will be enforceable by the Secretary of State for Work and Pensions in relation to any Personal Data processed by Profound Group on their behalf;

### Submission of Learner Data

- Seta will supply to the Data Service, data on each individual learner, in accordance with the data collections framework set out in the *'Individualised Learner Record (ILR) specification 2015/16* as amended and updated which is Contracts and Finances – Overview HM Government – “The Hub” UKPRN 10006408  
<https://contracts.hub.imservices.org.uk/Providers/gyw557/Pages/index.aspx>
- Seta will supply SFA with data in accordance with the following:
  - In line with agreed audit arrangements;
  - In adherence with the Data Protection Act
  - To support payments to be made;
  - To enable reconciliation to take place; and
  - To support the contract management and allocation processes.
- Data collected will be transmitted to SFA through SFA's web portal. Seta will comply with the conditions of use regarding the supply of data to SFA set out in this Clause 17 and in *'Individualised Learner Record Specification 2015/16* and relevant *Provider Support Manual*
- In circumstances where no data has been added or updated for a given collection will inform SFA of a 'Nil Return' through SFA web portal.

### Staff Responsibilities

- 1) Observe fully conditions regarding the fair collection and use of information,
- 2) Meet its legal obligations to specify the purposes for which information is used,

- 3) Collect and process appropriate information, and only to the extent that it is needed to fulfil operational needs or to comply with any legal requirements,
- 4) Ensure the quality of information used,
- 5) Apply strict checks to determine the length of time information is held,
  
- 6) Ensure that the rights of people about whom information is held, can be fully exercised under the Act. (These include: the right to be informed that processing is being undertaken, the right of access to one's personal information, the right to prevent processing in certain circumstances and the right to correct, rectify, block or erase information which is regarded as wrong information),
- 7) Take appropriate technical and organisational security measures to safeguard personal information,
- 8) Ensure that personal information is not transferred abroad without suitable safeguards,
- 9) Treat people justly and fairly whatever their age, religion, disability, gender, sexual orientation or ethnicity when dealing with requests for information,
- 10) Set out clear procedures for responding to requests for information.

### **Document Retention**

For SFA funded programmes, documents are to be retained for 6 years from completion. These will be retained on an academic year basis (1<sup>st</sup> Aug-31<sup>st</sup> July). For example, a learner completes on 1<sup>st</sup> August 2016 and their records will be retained until 31<sup>st</sup> July 2023.

For those learners who are identified by the SFA as ESF co-financed, these records are to be retained until 31<sup>st</sup> December 2026 in case they are required for audit purposes.

This documentation includes Publicity, Equal Opportunities and Sustainability policies.

If either now or in the future the safe retention of this evidence is at risk, i.e. an organisation is closing down, the support services contracts and compliance manager will immediately contact the SFA to discuss alternative arrangements.

For external documents e.g. qualification standards, generally from Awarding Organisations, these will be held by appropriate staff delivering the courses.

### **Document Disposal**

Confidential information will be shredded at the appropriate time – after the required duration of archiving has been carried out.

### **Policy Review**

- The Chief Executive and the Centre Manager are responsible for the periodic review of this Policy.