



# Lambeth

## Lambeth Adult Learning

### Data Security and Protection Policy

### 2023-2024

Version	1
Date	July 2023
Review Date	September 2024
Division	Economy, Culture and Skills
Directorate	Climate and Inclusive Growth Directorate
File Location	X Drive/SharePoint

# Data Protection Policy

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## **Data Protection Policy**

### **Introduction**

Lambeth Adult Learning Service (LALS) are committed to achieving high standards of data protection, which includes compliance with data protection legislation including the UK-GDPR; the Data Protection Act 2018 (and regulations made thereunder),;and the Privacy and Electronic Communications Regulations 2003 (SI 2003 No. 2426) as amended.

LALS need to keep certain personal data for operational and administrative purposes and to meet our legal obligations. All data relating to individuals will be collated, stored and processed fairly in line with the provisions of the UK-GDPR and DPA. This Policy covers all records, regardless of form or medium, which are created, received and/or maintained by LALS, our employees and subcontractor staff in the course of LALS' business.

All organisations working with personal data face a number of risks and have a duty to identify such situations and take the appropriate measures to remedy them. LALS' is committed not only to the letter of the law, but also to the spirit of the law and places high importance on the correct, lawful, and fair handling of all personal data, respecting the legal rights, privacy, and trust of all individuals with whom it deals.

The aim of this policy is to help create a culture of awareness and encourage you to actively participate and raise issues which concern all and any aspects when it comes to working with personal data.

### **DEFINITIONS**

**'Controller'** (Lambeth Adult Learning Service (the local authority) and its commissioned delivery partners) means the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data.

**'Process'** means any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

**'Processor'** means a natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller.

**'Processing'** refers to the collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction of personal data.

**'Personal Data'** means any information relating to an identified or identifiable natural person (also known as the 'data subject').

**'An identifiable natural person'** is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

**'Personal Data Breach'** means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed.

**'Supervisory Authority'** means ICO (The Information Commissioner's Office) as far as Lambeth Council's processing activities are concerned.

## Personal Data

Anyone who obtains personal information or 'data' about other individuals is a 'data controller' and is regulated by GDPR and DPA. The GDPR and DPA control what can lawfully be done with information and also give individuals certain rights to control how information about them is obtained, used, stored and distributed. These rights include the right to find out what information a data controller has about them and to ask for a copy of that data.

LALS is a data controller in relation to the information collected about our learners as well as the information obtained about employees as part of the process of providing them with employment. For the purposes of this policy this includes past, current or potential learners or employees. All Lambeth Council employees are required to comply with the London Borough of Lambeth Data Protection Policy.

LALS is also a 'data processor' in relation to our grant funding body or bodies, which in this case is the Greater London Authority, (GLA), the 'data controller'.

## What is Personal Data?

'Personal' data means data consisting of information (or a combination of information) from whatever source, which either directly or indirectly identifies a living individual whether held in a paper-based file, in an electronic form or by any other automated or non-automated means.

'Sensitive' data includes data relating to physical or mental health, sexual life, ethnic origin, race, political beliefs, religious views, trade union membership, commission or the alleged commission of an offence, or proceedings relating to such an offence. LALS will only process sensitive information on the above for specific, legitimate purposes as detailed within the provisions of GDPR and DPA e.g. for Equal Opportunities monitoring.

Most staff working with or for LALS will process standard 'personal' data on a daily basis, such as general personal details e.g. names and addresses. 'Sensitive' data should not be collected or processed without the express permission of LALS and where appropriate, the individual's consent.

### **CHECKLIST from [London Borough of Lambeth Data Protection Policy](#):**

#### **Lawfulness**

- ☐ We have identified an appropriate lawful basis for our processing (see section 3).
- ☐ If we are processing special category data or criminal offence data, we have identified a condition for processing this type of data (see section 4).

#### **Fairness**

- ☐ We have considered how the processing may affect the individuals concerned and can justify any adverse impact (see sections 4 and 3.6).
- ☐ We only handle people's data in ways they would reasonably expect, or we can explain why any unexpected processing is justified (see sections 2.2 and 3.6).
- ☐ We do not deceive or mislead people when we collect their personal data (see sections 5.1 and 5.2).

#### **Transparency**

- ☐ We are open and honest, and comply with the transparency obligations of the right to be informed (see section 5.1 and Appendix A of [privacy notices](#)).

## **Data Protection Statement**

LALS (under London Borough of Lambeth) is registered under the Data Protection Act 2018. In accordance with our responsibilities under this Act, any personal information provided to LALS will not be passed on to any person or organisation unless we have been given consent or where we have a legal obligation or the statutory powers to do so.

Information supplied by learners on enrolment will be retained by LALS and our delivery partners. This information, excluding financial details, will be passed on to the GLA. The GLA are responsible for funding and planning education and training for young people and adults in the Borough of Lambeth. The information is used to exercise the functions of these government departments and to meet statutory responsibilities including under the Apprenticeship, Skills, Children and Learning Act 2009. The information is also used to create and maintain a Unique Learner Number (ULN) and a Personal Learning Record (PLR).

Information provided to the GLA may be shared with other organisations for the purpose of administration, careers and other guidance as well as statistical and research purposes. These other organisations include National Careers Service, the Higher Education Statistics Agency, Higher Education Funding Council for England, educational institutions and organisations performing research and statistical work on behalf of the GLA or its partners. The information provided may be shared with other organisations for education, training, employment and well-being related purposes, including for research. The GLA may contact learners from time to time to gain views on the education or training they have received funding for. The GLA will not pass on personal information to any organisations for marketing or sales purposes.

Further information about the use of and access to your personal data, and details of organisations with whom the GLA regularly share data are available currently at <https://www.london.gov.uk/about-us/governance-and-spending/privacy-policies/gla-privacy-policy>

LALS and our subcontractors make every effort to ensure that, when personal information is collected, individuals giving that information understand why and how that data will be used as well as who it may be shared with. This is set out on the LAL Enrolment Form which a learner signs to confirm their understanding and to give their consent for their data to be used in this way.

LALS or our subcontractors may contact learners once their programme of learning has been completed to establish whether they have entered employment or gone on to further training. There is an option to opt out of contact for other purposes such as further learning opportunities, surveys or research by post, telephone or email. LALS will not sell or rent personal information to anyone.

LALS' data collection system supplier has the appropriate security measures and controls in place to prevent the loss, misuse and alteration of any personal data it has in its stewardship.

On occasion, photographs of activities are taken for publicity and marketing purposes, however there is an option for learners to opt out of this by marking the appropriate box on the enrolment form.

## **Handling Data**

### **Responsibilities of all staff and sub-contractors:**

- For sub-contractors to have a Data Security and Protection Policy
  - To process data in accordance with the 8 data protection principles below
- Personal data must be:
- Processed fairly, lawfully and in a transparent manner in relation to the data subject
  - Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes
  - Adequate, relevant and limited to what is necessary in relation to the purposes for which it is processed
  - Accurate and, where necessary kept up to date
  - 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 measures
  - Kept in a form which permits identification of data subjects for no longer than necessary

Personal data shall not be:

- Kept for longer than is necessary for the purposes for which it is kept.
- Transferred to a country or territory outside the European Union 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.

LALS and our partners all have responsibility for ensuring that any data collected is stored and handled appropriately. All employed staff, contractors and volunteers who process or have access to personal information must abide by this policy and the data protection principles. All staff employed by LAL will receive training on Data Protection at induction. All our subcontractors' staff are required to receive training on GDPR and Data Protection at induction and attend a refresh session once a year.

To ensure we demonstrate best practice, staff should abide by the following:

- Access to any personal information should be kept on a need to know basis
- Information should be stored securely at all times and data stored electronically should be protected from unauthorised access, accidental deletion or malicious hacking attempts
- Appropriate action should be taken before transferring or transmitting information to third parties, this may include encrypting or password protecting documents
- Removable media (discs, memory sticks etc) must contain the appropriate security and use the recommended encryption standard
- If working from home, confidential information should be kept private
- Information should not be retained on the hard drive of employees' work or personal PCs or laptops
- Information should be disposed of securely
- Any security breaches must be reported to employees' manager
- Personal data must be kept securely, for example:
  - In a locked room, locked filing cabinet or locked drawer
  - If computerised, it should be password protected with passwords regularly changed
- All data stored on disks or memory sticks should be removed before disposal
- Any papers containing personal information should be shredded before disposal
- Staff computers should be locked if left unattended

LALS retains documentation to prove that learning has taken place; this is a requirement of our funders, in particular the Education & Skills Funding Agency, the Greater London Authority and (where applicable) the European Social Fund (ESF). This includes, but is not limited to, enrolment forms, attendance registers and course files and as such is retained as follows:

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**Learner Records:**

Documentation is kept for 6 years after the end of the financial year in which the academic year concluded. This includes details of learner, course studied and learner eligibility.

**European Social Fund (ESF)**

Documentation is kept for 10 years after final ESF claim is paid by the ESF Managing Authority

2014-2022: Until 31st December 2032

**Checklist:**

- ☐ We have clearly identified our purpose or purposes for processing ([see section 5.1](#)).
- ☐ We have documented those purposes.
- ☐ We include details of our purposes in our privacy notice(s) to individuals.  
We regularly review our processing and, where necessary, update our documentation and our privacy notice(s) to individuals.
- ☐ If we plan to use personal data for a new purpose, we check that this is compatible with our original purpose or we get specific consent for the new purpose.

In the event that a subcontractor is no longer contracted to deliver learning for LALS; and this occurs within the retention period, all documentation will need to be transferred to LALS for archiving.

This policy will be regularly reviewed in line with UK-GDPR and other relevant legislation and recognised best practice principles.