

# Lambeth Adult Learning Data Security and Protection Policy

**2018-2019**

# Lambeth Adult Learning

## Data Protection Policy

### Introduction

Lambeth Adult Learning Service (LALS) are committed to achieving high standards of Data Protection. We are aware of our obligations under EU Regulation 2016/679 General Data Protection Regulation (hereinafter the 'GDPR') the Data Protection Act 2018 (hereinafter the 'DPA') and related legislation, and are fully committed to meeting these obligations.

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 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.

### 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 Education & Skills Funding Agency (ESFA), 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.

## 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 Education & Skills Funding Agency (ESFA) and the Department for Education. The ESFA are responsible for funding and planning education and training for young people and adults in England. The ESFA is registered under the Data Protection Act 2018. 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 ESFA 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 ESFA 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 ESFA may contact learners from time to time to gain views on the education or training they have received funding for. The ESFA 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 Education & Skills Funding Agency (ESFA) regularly share data are available at <https://www.gov.uk/government/publications/sfa-privacy-notice>.

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 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.

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

## Archiving of data

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

|  |  |                                |
|--|--|--------------------------------|
| Non-accredited provision<br>(formerly Community Learning (CL)) | Documentation must be kept for 6 years after the end of the financial year in which the academic year concluded. |                                |
| Accredited provision<br>(formerly Adult Skills Budget (ASB))   | 2007-2013  | 31 <sup>st</sup> December 2022 |
|  | 2014-2020  | 31 <sup>st</sup> December 2030 |

In the event that a sub-contractor 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 GDPR and DPA and other relevant legislation and recognised best practice principles.