

# ELA TRAINING SERVICES

## DATA PROTECTION POLICY



## Introduction

ELA Ltd holds and processes information about employees, learners, and other data subjects for academic, administrative and commercial purposes. When handling such information, ELA and all staff must comply with the Data Protection Principles which are set out in the Data Protection Act 1998 (the Act). In summary these state that personal data shall:

- be processed fairly and lawfully,
- be obtained for a specified and lawful purpose and shall not be processed in any manner incompatible with the purpose,
- be adequate, relevant and not excessive for the purpose
- be accurate and up-to-date,
- not be kept for longer than necessary for the purpose,
- be processed in accordance with the data subject's rights,
- be kept safe from unauthorised processing, and accidental loss, damage or destruction,
- not be transferred to a country outside the European Economic Area, unless that country has equivalent levels of protection for personal data, except in specified circumstances.

## Definitions

- "Data controller" further information about the ELA data controller is available from the Data Protection Officer
- "Staff", "learners" and "other data subjects" may include past, present and potential members of those groups.
- "Other data subjects" and "third parties" may include contractors, suppliers, contacts, referees, friends or family members.
- "Processing" refers to any action involving personal information, including obtaining, viewing, copying, amending, adding, deleting, extracting, storing, disclosing or destroying information.

## Notification of Data Held

ELA will notify all staff and students and other relevant data subjects of the types of data held and processed by ELA concerning them, and the reasons for which it is processed. When processing for a new or different purpose is introduced the individuals affected by that change will be informed and the Data Protection Register entry will be amended.

## Staff Responsibilities

All staff shall

- ensure that all personal information which they provide to ELA in connection with their employment is accurate and up-to-date;
- inform ELA of any changes to information, for example, changes of address;

- check the information which ELA will make available from time to time, in written or automated form, and inform ELA of any errors or, where appropriate, follow procedures for up-dating entries on computer forms. ELA will not be held responsible for errors of which it has not been informed.

When staff hold or process information about learners, colleagues or other data subjects (for example, learners' course work, references, or details of personal circumstances), they should comply with the following:

Staff shall ensure that

- all personal information is kept securely;
- personal information is not disclosed either orally or in writing, accidentally or otherwise to any unauthorised third party. Unauthorised disclosure may be a disciplinary matter, and may be considered gross misconduct in some cases.

When staff supervise learners doing work which involves the processing of personal information, they must ensure that those students are aware of the Data Protection Principles, in particular, the requirement to obtain the data subject's consent where appropriate.

### Student Responsibilities

All students shall

- ensure that all personal information which they provide to ELA is accurate and up-to-date;
- inform ELA of any changes to that information, for example, changes of address;
- check the information which ELA will make available from time to time, in written or automated form, and inform ELA of any errors or, where appropriate, follow procedures for up-dating entries on computer forms. ELA will not be held responsible for errors of which it has not been informed.

### Rights to Access Information

Staff, learners and other data subjects in ELA has the right to access any personal data that is being kept about them either on computer or in structured and accessible manual files. Any person may exercise this right by submitting a request in writing to the appropriate designated data controller.

ELA aims to comply with requests for access to personal information as quickly as possible, but will ensure that it is provided within 40 days unless there is good reason for delay. In such cases, the reason for the delay will be explained in writing by the designated data controller to the data subject making the request.

**Subject Consent:** In some cases, such as the handling of sensitive information or the processing of research data, ELA is entitled to process personal data only with the consent of the individual. Agreement to ELA processing some specified classes of personal data is a condition of acceptance of a learner on to any course, and a condition of employment for staff.

ELA may process sensitive information about a person's health, disabilities, criminal convictions, race or ethnic origin in pursuit of the legitimate interests of ELA. For example, some jobs or courses will bring the applicants into contact with children, including young people between the ages of 16 and 18, and ELA has a duty under the Children Act 1989 and other enactments to ensure that staff are suitable for the job, and learners for the courses offered. ELA may also require such information for the administration of the sick pay policy, the absence policy or the equal opportunities policy, or for course assessment.

ELA also asks for information about particular health needs, such as allergies to particular forms of medication, or conditions such as asthma or diabetes. ELA will only use such information to protect the health and safety of the individual, for example, in the event of a medical emergency. The consent of the data subject will always be sought prior to the collection of any sensitive data as defined by the Act.

### The Data Controller and the Designated Data Controllers

Inderjot Singh is the data controller under the Act, and the Operations Director is ultimately responsible for implementation. Information and advice about the holding and processing of personal information is available from the Data Protection Officer -Ali Khan

**Assessment Marks:** Learners shall be entitled to information about their marks for assessments; however this may take longer than other information to provide. ELA may withhold enrolment, awards, certificates, accreditation or references in the event that monies are due.

**Retention of Data:** ELA will keep different types of information for differing lengths of time, depending on legal, academic and operational requirements.

**Compliance:** Compliance with the Act is the responsibility of all learners and members of staff. Any deliberate or reckless breach of this Policy may lead to a disciplinary hearing, and where appropriate, legal proceedings. Any questions or concerns about the interpretation or operation of this policy should be taken up with the Data Protection Officer.

Any individual, who considers that the policy has not been followed in respect of personal data about him or herself, should raise the matter with the designated data controller initially. If the matter is not resolved it should be referred to the staff grievance or learner complaints procedure.