Data Protection Policy

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1. Introduction

WM College is committed to providing wide access to education to all those who will benefit from it in an open and supportive environment for both learners and staff.

In order to deliver our mission we need to collect and use certain types of information about individuals and service users who come into contact with the College in order to carry out our work and secure funding. This personal information must be collected and dealt with appropriately whether it is collected on paper, stored in a computer database, or recorded on other material and there are safeguards to ensure this.

In JCQ's General Regulations for Approved Centres (section 6.1) reference is made to 'data protection legislation'. This is intended to refer to UK GDPR, the Data Protection Act 2018 and any statutory codes of practice issued by the Information Commissioner in relation to such legislation. WM College is committed to full compliance with the Data Protection Act 2018 (DPA 2018) and UK General Data Protection Regulation (GDPR) and recognises the responsibilities that these places on it to process and manage personal information in a fair and proper manner. WM College has in place procedures to ensure practices exist to strike a balance between WM College needs and the individual's right to respect for their private life, confidentiality of data and the need to provide protection from unwanted or harmful uses of personal data.

2. Data Controller and Data Processor

WM College is the Data Controller under GDPR and the DPA, which means that it determines what purposes personal information held, will be used for. WM College has a valid notification in the data protection register that relates to processing information. This can be viewed at www.ico.org.uk It is the responsibility of the Data Controller to ensure the registration is checked and updated on a regular basis.

The College is the Data Controller and Data Processor under GDPR.

3. Disclosure

WM College may share data with other agencies such as the local authority, funding bodies and other voluntary agencies.

The Data Subject will be made aware in most circumstances how and with whom their information will be shared. There are circumstances where the law allows the College to disclose data (including sensitive data) without the data subject's consent.

These are:

a) Carrying out a legal duty or as authorised by the Secretary of State
b) Protecting vital interests of an Data Subject or other person
c) The Data Subject has already made the information public
d) Conducting any legal proceedings, obtaining legal advice or defending any legal rights
e) Monitoring for equal opportunities purposes – i.e. race, disability or religion
f) Providing a confidential service where the Data Subject's consent cannot be obtained or where it is reasonable to proceed without consent: e.g. where we would wish to avoid forcing stressed or ill Data Subjects to provide consent signatures.

WM College regards the lawful and correct treatment of personal information as very important to successful working, and to maintaining the confidence of those with whom we deal.

WM College intends to ensure that personal information is treated lawfully and correctly.

To this end, WM College will adhere to the Data Protection Act 2018 (DPA 2018) and UK General Data Protection Regulation (GDPR).

Specifically, the Principles require that personal information will be:

a) processed lawfully, fairly and in a transparent manner in relation to individuals
b) 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
c) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed
d) 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
e) 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
f) 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

4. Data collection

WM College will ensure that there is a lawful basis for collecting and processing data. This will be from one of the reasons below but expected, in the most part, to be due to the data forming part of a contract, a legitimate interest, necessary to perform a legal obligation or gathered by consent (for which a positive opt-in will apply}.

WM College will ensure that data is collected within the boundaries defined in this policy. This applies to data that is collected in person, or by completing a paper based or online form.

When collecting data, the College will ensure that the Data Subject:

a) Clearly understands why the information is needed

b) Understands what it will be used for and what the consequences are should the Data Subject decide not to give consent to processing
c) Where applicable and as far as reasonably possible, grants explicit written consent for data to be processed
d) Is, as far as reasonably practicable, competent enough to give consent and has given so freely without any duress
e) Has received sufficient information on why their data is needed and how it will be used

The College will endeavour to ensure that privacy notices and processing activities are referenced on relevant documentation with links to detailed information on the website.

Linked to this policy, the College will maintain separate and regularly reviewed policies covering:

- CCTV
- Acceptable use of ICT
- Records Management
- Information Security
- Freedom of Information

5. Data Storage

Information and records relating to service users will be stored securely and will only be accessible to authorised staff and volunteers.

Information will be stored for only as long as it is needed or required by statute and will be disposed of appropriately. Appendix 1 details the overarching current document retention periods which are reviewed annually.

The College will periodically contact former students / alumni (where they have provided consent) to carry out surveys and case studies to comment on the positive impact their study has had on their lives. Any former student who has not opted in will not be contacted.

It is the College's responsibility to ensure all personal and company data is non-recoverable from any computer system previously used within the organisation, which has been passed on/sold to a third party.

6. Data access, accuracy and security

All Data Subjects have the right to access the information the College holds about them, unless an exemption applies.

WM College will also take reasonable steps to ensure that this information is kept up to date by asking data subjects whether there have been any changes.

In addition**,** WM College will ensure that:

- Our details are registered with the Information Commissioner with a named individual as a Data Protection Officer with specific responsibility for ensuring compliance with Data Protection
- Everyone processing personal information understands that they are contractually responsible for following good data protection practice
- Everyone processing personal information is appropriately trained to do so
- Everyone processing personal information is appropriately supervised
- Anybody wanting to make enquiries about handling personal information knows what to do
- It deals promptly and courteously with any enquiries about handling personal information
- It describes clearly how it handles personal information
- It will regularly review and audit the ways it hold, manage and use personal information
- It regularly assesses and evaluates its methods and performance in relation to handling personal information
- Wherever practicable, access to personal information will be defined by the role being carried out, including the compartmentalisation of shared drives and role based access levels in relevant software packages
- All staff are made aware that a breach of the rules and procedures identified in this policy may lead to disciplinary action being taken against them

7. Data Breaches

WM College will notify the Information Commissioners Office (ICO) of any notifiable breaches within 72 hours of confirming that a breach has occurred.

The College will also notify the data subjects in instances that represent a 'high risk' to the rights and freedoms of individuals.

WM College will ensure that:

- Staff understand what constitutes a breach
- A breach reporting procedure exists, with named individuals and defined responsibilities

8. General Approach

WM College will, through appropriate management and strict application of criteria and controls**:**

- Observe fully conditions regarding the fair collection and use of information
- Meet its legal obligations to specify the purposes for which information is used
- Collect and process appropriate information, and only to the extent that it is needed to fulfil its operational needs or to comply with any legal requirements
- Ensure the high quality of information used
- Ensure that the rights of people about whom information is held, can be fully exercised under GDPR.

These are dependent on the lawful basis under which the data was collected and include:

- The right to be informed
- The right of access
- The right to rectification
- The right to erasure
- The right to restrict processing
- The right to data portability
- The right to object
- Rights in relation to automated decision making and profiling

WM College will treat people justly and fairly whatever their age, religion, disability, gender, sexual orientation or ethnicity when dealing with requests for information.

In case of any queries or questions in relation to this policy please contact WM College Data Protection Officer: **datarequest@wmcollege.ac.uk**

Glossary of Terms

Data Controller – The person who (either alone or with others) decides what personal information WM College will hold and how it will be held or used.

General Data Protection Regulation (2016/679) (GDPR) – The EU legislation that provides a framework for responsible behaviour by those using personal information, which came into effect in May 2018

Data Protection Act 2018 – The Data Protection Act 2018 is a United Kingdom Act of Parliament which updates data protection laws in the UK. It is a national law which complements the European Union's General Data Protection Regulation and updates the Data Protection Act 1998.

Data Protection Officer – The person(s) responsible for ensuring that WM College follows its data protection policy and complies with GDPR and the Data Protection Act 2018.

Data Subject – The person whose personal information is being held or processed by WM College for example: a client, an employee, or supporter.

Information Commissioner – The UK Information Commissioner responsible for implementing and overseeing GDPR and the Data Protection Act 2018.

Processing – means collecting, amending, handling, storing or disclosing personal information.

Personal Information – Information about living individuals that enables them to be identified, either directly or in conjunction with other information – e.g. name and address or learner number and ethnicity. It does not apply to information about organisations, companies and agencies but applies to named persons, such as individual learners, volunteers or employees within WM College.

Explicit consent – is a freely given, specific and informed agreement by a Data Subject in the processing of personal information about her/him.

Special Category data

The GDPR defines special category data as:

- personal data revealing **racial or ethnic origin**;
- personal data revealing **political opinions**;
- personal data revealing **religious or philosophical beliefs**;
- personal data revealing **trade union membership**;
- **genetic data**;
- **biometric data** (where used for identification purposes);
- data concerning **health**;
- data concerning a person's **sex life**; and
- data concerning a person's **sexual orientation**.

This does not include personal data about criminal allegations, proceedings or convictions, as separate rules apply.

Appendix 1

Document retention guidelines
(to be reviewed annually by the Data Protection Officer)

Wherever personal data underpins College income and is therefore auditable, the College will continue to retain the necessary documentation for defined time periods.

Government funded activity – 6 academic years from the year in which the activity ended.

European Social Fund (ESF) directly funded or match funded activity

- 2007 – 2013 ESF programme 31st December 2022
- 2014 – 2020 ESF Programme 31st December 2030

Other funded activity, including Charitable donations – Where the activity requires external financial audit, 6 academic years from the year in which the activity ended.

Any other activity not requiring external audit. 1 academic year from the end of the academic year in which any activity took place.

Current year 2024/2025: The standard 6-year document retention period ends 31st August 2030.

In circumstances where specific defined conditions apply, documents will be kept for other defined periods.

Note: A separate records management policy, covering document collection, retention and archiving holds more detailed information about time periods.