

Policy Scope

Invested Education are committed in following the Data Protection Act. The data covered in the policy includes, but is not limited to electronic information, paper information and other media. This policy applies to all employees, management, contractors, directors and any other parties who have access to company data.

Purpose

The purpose of this policy is to ensure that Invested Education fully complies with its legal obligations in relation to the protection of personal data of its employees, partners and learners and to set out the requirements of the employee and the company in line with the GDPR and Data Protection Act 2018.

Invested Education aims:

- We will process data fairly and lawfully.
- Personal data shall be obtained only for specific and lawful purposes and shall not be processed in any matter incompatible with those purposes.
- Personal data shall be adequate, relevant and not excessive in relation to the purpose (s) for which they are processed.
- Personal data shall be accurate and where necessary kept up to date. We will ensure that any inaccurate data is erased or rectified without delay.
- Personal data will not be kept for longer than is necessary for that purpose.
- Personal data shall be processed in accordance with the rights of data subjects under the GDPR and Data Protection Act 2018.
- Personal Data shall be subject to appropriate technical and organisational measures to protect against unauthorised or unlawful processing and accidental loss, destruction or damage.
- Personal data shall not be transferred to a country outside the European Economic 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 any personal data and/or sensitive personal data.
- All Invested Education staff are aware of the priority given to data protection. Annual training with regard to this will be undertaken by all staff.

Data Processing

Employees may be required to give certain information relating to them in order for Invested Education to properly carry out its duties, rights and obligations as the employer. Invested Education staff will process and control such data principally for personnel, administrative and payroll purposes.

Stored and Shared Data

The personal data we collect and hold about young people, their parents or carers is to support teaching and learning, to provide pastoral care and to assess performance. We may also receive data about pupils from other organisations including, but not limited to, other schools, local authorities, health care providers and the Department for Education.

Personal data that we may collect, use, store and share about young people includes, but is not restricted to: Contact details, contact preferences, date of birth, identification documents, results of internal assessments and externally set test, learner and curricular records, characteristics, such as ethnic background, eligibility for free school meals, or special educational needs, exclusion information, details of any medical conditions, including physical and mental health, attendance information, safeguarding information, details of any support received, including care packages, plans and support providers and photographs.

Invested Education therefore holds information that is deemed 'sensitive data.'

We use this data to:

- Support the learning of young people
- monitor and report on learner progress
- provide appropriate pastoral care
- protect the welfare of young people
- assess the quality of our services (including monitoring staff performance)

Invested Education store personal information about young people while they are attending our Provision. We may also keep it beyond their attendance at Invested Education if this is necessary in order to comply with our legal obligations. We will only retain the data we collect for as long as is necessary. Eg. Invested Education will hold documentation and reports related to physical restraint in the form of Team Teach Logs for a period of 75 years after the birth date of the child.

We will only share relevant information about you with other services where there is a legal basis for doing so. There are a range of professionals who may be involved in providing services to you and where appropriate will be provided with relevant information about you. Agencies we may need to share information with include the following (but are not limited to): Health Agencies, GPs, Police, Education Providers and Ofsted.

There are other times where we may need to share your information lawfully.

These include:

- Where there is a serious risk of harm to you or to others
- where there are concerns for the welfare of a child
- for the Prevention or detection of crime
- where a court order requires us to share information

Accessing Data

Employees and Learners have the right to access any data which is held about them and to request alterations to be made to anything that is inaccurate. Employees/Learners have the right to receive the information in a form that is intelligible.

Right of access to information

There are two distinct rights of access to personal information held by Provisions:

Under the GDPR and the Data Protection Act 2018 an individual (e.g. learner, parent or member of staff) has a right to request access to their own personal information. In certain circumstances requests may be made by a parent on behalf of their child (see explanation below).

The Education (Pupil Information) (England) Regulations 2005 gives parents the right of access to curricular and educational records relating to their child.

Employees and learners wishing to access such data would request, in writing, to the Director at Invested Education Education CIC, setting out the information that the employee wants to access.

Exemptions

There are some exemptions to the right to subject access that apply in certain circumstances or to certain types of personal information. This means all information will be reviewed prior to disclosure by The Director, and possibly the Invested Education Legal Representative.

Information that will not be revealed is (but not limited to):

- Information that also discloses information about another identifiable individual.
- Confidential references given by Invested Education Education CIC
- Information relating to management planning or forecasting where disclosure would prejudice the conduct of the business
- Information relating to the intentions of Invested Education relating to negotiations where disclosure might prejudice those negotiations.

Information relating to children

Children have the same rights of access to their own personal information as adults, and the same rights of privacy. There is no minimum age in English law, however current practice accepts that, provided a child is mature enough to understand their rights, a child of, or over the age of 13 years shall be considered capable of giving consent. This does not rule out receipt of a valid request from a child of a younger age, as each request should be considered on its merits on an individual basis.

When a subject access request is received from a child it will need to be judged whether the child has the capacity to understand the implications of their request and of the information provided as a result of that request. If the child does understand then their request will be dealt with in the same way as that of an adult.

If a parent or legal guardian makes a request to Invested Education on behalf of a child age 13 and over the request will only be complied with when assurances are received that the child has authorised the request and that their consent was not obtained under duress or on the basis of misleading information. If the child does not understand, then a request from a parent or legal guardian for the child's information will only be complied with when assurances are received that they are acting in the best interests of the child.

GDPR & DPA 2018

The response time for compliance with a subject access request is *one month* following date of receipt. The timeframe does not begin until Invested Education has received all the information necessary to comply with the request. Further information is available from The Director in regards to accessing the information requested securely.

Invested Education may deem it necessary to extend the timeframe by a further two months where requests are complex or numerous. If this is the case, Invested Education will inform the individual within one month of the receipt of the request and explain why the extension is necessary.

Approved by:	Stephen Morrison	Date: 20/9/22
Last reviewed on:	19/9/22	
Next review due by:	20/9/23	