



# POLICIES & PROCEDURES

## General Data Protection Regulation Policy

Reviewed on: 04/03/2022

Reviewed by: Chris Foley

Signed: *C W Foley*

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## **GDPR - GENERAL DATA PROTECTION REGULATION**

### **INTRODUCTION**

The General Data Protection Regulation 2016 replaces the EU Data Protection of 1995 and supersedes the laws of Individual Member States that were developed in compliance with the Data Protection Directive 95/46/EC. This policy sets out the obligations of Oxford Energy Academy regarding data protection and the rights of our staff and learners

### **PURPOSE**

The purpose of this policy is to protect the “rights and freedoms” of everyone who has any connects with Oxford Energy Academy and to ensure personal data is not processed without their knowledge and wherever possible, it is processed with their consent.

The new law brings a 21st century approach to data protection.

It expands the rights of individuals to control how their personal data is collected and processed, and places a range of new obligations on organisations to be more accountable for data protection.

The Policy applies to:

- The offices of Oxford Energy Academy
- All staff and learners of Oxford Energy Academy
- All contractors, suppliers and other people working on behalf of Oxford Energy Academy
- All data held by Oxford Energy Academy relating to identifiable individuals, on electronic and hard copy.

Full details of data held by Oxford Energy Academy is outlined in our Staff Privacy Notice and our Student Privacy Notice. Oxford Energy Academy will ensure that its service providers (data processors) that process data on behalf of the Company, also address their compliance and GDPR obligations.

- Payroll Provider
- HR Provider
- IT/Cloud Provider
- Certification Awarding Bodies
- Funding Authorities
- Educational App Providers

This list is infinite and applies to all who have any association with Oxford Energy Academy.

### **PRINCIPLES**

This Policy aims to ensure compliance with the GDPR. The GDPR sets out the following principles with which any party handling personal data must comply. All personal data must be:

- Processed lawfully, fairly and in a transparent manner in relation to data subjects.  
Oxford Energy Academy will only collect the data we have a statutory and lawful responsibility to gather

- 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 incompatible with the initial purposes.

Oxford Energy Academy have outlined the explicit purpose for the collection of data in the Learner Privacy Notice and the Staff Privacy Notice.

- Adequate, relevant and limited to what is necessary in relation to the purposes for which it is processed.

Oxford Energy Academy have outlined the adequacy, relevancy of data in the Learner Privacy Notice and the Staff Privacy Notice.

- Accurate and, where necessary, kept up to date.  
Every reasonable step must be taken to ensure that personal data that is inaccurate is erased or rectified without delay.

Oxford Energy Academy will update all records without delay, when updates have been obtained.

- Retained only for as long as necessary.  
Kept in a form, which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data is processed. Personal data may be stored for longer periods in so far 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 measure required by the GDPR in order to safeguard the rights and freedoms of the data subject.

Oxford Energy Academy retention timescales, are outlined in the Learner Privacy Notice and the Staff Privacy Notice

- Processed in an appropriate manner to maintain security. 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.

Oxford Energy Academy data processes and security measures are outlined in our Learner Privacy Notice, Staff Privacy Notice and in this Policy.

All data collected and/or stored by Oxford Energy Academy is done so for the sole purposes of Oxford Energy Academy business and an individual's relationship with Oxford Energy Academy.

This will include, but is not limited to:

- customer communication
- internal marketing of events
- notification of publications
- educational quality standards
- CPD – Continued Professional Development

An individual's personal data will not be shared with a third party without prior written consent.

No member of staff will share any personal data with a third party without the prior consent of the individual. This includes, but is not limited to:

- Name
- Address
- Email address
- Telephone details

All Oxford Energy Academy Staff will sign a consent form for their business email address, phone number and associated business contact details to be circulated for the sole purposes of Oxford Energy Academy business.

All Oxford Energy Academy Staff must agree to allow Oxford Energy Academy to freely use their business contact details but do not agree that they are circulated to external third parties without prior consent on a case by case basis

Staff are to avoid using their own personal details for business correspondence.

Oxford Energy Academy Directors agree to allow Oxford Energy Academy staff to freely use their business contact details for the sole purposes of Oxford Energy Academy business; but do not agree these details can be circulated to external third parties without prior consent on a case by case basis.

## DATA SHARING

We share learner data with relevant awarding bodies and companies we deal with regarding qualifications and training, this information is outlined in full in the Learners Privacy Notice. No member of staff will share any learner's personal data with a third party without the prior consent of the individual. This includes, but is not limited to Name, address, email address and phone details

We share staff information with companies we deal with for the day to day running of the business, and future training for individuals, this information is outlined in full in the Staff Privacy Notice.

## THE RIGHTS OF DATA SUBJECTS (INDIVIDUALS)

The GDPR sets out the following rights applicable to data subjects:

- **The right to be informed.**  
Individuals have the right to be informed about the collection and use of their personal data. This is a key transparency requirement under the GDPR. Organisations must provide individuals with information including; the purpose for processing their personal data, the retention periods for that personal data and who it will be shared with. This is called 'privacy information'
- **The right of access.** Individuals have the right to access their personal data. This is commonly referred to as subject access. Individuals can make a subject access request verbally or in writing. Oxford Energy Academy then has one calendar month to respond to the request and in most circumstances, cannot charge a fee to deal with the request
- **The right to rectification.**  
The GDPR includes a right for an individual to have inaccurate personal data rectified, this right has close links to the accuracy principle of the GDPR. An individual may also be able to have incomplete personal data completed, although this will depend on the purposes for the processing.  
Requests for rectification can be made verbally or in writing. Oxford Energy Academy has a specific obligation to reconsider the accuracy upon request and one calendar month to respond.
- **The right to erasure.**  
The GDPR introduces a right for individuals to have personal data erased. The right to erasure is also known as 'the right to be forgotten'. The right is not absolute and only applies in certain circumstances. Legal time scales for the retention of personal data must also be adhered to. Individuals can make a request for erasure verbally or in writing, the Company has one calendar month to respond to a request.
- **The right to restrict processing.**  
Individuals have the right to restrict the processing of their personal data in certain circumstances. This means that an individual can limit the way that an organisation uses their data. This is an alternative to requesting the erasure of their data.  
When processing is restricted, organisations are permitted to store the personal data, but not use it. An individual can make a request for restriction verbally or in writing, Oxford Energy Academy has one calendar month to respond to a request
- **The right to object.**

The GDPR gives individuals the right to object to the processing of their personal data in certain circumstances. Individuals have an absolute right to stop their data being used for direct marketing. In other cases where the right to object applies, organisations may be able to continue processing if they can show they have a compelling reason for doing so.

Individuals have the right to make an objection verbally or in writing, Oxford Energy Academy has one calendar month to respond to an objection.

Oxford Energy Academy comply with all GDPR rights of the data subject. Our Staff Privacy Notice and Learner Privacy notice cover the full spectrum of data we collect on the individual and what we do with it.

## CONSIDERATIONS

- **Data Sources**

Oxford Energy Academy hold data for Staff, Students and External Contractors.

- **Data Relevance**

Oxford Energy Academy will only hold data required for the successful delivery of courses, compliant with Safeguarding requirements, ESFA, the Awarding Bodies and External Verifiers.

- **Data Minimisation**

The personal data held by Oxford Energy Academy is limited to what is necessary in relation to our statutory requirements and the purposes for which it is processed. This information is outlined in our Learner Privacy Notice and our Staff Privacy Notice.

## DATA SECURITY

- **Storage**

Oxford Energy Academy will not retain any paper files of personal data, except for financial transactional data. Electronic data is held on our secure cloud server.

Archived hard copies are held on our premises in a secure lock cupboard. Records of the archived data kept are held on our secure cloud server.

Working hard copies of examination papers are held in a secure filing cabinet on our premises in the short term until proof the awarding body has received the paperwork and it is correct.

- **Use**

In conjunction with the ESFA Privacy Notice and in accordance with data protection regulations, personal data is used Oxford Energy Academy to exercise its functions to meet its statutory responsibilities.

Information collected on individuals is used in learner files and we will only share information required by third parties in relation to the courses we run.



In staff files we will only share information required by third parties in relation to employment.

The full details of the information we collect and what we use it for are outlined in our Staff Privacy Policy and Student Privacy Policy.

- **Transfer**

Oxford Energy Academy takes data security and protection extremely seriously, we shall ensure that the following measures are taken with respect to all communications and other transfer involving personal data:

All emails containing personal data must be encrypted and marked “Confidential”

Personal data may be transmitted over secure networks only; transmission over unsecured networks is not permitted in any circumstances

- **Disposal**

When any personal data is to be erased or otherwise disposed of for any reason, (including where copies have been made and are no longer needed), it shall be securely deleted and disposed of. Electronic copies of data are deleted and hard copies of data are shredded on instruction from the Office Manager or Directors.

All archived material; both electronic data and hard copies will be deleted after 7 years.

- **IT Security**

All our electronic data is held on a UK cloud server.

No software can be installed onto our cloud account without permission of the Directors and the assistance of our ICT contractor.

There are no data files held on laptops static drives, data is held on the secure cloud, password protected and only accessible by Oxford Energy Academy.

Staff are not permitted to use personal electronic equipment, i.e. laptops and mobile phones for Oxford Energy Academy purposes.

## CONSENT

Oxford Energy Academy abide by strict rules for gaining consent:

- Consent shall be freely given, fully informed and evidenced on appropriate documentation
- Requests for consent shall be easily understood, in plain English and unambiguous
- Consent can be withdrawn at any time for data, which is not statutory and lawfully required for the course
- Silence, inactivity, lack of response and pre-ticked boxes are not to be taken as indicating consent.

## ACCOUNTABILITY

Oxford Energy Academy are accountable for security and confidentiality of all data we collect, this is overseen by our Compliance and Data Protection Officer, Debra Wilson.

The Data Protection Officer shall be responsible for overseeing the implementation of this Policy and for monitoring compliance with this Policy, other data protection related policies and with the GDPR and other applicable data protection regulations, in relation to Oxford Energy Academy

A number of measures are in place to ensure Oxford Energy Academy are accountable:

- Adopting and implementing data protection policies.
- Putting written contracts in place with organisations that process personal data on our behalf.
- Maintaining documentation of our processing activities
- Implementing appropriate security measures
- Recording and, where necessary, reporting personal data breaches
- Adhering to relevant codes of conduct
- Implementing a privacy framework to create a culture of privacy
- Keeping individuals informed of data collected, secure storage, retention, disposal and updates
- Audits of personal data accuracy take place yearly
- Audits of electronic equipment take place every yearly

Accountability obligations are ongoing, we review and where necessary update the measures we put in place.

## DATA BREACH

All data breaches must be reported immediately to Oxford Energy Academy Directors and Compliance and Data Protection Officer, by staff and learners.

- If a personal data breach occurs, and that breach is likely to result in a risk to the rights and freedoms of an individual (e.g. financial loss, breach of confidentiality, discrimination, reputational damage, or other significant social or economic damage). The Directors and Compliance and Data Protection Officer must ensure that the Information Commissioner's Office is informed within 72 hours after becoming aware of it
- If a data breach is likely to result in high risk to the rights and freedoms of individuals, the Data Protection Officer must ensure that all affected individuals are informed directly and without undue delay
- The individual has the right to report a data breach to the Information Commissioner's Office. [www.ico.org.uk](http://www.ico.org.uk).



## ENFORCEMENT

All staff will must follow the staff guidelines, which are outlined in our Staff Privacy Policy, without exception.

Employees found to be in violation of this policy and the guidelines by either unintentionally or maliciously stealing, using or otherwise compromising corporate or personal data may be subject to disciplinary action up to and including termination and may be financially liable for a breach of GDPR.