

# Data Protection Policy and Privacy Notice

Sept 2021

Version 5

## 1. Scope

Applies to all employees of Expanse Learning

Expanse Learning is registered as a data controller with the Information Commissioner's Office and renews this registration annually **ICO /DPRN ZA013971**.

## 2. Objective

To ensure that all data collected by Expanse Learning is processed in accordance with the Data Protection Act (2018) and the EU General Data Protection Regulations (2018). This policy applies to all data, regardless of whether it is in paper or electronic format.

## 3. Legislation and guidance

Expanse Learning is committed to protecting the privacy and security of personal information. This Data Protection Policy and Privacy Notice describes how we collect and use personal information about staff and students, in accordance with the Data Protection Act (2018), General Data Protection Regulation (GDPR), section 537A of the Education Act 1996 and section 83 of the Children Act 1989.

## 4. Definitions

Term	Definition
<b>Personal data</b>	Data from which a person can be identified, including data that, when combined with other readily available information, leads to a person being identified
<b>Sensitive personal data</b>	Data such as: Racial or ethnic origin Political opinions Religious beliefs, or beliefs of a similar nature Where a person is a member of a trade union Physical and mental health Sexual orientation Whether a person has committed, or is alleged to have committed, an offence Criminal convictions
<b>Processing</b>	Obtaining, recording or holding data
<b>Data subject</b>	The person whose personal data is held or processed
<b>Data controller</b>	A person or organisation that determines the purposes for which, and the manner in which, personal data is processed
<b>Data processor</b>	A person, other than an employee of the data controller, who processes the data on behalf of the data controller

## 5. The data controller

Expanse Learning is a "data controller." This means that we are responsible for deciding how we hold and use personal information and the **categories of information that we collect, process, hold and share**. Expanse Learning delegates the responsibility of data controller to the Shared Services Team.

## 6. Data protection principles

The Data Protection Act (2018) and EU General Data Protection Regulations (2018) is based on the following data protection principles, or rules for good data handling:

- Data shall be processed fairly and lawfully
- Personal data shall be obtained only for one or more specified and lawful purposes
- Personal data shall be relevant and not excessive in relation to the purpose(s) for which it is processed
- Personal data shall be accurate and, where necessary, kept up to date
- Personal data shall not be kept for longer than is necessary for the purpose(s) for which it is processed
- Personal data shall be processed in accordance with the rights of data subjects under the Data Protection Act (2018) and EU General Data Protection Regulations (2018)

- Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data, and against accidental loss or destruction of, or damage to, personal data
- Personal data shall not be transferred to a country or territory outside the European Economic Area unless the country or territory ensures an adequate level of protection for the rights and freedoms of data in relation to the processing of personal data

## 7. Roles and responsibilities

This policy applies to **all staff** employed by Expanse Learning, and to external organisations or individuals working on our behalf. Staff who do not comply with this policy may face disciplinary action.

### **Governors**

The Governors have authority to review and challenge this policy to ensure Expanse Learning complies with all relevant data protection obligations.

### **Data protection officer**

The data protection officer (DPO) is responsible for overseeing the implementation of this policy, monitoring our compliance with data protection law, and supporting the developing to any related policies and guidelines where applicable. They will provide an annual report of their activities directly to the Board of Directors and Governors and, where relevant, report to the board their advice and recommendations on data protection issues. The DPO is also the first point of contact for individuals whose data Expanse Learning processes, and for the ICO.

Full details of the DPO's responsibilities are set out in their job description.

Our DPO is **Karl Wane** and is contactable via **01942 877715**.

### **All staff**

Staff are responsible for:

- Collecting, storing and processing any personal data in accordance with this policy
- Informing Expanse Learning of any changes to their personal data, such as a change of address
- Contacting the DPO in the following circumstances:
  - *With any questions about the operation of this policy, data protection law, retaining personal data or keeping personal data secure*
  - *If they have any concerns that this policy is not being followed*
  - *If they are unsure whether or not they have a lawful basis to use personal data in a particular way*
  - *If they need to rely on or capture consent, draft a privacy notice, deal with data protection rights invoked by an individual, or transfer personal data outside the European Economic Area*
  - *If there has been a data breach*
  - *Whenever they are engaging in a new activity that may affect the privacy rights of individuals*
  - *If they need help with any contracts or sharing personal data with third parties*

### **Students, Parents, Carer's and Guardians**

We hold personal data about students to support teaching and learning, to provide pastoral care and to assess how Expanse Learning is performing. We may also receive data about students from other organisations including, but not limited to, previous schools, External Training Providers, local authorities and the Department for Education. We may collect, store and use the following categories of personal information about you:

- Personal information such as name, unique student number, date of birth, gender and contact information;
- Emergency contact and family lifestyle information such as names, relationship, phone numbers and email addresses;
- Characteristics (such as ethnicity, language, nationality, country of birth and free Expanse Learning meal eligibility);
- Attendance details (such as sessions attended, number of absences and reasons for absence);
- Performance and assessment information;
- Behavioural information (including exclusions);
- Special educational needs information;
- Relevant medical information;
- Special categories of personal data (including biometric data, ethnicity, relevant medical information, special educational needs information);
- Images of students engaging in Expanse Learning activities, and images captured by the CCTV system;

- Information about the use of our IT, communications and other systems, and other monitoring information.

## 8. Collecting this information

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Whilst the majority of information you provide to us is mandatory, some of it is provided to us on a voluntary basis. In order to comply with the General Data Protection Regulation, we will inform you whether you are required to provide certain student information to us or if you have a choice in this. It is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal information changes during your working relationship with us.

## 9. How we use Student information

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We hold student data and use it for:

- Student selection (and to confirm the identity of prospective students and their parents)
- Providing education services and extra-curricular activities to students, and monitoring students' progress and educational needs
- Informing decisions such as the funding of Expanse Learning
- Assessing performance and to set targets for Expanse Learning
- Safeguarding students' welfare and providing appropriate pastoral (and where necessary medical) care
- Supporting teaching and learning
- Giving and receiving information and references about past, current and prospective students, and to provide references to potential employers of past students
- Managing internal policy and procedure
- Enabling students to take part in assessments, to publish the results of examinations and to record student achievements
- Carrying out statistical analysis for diversity purposes
- Legal and regulatory purposes (for example child protection, diversity monitoring and health and safety) and to comply with legal obligations and duties of care
- Enabling relevant authorities to monitor Expanse Learning's performance and to intervene or assist with incidents as appropriate
- Monitoring use of the IT and communications systems in accordance with the Expanse Learning's IT security policy
- Making use of photographic images of students in publications, on the website and on social media channels
- Security purposes, including CCTV
- Where otherwise reasonably necessary for Expanse Learning's purposes, including to obtain appropriate professional advice and insurance for Expanse Learning
- Providing support to students after they leave Expanse Learning

We will only retain the data we collect for as long as is necessary to satisfy the purpose for which it has been collected. We will not share information about students with anyone without consent unless the law and our policies allow us to do so. Individuals who wish to receive a copy of the information that we hold about them/their child should refer to the relevant sections of this policy. Once students reach the age of 13, we are legally required to pass on certain information to the relevant Local Authority, which has responsibilities in relation to the education or training of 13–19-year-olds. Parents, or students if aged 16 or over, can request that only their name, address and date of birth be passed to the relevant Local Authority by informing the Shared Services Team via email [sharedservices@expansigroup.co.uk](mailto:sharedservices@expansigroup.co.uk).

We are required, by law, to pass certain information about students to specified external bodies, such as our local authority and the Department for Education, so that they are able to meet their statutory obligations.

## 10. How we use staff information

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We hold personal data about staff to support Recruitment, Performance Management (PM) and Continuous Professional Development (CPD), to provide support and to assess how Expanse Learning is performing. We may also receive data about staff from other organisations including, but not limited to, Local Authority, Disclosure and Barring Service, Employers and HRMC. We may collect, store and use the following categories of personal information about you:

- Contact/bank details (Name, address, telephone, email, bank details, passport number, driving license, NI Number, photographs)
- Salary information
- Disciplinary and grievance records
- Prior Attainment (Qualifications)
- Absence data

- Personal characteristics, including ethnic groups
- Medical information
- Recruitment information is held within DatabridgeMIS and Expanse Learning OneDrive (Deleted after 6 months in line with the Safer Recruitment and HR Retention Policies).

## 11. How we use Staff information

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We process data relating to those we employ to work at, or otherwise engage to work at Expanse Learning. The purpose of processing this data is to assist in the running of Expanse Learning, including but not limited to:

- Enable individuals to be paid
- Facilitate safe recruitment
- Support the effective performance management of staff
- Improve the management of workforce data across the sector
- Inform our recruitment and retention policies
- Allow better financial modelling and planning
- Enable ethnicity and disability monitoring

We will only retain the data we collect for as long as is necessary to satisfy the purpose for which it has been collected. We will not share information about staff with third parties without consent unless the law allows us to. We are required, by law, to pass certain information about staff to specified external bodies, such as HMRC so that they are able to meet their statutory obligations. Any staff member wishing to see a copy of information about them that the Expanse Learning holds should contact the **Shared Services Team**.

## 12. The lawful basis on which we use this information

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Personal data can only be processed if it complies with one of 6 'lawful bases' under data protection law. Most commonly, we will use your information in the following circumstances:

- **Consent:** the individual has given clear consent to process their personal data for a specific purpose
- **Contract:** the processing is necessary for a contract with the individual
- **Legal obligation:** the processing is necessary to comply with the law (not including contractual obligations)
- **Vital interests:** the processing is necessary to protect someone's life
- **Public task:** the processing is necessary to perform a task in the public interest or for official functions, and the task or function has a clear basis in law
- The Education Act 1996: for Departmental Censuses 3 times a year. More information can be found at: [https://www.gov.uk/education/data-collection-and-censuses-for-Expanse Learnings](https://www.gov.uk/education/data-collection-and-censuses-for-Expanse-Learnings).

For special categories of personal data, we will also meet one of the special category conditions for processing which are set out in the GDPR and Data Protection Act 2018. If we offer online services to students, such as classroom apps (DatabridgeMIS etc), and we intend to rely on consent as a basis for processing, we will get parental consent where the student is under 13 (except for online counselling and preventive services). Whenever we first collect personal data directly from individuals, we will provide them with the relevant information required by data protection law.

## 13. Limitation, minimisation and accuracy

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We will only collect personal data for specified, explicit and legitimate reasons. We will explain these reasons to the individuals when we first collect their data. If we want to use personal data for reasons other than those given when we first obtained it, we will inform the individuals concerned before we do so and seek consent where necessary. Staff must only process personal data where it is necessary in order to do their jobs. When staff no longer need the personal data they hold, they must ensure it is deleted or anonymised. This will be done in accordance with the Expanse Learning record retention schedule/records management policy.

## 14. Sharing data

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We may need to share your data with third parties where it is necessary. There are strict controls on who can see your information. We will not share your data if you have advised us that you do not want it shared unless it's the only way, we can make sure you stay safe and healthy, or we are legally required to do so:

- There is an issue with a student or parent/carer that puts the safety of our staff at risk
- We need to liaise with other agencies – we will seek consent as necessary before doing this
- Our suppliers or contractors need data to enable us to provide services to our staff and students – for example, IT companies. When doing this, we will:

- Only appoint suppliers or contractors which can provide sufficient guarantees that they comply with data protection law
- Establish a data sharing agreement with the supplier or contractor, either in the contract or as a standalone agreement, to ensure the fair and lawful processing of any personal data we share
- Only share data that the supplier or contractor needs to carry out their service, and information necessary to keep them safe while working with us

We will also share personal data with law enforcement and government bodies where we are legally required to do so, including for:

- The prevention or detection of crime and/or fraud
- The apprehension or prosecution of offenders
- The assessment or collection of tax owed to HMRC
- In connection with legal proceedings
- Where the disclosure is required to satisfy our safeguarding obligations
- Research and statistical purposes, as long as personal data is sufficiently anonymised, or consent has been provided

We may also share personal data with emergency services and local authorities to help them to respond to an emergency situation that affects any of our students or staff. Where we transfer personal data to a country or territory outside the European Economic Area, we will do so in accordance with data protection law.

Please refer to the Data Sharing Policy for further information.

## **15. Subject access requests**

Under the Data Protection Act (2018), students have a right to request access to information Expanse Learning holds about them. This is known as a subject access request. Subject access requests must be submitted in writing, either by letter, email or fax. Requests should include:

- The student's name
- A correspondence address
- A contact number and email address
- Details about the information requested

Expanse Learning will not reveal the following information in response to subject access requests:

- Information that might cause serious harm to the physical or mental health of the student or another individual
- Information that would reveal that the child is at risk of abuse, where disclosure of that information would not be in the child's best interests
- Information contained in adoption and parental order records
- Certain information given to a court in proceedings concerning the child
- Subject access requests for all or part of the student's educational record will be provided within 15 days.
- If a subject access request does not relate to the educational record, we will respond within 40 calendar days.

## **16. Parental requests to see the educational record**

Parents have the right of access to their child's educational record, free of charge, within 15 days of a request. Personal data about a child belongs to that child, and not the child's parents. This is the case even where a child is too young to understand the implications of subject access rights. For a parent to make a subject access request, the child must either be unable to understand their rights and the implications of a subject access request or have given their consent.

Parents of students at Expanse Learning do not have an automatic right to access their child's educational record. Expanse Learning will decide on a case-by-case basis whether to grant such requests, and we will bear in mind guidance issued from time to time from the Information Commissioner's Office (the organisation that upholds information rights).

## **17. Storage of records**

Paper-based records and portable electronic devices, such as laptops and hard drives, that contain personal information are kept under lock and key when not in use. Papers containing confidential personal information should not be left on office and classroom desks, on staffroom tables or pinned to noticeboards where there is general access. Where personal information needs to be taken off site (in paper or electronic form), staff must sign it in and out from Expanse Learning office.

Where possible, all physical documentation will be scanned and uploaded into DatabridgeMIS and then destroyed unless a physical copy is required in the individual's personal file.

Passwords that are at least 8 characters long containing letters and numbers are used to access the Expanse Learnings computers, laptops and other electronic devices. Staff and students are reminded to change their passwords at regular intervals, Office365 will automatically request all active users change their credentials on 90 days rolling periods. Encryption software **MUST** be used to protect all portable devices and removable media, such USB devices. Staff, students or governors **MUST** not store personal information on their personal devices.

## 18. Disposal of records

Personal information that is no longer needed, or has become inaccurate or out of date, is disposed of securely. For example, we will shred or incinerate paper-based records, and override electronic files. Any acts of deletion whether physical or electronic must be recorded on the Certificate of Destruction Form and forwarded to Shared Services who will hold them centrally for future reference. We may also use an outside company to safely dispose of electronic records.

## 19. Training

Our staff and governors are provided with data protection training as part of their induction process (*Educare: A Practicable Guide to the GDPR in Education*). Data protection will also form part of continuing professional development, where changes to legislation or Expanse Learnings processes make it necessary.





## 20. Monitoring arrangements

Shared Services is responsible for monitoring and reviewing this policy to ensure that Expanse Learning complies with this policy by, among other things, reviewing Expanse Learning records and conducting a Data and Information Security Audit annually. This document was reviewed when the General Data Protection Regulation came into force, and then every 12 months thereafter.

### Impact of non-compliance for:

<b>Staff:</b>	Disciplinary action, Support, Action Plan
<b>Student:</b>	Not applicable
<b>Legislation/organisational:</b>	Reputational damage, litigation, statutory and non-regulated compliance.
<b>Compliance lead:</b>	Shared Services
<b>Policy Reference:</b>	ELGR-POL-DPM-002
<b>Version:</b>	5
<b>Agreed policy location:</b>	DatabridgeMIS
<b>Does the policy require Governor approval?</b>	Yes

### Approval

Prepared by	Approved by	Counter Signatory	Governor Approval
Scott Roberts (Assoc. CIPD) 01/09/2021	Tony Brown 01/09/2021	Richard King 10/09/2021	Martin Budden 01/09/2021
			
Head of Shared Services	CEO	Director of School & Pre 16 Education	Governor (Chair)

### Version Control

Version	Date	Revision	Review Date
1	07/09/2017	First Issue	07/09/2018
2	25/05/2018	Legal Review. Document updated and transferred to new template.	25/05/2019
3	25/04/2019	Review and Update	24/04/2020
4	01/09/2020	Review and Update (Referenced DatabridgeMIS)	31/08/2021
5	01/09/2021	Review and update	31/08/2022



Upholding information rights

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## Certificate

Organisation Name:

**Expanse Group Ltd**

Reference number:

**ZA013971**

Tier:

**Tier 2**

Start date:

**5 October 2013**

End date:

**4 October 2022**

**Data Protection Officer**