



**Essential
Site Skills**

DATA PROTECTION POLICY

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Position: Managing Director

Signature: 

Date: 01/09/2015

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This document is to be reviewed upon alteration or after every 12 months by an authorised person in line with company quality procedures.

Reviewed by:	Signature:	Date:
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Catherine Storer	<i>C. Storer</i>	14/11/2016

I. Introduction

The Data Protection Act relates to the handling of all data including employee information as well as client or learner related data. Data under the Act breaks down into two categories - ordinary personal data and sensitive personal data. The Act requires the Company to take additional steps to protect sensitive personal data.

What Sensitive Personal Data Do We Hold?

The Company believe that the vast majority of the information which it holds is not considered (under the terms of the Act) to be sensitive personal data. The Company believe that the only exceptions to this are:

Racial or ethnic origin - which we hold for the purposes of equal opportunity monitoring;

Pre-employment health questionnaire and other information relating to your health and sickness absence - which the Company holds so it can monitor and control sickness absence and ensure that it can pay you sick pay; and

Any disciplinary or other records to the extent that they relate to criminal offences. For example, this would include criminal offences which you disclosed when you applied for a job with the Company (and which are not exempt from disclosure under the Rehabilitation of Offenders Act) and data created in the thankfully infrequent event of allegations being made against employees that involve or could involve a criminal offence, such as theft.

Subject to some exceptions, the Data Protection Act requires the Company to obtain your explicit consent to hold and process sensitive personal data. Without this consent the Company will not be able to process this data which would for example potentially produce the result that the Company could not pay you if you were off sick.

What Other Personal Data Do We Hold About You?

In general terms, the Act entitles you, on making a written request and paying the required fee, to obtain access to the data that the Company holds and processes about you. Precise details of what data the Company holds will vary from person to person. Broadly, however, the types of data that the Company will hold and process about you will include:

Personal Details

- Title, Name, Address - for contact purposes;
- Home and mobile phone numbers (if supplied) - for contact purposes;
- National Insurance number - for payroll processing and tax purposes;
- Date of birth and age - in order to address benefit related queries where age is a relevant factor and for the purpose of applying our retirement policy;

Emergency contact (possibly next of kin) details - for emergency contact purposes and for administration of flexible benefits; and

Marital status - in order to address benefit related queries where marital status may be a factor and for tax purposes.

Employment record

Start date and length of service - for processing and informational purposes and so as to determine employment rights and eligibility for some benefits;

- Employment history - in order to monitor career development;
- Holiday entitlement - for payroll processing and informational purposes;
- Pension scheme member - in order to respond to enquiries;
- Health and safety roles - if applicable;
- Accidents at work - if applicable for health and safety reasons; and
- Any current disciplinary warnings.

2. Responsibility

Everyone who works for ESS has some responsibility for ensuring data is collected, stored and handled appropriately.

Each team that handles personal data must ensure that it is handled and processed in line with this policy and data protection principles. However, these people have areas of responsibility:

The board of directors is ultimately responsible for ensuring that ESS meets its legal obligations.

The Operations Director is responsible for:

- Keeping the board updated about data protection responsibilities, risks and issues.
- Reviewing all data protection procedures and related policies, in line with agreed schedule
- Arranging data protection training and advice for the people covered by this policy
- Handling data protection questions from staff and anyone else covered by this policy
- Dealing with requests from individuals to see the data ESS holds about them
- Checking and approving any contracts or agreements with third parties that may handle the company's sensitive data.

The IT Manager is responsible for:

- Ensuring all systems, services and equipment used for storing data meet acceptable security standards.
- Performing regular checks and scans to ensure security hardware and software is functioning properly.
- Evaluating any third-party services the company is considering using to store or process data. For instance, cloud computing services.

The Marketing Manager is responsible for:

- Approving any data protection statements attached to communications such as emails and letters.
- Addressing any data protection queries from journalists or media outlets like newspapers.
- Where necessary, working with other staff to ensure marketing initiatives abide by data protection principles.

3. Learner Data

Essential Site Skills, its staff and others who process or use any personal information must ensure that they follow the data protection principles set out in the Data Protection Act 1998. These are that personal data shall:

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

Essential Site Skills will not release staff or learner data to third parties except to relevant statutory bodies.

In all other circumstances Essential Site Skills will obtain the consent of the individuals concerned before releasing personal data.

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Catherine Storer

Managing Director