

Excel English Data Protection Policy

Policy Statement

Excel English is committed to meeting its legal and moral obligations under the 1998 Data Protection Act and from May 25th 2018, the General Data Protection Regulation (collectively, the Data Protection Legislation).

Under the legislation, everyone has rights to the way in which their personal data is handled. During the course of our activities we will collect, store and process personal data about our students, staff and other third parties, and we recognise that the correct and lawful treatment of this data will maintain confidence in the organisation.

All staff must comply with this policy whenever they are involved in processing personal data. Any breach of this policy may result in disciplinary action.

About this Policy

- Excel English may be required to handle personal data such as information about current, past & prospective students, current & former staff, homestay hosts and their families or other residents in the home, and other third parties, such as those with whom we communicate. All personal data will be held either electronically or in paper files that are subject to legal safeguards set out in the Data Protection Legislation.
- This policy and any other documents referred to in it sets out the basis on which Excel English will process any personal data we collect from individuals, or that is provided to us by individuals or other sources.
- This policy does not form part of any employee's contract of employment and may be amended at any time.
- This policy sets out rules on data protection and the legal conditions that must be satisfied whenever Excel English obtains, handles, processes, transfers & stores personal data.
- Any concerns about this policy not being followed should be brought to the attention of the Principal.

Data Protection Terms

For the purpose of this policy, below are a number of useful definitions with regards to data protection.

Term	Definition
Data	Information that is stored electronically or in paper-based filing systems.

Data subjects	All living individuals on whom Excel English holds personal data. All data subjects have legal rights in relation to their personal information.
Personal data	Any data relation to a living individual who can be identified from that data. Personal data can be factual (e.g. a name, address, date of birth) or it can be an opinion about that person, their actions and behaviour.
Data controller	The organisation that decides the purpose and/or manner in which any personal data is processed. A data controller is responsible for establishing practices and policies in line with the Data Protection Legislation. Excel English is the data controller of all personal data used in our business for our own purposes.
Data processor	Any organisation that is not an employee that process personal data on our behalf and our instructions.
Processing	Any activity that involves the use of data. It includes obtaining, recording or holding the data, or carrying out any operation on the data including organising, amending, retrieving, using, disclosing, erasing or destroying it. Processing also includes transferring data to third parties.
Special categories of personal data	Information about a person's racial or ethnic origin, political opinions, religious beliefs, physical or mental health or condition, sexual life or trade union membership. Special categories of personal data can only be processed under strict conditions, including a condition requiring the express permission of the person.

Data Protection Principles

Anyone processing personal data must comply with data protection principles.

These state that personal data must be:

- Processed fairly and lawfully
- Processed for limited purposes and in an appropriate way
- Adequate, relevant and not excessive
- Accurate and up to date
- Kept for no longer than is necessary
- Processes in accordance with the data subject's rights.
- Kept secure
- Not transferred to people or organisations situated in countries without adequate protection

Fair and Lawful Processing

- The Data Protection Legislation is intended to ensure that any processing of personal data is done fairly and without negatively affecting the data subject's rights. It is not intended to prevent processing all together.
- Personal data must be processed on the basis of one of the legal grounds set out in the Data Protection Legislation to be considered lawful. Among

others this includes the data subject's consent to the processing, the processing is necessary for the performance of the contract with the data subject, compliance with a legal obligation to which the data controller is subject, safeguarding purposes or for the legitimate interest of the data controller or party to whom the data is disclosed.

- Whenever special categories of personal data or information about criminal offences (such as DBS checks) are being processed, additional conditions must be met.
- Excel English will ensure that the above requirements are met at all times when processing personal data.

Processing for Limited Purposes

- Excel English may collect and process personal data for a number of purposes in the course of our business, including student enrolment, administration of courses, homestay details, recruitment of staff and staff administration, and compliance with our legal obligations.
- We will only process data for the specific purposes set out in this policy, or any other purpose permitted by the Data Protection Legislation. We will notify those purposes to the data subject when we first collect the data or as soon as possible thereafter.

Notifying Data Subjects

- If we collect personal data directly from data subjects, we will provide them with the transparency information required under the Data Protection Legislation. This includes the purpose(s) for which we intend to process that data, the types of third parties with which we may share the data and the existence of the rights of the data subjects.
- If we receive personal data from other sources, we will provide the data subject with this information as soon as possible thereafter.
- We will inform data subjects whose personal data we process that we are the data controller with regard to that data.

Necessary, Accurate & Timely Data

- We will not gather any unnecessary data and only collect personal data relevant to the extent that it is required for the specific purpose.
- We will ensure that personal data we hold is accurate and kept up to date. We will check the accuracy of any personal data at the point of collection and at regular intervals afterwards.

- We will take all possible steps to correct or destroy any data that is inaccurate or out of date.
- We will not keep personal data any longer than is necessary for the purpose it was originally collected. We will take all possible steps to destroy, or erase from our systems, any data that we no longer require.

Consent

Consent must be given before Excel English can use an individual's personal data:

- All students/clients should give Excel English consent to hold and use their personal data for specified purposes.
- All application forms for positions within Excel English must have a data protection statement and where to find this policy.
- Excel English must gain explicit consent to process sensitive personal data, such as the data subject's racial or ethnic origin, physical and mental health, sexuality, previous offences or any details relating to criminal convictions etc. Forms asking for this data must explain why it is needed and what will be done with it.

Consent does not have to be in writing e.g. when someone fills in an application form, their consent is implied by the act of filling in the form. However, to avoid the possibility of disputes Excel English will take all reasonable steps to ensure evidence of consent.

In order to give consent all staff, students, clients etc. must be issued with information about how their data is used. A standard statement on leaflets and forms, a standard paragraph in letters for new users or a notice in a contract is sufficient. Any statement about data protection needs to:

- Identify the company and the purpose(s) for which the data is required.
- Identify possible disclosures to other organisations and offer an opt in for this to occur
- Indicate any data items on forms that are voluntary.
- Explain explicitly why any sensitive data is required.

Staff must adhere to the following:

- Personal data can only be disclosed to a third party with consent or where there is a legal requirement
- Stick to the purposes specified when consent was given. I.e. data collected for one purpose cannot be used for another without gaining consent.
- The data protection implications must be reviewed whenever using data for any new or slightly different purpose is considered. The only exceptions to this are where the law requires a disclosure such as child protection, and where it is necessary to disclose information in connection with a crime.

Adhering to Data Subject's Rights

We will process all personal data in line with data subjects' rights. In particular their right to:

- Request access to any data held about them by a data controller.
- Prevent the processing of their data for direct marketing purposes.
- Request that any inaccurate data about them is corrected
- Their personal data being deleted
- Request that personal data is no longer used for certain purposes
- Have personal data provided to them in portable format.
- Not have decisions about them made by wholly automated means.

Please note that some of the rights listed above are limited to defined circumstances and we may not be able to comply with requests.

If a data subject is unhappy with the way we are processing, or have processed their personal data, they have the right to complain to the Information Commissioner's Office. More information about this can be found at: <https://ico.org.uk/concerns/>.

Managing Requests from Data Subjects

- Data subjects may make a request under the rights listed above, including access to information we hold about them. Employees who receive such a request should forward it to the Principal immediately.
- All employees will refer a request to their line manager, or Privacy Lead for help in difficult situations. Employees should not be bullied into disclosing personal information.
- When receiving telephone enquiries, we will ensure:
 - We have checked the identity of the caller to ensure that information is only given to a person who is entitled to it.
 - If their identity cannot be checked, we will recommend that they put their request in writing.

Security of your Data

- We will take security measures against unlawful and unauthorised processing of personal data.
- We will take measures to ensure against accidental loss, or damage to, personal data.
- We will ensure the security of the personal data we hold from the point of collection to the moment of destruction.
- Personal data will only be transferred to a data processor if they agree to comply with those procedures, or by putting in place adequate measures themselves.

- We will maintain data security by protecting the confidentiality, integrity and availability of the personal data. Definitions below.

Confidentiality	Only authorised people can access the personal data
Integrity	All personal data is accurate and suitable for the purpose it is collected.
Availability	Authorised users are able to access personal data if needed for authorised purposes. Therefore, personal data should be centrally located on the school's network instead of on individual PCs.

Security procedures include:

- Desks, cupboards, drawers and containers must be kept locked if they hold confidential information. (personal data is always considered confidential)
- All computers must be password protected if they can be used as a route to access personal information. computers must be logged off when it is left unattended.
- All computer users must also ensure that individual monitors do not show any confidential information to passers-by.
- All paper documents must be shredded and digital storage devices must be physically destroyed when no longer required.

Email and the Web

- Staff and volunteers/interns must take care when sending personal data in an email and must ensure they know who will be receiving the data and confirm that no-one else has access to the email account.
- Staff must make sure email addresses are not disclosed unnecessarily or inadvertently, e.g. use the BCC field when sending to multiple addresses.

Photographs

- Staff must get written consent before publishing photographs of individuals on a website or in a publication.
- The use of any photographs and the length of time they will be used should be made clear to the individual (the yearly brochure is different from a photo that appears in every advert for a service over a decade)

Disclosure and Sharing Personal Information

We will disclose personal data we hold to third parties:

- In the case of a third party acquiring the majority or all of our assets, personal data will constitute one of the transferred assets.
- Should we be under a duty to disclose or share a data subject's personal data to adhere to legal compliance, or to enforce or apply any contract with the data subject or other agreements; or to protect our rights, property, or safety of our employees, customers or others.

Changes

We reserve the right to change this policy at any time. Where appropriate, we will notify data subjects of those changes by mail or email.

Policy written: 14th May 2018

Policy written by: Kerry Dorling

To be reviewed: 14th May 2019

Acknowledgement

Please sign & date this form to acknowledge that you have read and understood Excel English's Data Protection policy.

Name: _____

Signature: _____

Date: _____