



## DATA PROTECTION AND GDPR

DEED is registered with ICO under the Data Protection Act.

### General Statement of the DEED's Duties

DEED processes relevant personal data regarding members of staff, volunteers, subscribers, course participants, supportive schools as part of its operation and shall take all reasonable steps to do so in accordance with this Policy.

### DEED and Data Protection

DEED is the Data Protection Controller and the DEED Administrator is the Data Compliance Officer (DCO) who will endeavour to ensure that all personal data is processed in compliance with this Policy and the Principles of the Data Protection Act 1998. The Freedom of Information Act 2000 and the Protection of Freedoms Act 2012 are also relevant to parts of this policy.

DEED recognises The General Data Protection Regulation (GDPR) (Regulation (EU) 2016/679) adopted 27 April 2016 and the Data Protection Act 2018.

### The Principles

DEED shall so far as is reasonably practicable comply with the Data Protection Principles (the Principles) contained in the Data Protection Act to ensure all data is:-

- Fairly and lawfully processed
- Processed for a lawful purpose
- Adequate, relevant and not excessive
- Accurate and up to date
- Not kept for longer than necessary
- Processed in accordance with the data subject's rights
- Secure
- Not transferred to other countries without adequate protection Data Protection Policy

### Personal Data

Personal data covers both facts and opinions about an individual where that data identifies an individual. For example, it includes information necessary for employment such as the member of staff's name and address and details for payment of salary. Personal data may also include sensitive personal data as defined in the Act.

Processing of Personal Data Consent may be required for the processing of personal data unless processing is necessary for the performance of the contract of employment. Any information which falls under the definition of personal data and is not otherwise exempt, will remain confidential and will only be disclosed to third parties with appropriate consent.

## **Sensitive Personal Data**

DEED may, from time to time, be required to process sensitive personal data. Sensitive personal data includes data relating to medical information, gender, religion, race, sexual orientation, trade union membership and criminal records and proceedings.

## **Rights of Access to Information**

Data subjects have the right of access to information held by DEED, subject to the provisions of the Data Protection Act 2018 and the Freedom of Information Act 2000. Any data subject wishing to access their personal data should put their request in writing to the DPC. DEED will endeavour to respond to any such written requests as soon as is reasonably practicable and in any event, within one month for access to records. The information will be imparted to the data subject as soon as is reasonably possible after it has come to the DEED's attention and in compliance with the relevant Acts.

## **Exemptions**

Personal data may not be processed unless there is at least one legal basis to do so. They include:

- For the legitimate interests of a data controller or a third party, unless these interests are overridden by the Charter of Fundamental Rights (especially in the case of children).
- To perform a task in the public interest or in official authority.
- To comply with a data controller's legal obligations.
- To fulfill contractual obligations with a data subject.
- To perform tasks at the request of a data subject who is in the process of entering into a contract with

## **Accuracy**

DEED will endeavour to ensure that all personal data held in relation to all data subjects is accurate. Data subjects must notify the data compliance officer of any changes to information held about them. Data subjects have the right in some circumstances to request that inaccurate information about them is erased. This does not apply in all cases, for example, where records of mistakes or corrections are kept, or records which must be kept in the interests of all parties to which they apply.

## **Enforcement**

If an individual believes that the DEED has not complied with this Policy or acted otherwise than in accordance with the Data Protection Act, the member of staff should utilise the DEED grievance procedure and should also notify the DPC (DEED trustees) and can also make a complaint to the ICO.

## **Data Security**

DEED will take appropriate technical and organisational steps to ensure the security of personal data.

All staff will be made aware of this policy and their duties under the Act.

DEED and therefore all staff are required to respect the personal data and privacy of others and must ensure that appropriate protection and security measures are taken against unlawful or unauthorised processing of personal data, and against the accidental loss of, or damage to all personal data.

An appropriate level of data security must be deployed for the type of data and the data compliance officer being performed. In most cases, personal data must be stored in appropriate systems. Other personal data may be for publication or limited publication within DEED, therefore having a lower requirement for data security.

### Secure Destruction

When data held in accordance with this policy is destroyed, it must be destroyed securely in accordance with best practice at the time of destruction.

### Retention of Data

DEED may retain data for differing periods of time for different purposes as required by statute or best practices. Other statutory obligations, legal processes and enquiries may also necessitate the retention of certain data. These differing time periods are detailed in our Retention of Records Policy.

### GDPR Compliance

In terms of GDPR we hold a schools and personal contacts and teaching staff's personal emails on our YMLP contact lists. All mailings from YMLP give the option for immediate un-subscription from the mailing list. Addresses are held until this time. These contacts are only added when we have had written consent for permission to send DEED mailings. Staff and Directors emails are also held for communication and legal requirements.

DEED complies with considering the lawful bases for processing which set out in Article 6 of the GDPR. At least one of these must apply whenever DEED processes personal data:

**(a) Consent:** the individual has given clear consent for you to process their personal data for a specific purpose.

**(b) Contract:** the processing is necessary for a contract you have with the individual, or because they have asked you to take specific steps before entering into a contract.

**(c) Legal obligation:** the processing is necessary for you to comply with the law (not including contractual obligations).

**(d) Vital interests:** the processing is necessary to protect someone's life.

**(e) Public task:** the processing is necessary for you to perform a task in the public interest or for your official functions, and the task or function has a clear basis in law.

**(f) Legitimate interests:** the processing is necessary for your legitimate interests or the legitimate interests of a third party unless there is a good reason to protect the individual's personal data which overrides those legitimate interests. (This cannot apply if you are a public authority processing data to perform your official tasks.)

Date Agreed by Directors	_____	Review Date	_____
Signed	_____	Position	_____
Signed	_____	Position	_____