OVERVIEW :

Wildmans Wagy Wonders reputation and future growth are dependent on the way Wildmans Waggy Wonders manages and protects Personal Data. Protecting the confidentiality and integrity of Personal Data is a key responsibility of everyone within Wildmans Waggy Wonders.

As an organisation that collects, uses and stores Personal Data about its employees, suppliers (sole traders, partnerships or individuals within companies), students, prospective students, alumni, governors, parents, visitors, and representatives of local employers and other businesses Wildmans Waggy Wonders recognises that having controls around the collection, use, retention and destruction of Personal Data is important in order to comply Data Protection Laws and in particular its obligations under GDPR.

Wildmans Waggy Wonders has implemented this Data Protection Policy to ensure all at Wildmans Waggy Wonders are aware of what they must do to ensure the correct and lawful treatment of Personal Data. This will maintain confidence in Wildmans Waggy Wonders and will provide for a successful working and learning environments for all.

Wildmans Waggy Wonders will receive a copy of this Policy when they start and will be informed when there are major revisions of this Policy. This Policy does not form part of any member of Wildmans Waggy Wonders contract of employment and Wildmans Waggy Wonders reserves the right to change this Policy at any time.

All members of Wildmans Waggy Wonders are obliged to comply with this Policy at all times.

If you have any queries concerning this Policy, please contact Wildmans Waggy Wonders Management who is responsible for ensuring the compliance with this Policy.

ABOUT THIS POLICY:

This Policy (and the other policies and documents referred to in it) sets out the basis on which Wildmans Waggy Wonders will collect and use Personal Data either where Wildmans Waggy Wonders collects it from individuals itself, or where it is provided to Wildmans Waggy Wonders by third parties. It also sets out rules on how Wildmans Waggy Wonders collects, uses, transfers and stores Personal Data.

It applies to all Personal Data stored electronically, in paper form, or otherwise.

Wildmans Waggy Wonders is responsible for approving the policy framework and for monitoring that it is effective in achieving compliance with data protection legislation.

Wildmans Waggy Wonders Management is responsible for ensuring that the supporting procedures and guidance are in place and that the policy is implemented to ensure Wildmans Waggy Wonders is compliant with data protection legislation.

DEFINITIONS:

Any employee, worker or contractor who accesses any of Wildmans Waggy Wonders Personal Data and will include employees, consultants, contractors, and temporary personnel hired to work on behalf of Wildmans Waggy Wonders.

Any entity (e.g. company, organisation or person) that makes its own decisions about how it is going to collect and use Personal Data. A common misconception is that individuals within organisations are the Controllers. This is not the case; it is Wildmans Waggy Wonders itself which is the Controller.

Data Protection Laws:

The General Data Protection Regulation (Regulation (EU) 2016/679) and all applicable laws relating to the collection and use of Personal Data and privacy and any applicable codes of practice issued by a regulator including in the UK, the Data Protection Act 2018.

Data Protection Officer – Our current Data Protection Officer (DPO) is Glynis Bromley, Wildmans Waggy Wonders Management team, and can be contacted at: telephone: 07443852272 or email: bromleyg@gmail.co.uk.

Individuals – Living individuals who can be identified, directly or indirectly, from information that Wildmans Waggy Wonders has. For example, an individual could be identified directly by name, or indirectly by gender, job role and office location if you can use this information to work out who they are. Individuals include employees, students, parents, visitors and potential students. Individuals also include partnerships and sole traders.

Personal Data – Any information about an Individual (see definition above) which identifies them or allows them to be identified in conjunction with other information that is held. It includes information of this type, even if used in a business context. Personal data is defined broadly and covers things such as name, address, email address (including in a business context, email addresses of Individuals in companies such as firstname.surname@organisation.com), IP address and also more.

sensitive types of data such as trade union membership, genetic data and religious beliefs. These more sensitive types of data are called “Special Categories of Personal Data” and are defined below. Special Categories of Personal Data are given extra protection by Data Protection Laws.

Processor – Any entity (e.g. company, organisation or person) which accesses or uses Personal Data on the instruction of a Controller. A Processor is a third party that processes Personal Data on behalf of a Controller. This is usually as a result of the outsourcing of a service by the Controller or the provision of services by the Processor which involve access to or use of Personal Data. Examples include where software support for a system, which contains Personal Data, is provided by someone outside the business.

Special Categories of Personal Data – Personal Data that reveals a person’s racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic data (i.e. information about their inherited or acquired genetic characteristics), biometric data (i.e. information about their physical, physiological or behavioural characteristics such as facial images and fingerprints), physical or mental health, sexual life or sexual orientation and criminal record. Special Categories of Personal Data are subject to additional controls in comparison to ordinary Personal Data.

* Wildmans Waggy Wonders must comply with this policy.
* Wildmans Waggy Wonders must ensure that they keep confidential all Personal Data that they collect, store, use and come into contact with during the performance of their duties.
* Wildmans Waggy Wonders must not release or disclose any Personal Data: outside Wildmans Waggy Wonders or inside Wildmans Waggy Wonders between departments not authorised to access the Personal Data, without specific authorisation from their manager or the DPO; this includes by phone calls or in emails.
* Wildmans Waggy Wonders must take all steps to ensure there is no unauthorised access to Personal Data whether by other staff who are not authorised to see such Personal Data or by people outside Wildmans Waggy Wonders.

DATA PROTECTION PRINCIPLES:

When using Personal Data, Data Protection Laws require that Wildmans Waggy Wonders complies with the following principles. These principles require Personal Data to be:

* Processed lawfully, fairly and in a transparent manner.
* Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes.
* Adequate, relevant and limited to what is necessary for the purposes for which it is being processed.
* Accurate and kept up to date, meaning that every reasonable step must be taken to ensure that Personal Data that is inaccurate is erased or rectified as soon as possible.
* Kept for no longer than is necessary for the purposes for which it is being processed.
* 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.
* In addition to complying with the above requirements Wildmans Waggy Wonders also has to demonstrate in writing that it complies with them. Wildmans Waggy Wonders has a number of policies and procedures in place, including this Policy and the documentation referred to in it, to ensure that Wildmans Waggy Wonders can demonstrate its compliance.

LAWFUL USE OF PERSONAL DATA:

* In order to collect and/or use Personal Data lawfully Wildmans Waggy Wonders needs to be able to show that its use meets one of a number of legal grounds.
* This applies to most aspects of the learner’s journey, including applications, enrolments, assessment arrangements, training delivered through subcontractors, borrowing library resources and other equipment, providing services to clients and guests as an educational establishment and using IT services.
* Additionally, public task is the lawful basis for processing activities relating to the infrastructure that enables it to perform its official duties, for example in Human Resources, Finance, Safeguarding.
* Some processing activities are based on consent. This includes marketing and retaining contact with prospective learners, networks, placing orders for learners, learner satisfaction surveys and counselling.
* Wildmans Waggy Wonders undertakes processing activities for staff development on the basis of contract and undertakes marketing activities with current learners and external suppliers on the basis of legitimate interests.

Wildmans Waggy Wonders sets out the legal grounds for processing data in the privacy notices on its website and in the enrolment form for learners.

If Wildmans Waggy Wonders changes how it uses Personal Data, Wildmans Waggy Wonders needs to update this record and may also need to notify Individuals about the change. If Wildmans Waggy Wonders staff therefore intend to change how they use Personal Data at any point, they must notify the DPO who will decide whether their intended use requires amendments to be made and any other controls which need to apply.

TRANSPARENT PROCESSING – PRIVACY NOTICES:

* Where Wildmans Waggy Wonders collects Personal Data directly from Individuals, Wildmans Waggy Wonders will inform them about how Wildmans Waggy Wonders uses their Personal Data.
* This is in a privacy notice.
* If Wildmans Waggy Wonders changes how it uses Personal Data, Wildmans Waggy Wonders may need to notify Individuals about the change.
* If Wildmans Waggy Wonders therefore intend to change how they use Personal Data, please notify the DPO who will decide whether Wildmans Waggy Wonders staff intended use requires amendments to be made to the privacy notices and any other controls which need to apply.

DATA QUALITY – ENSURING THE USE OF ACCURATE, UP TO DATE AND RELEVANT PERSONAL DATA

* Data Protection Laws require that Wildmans Waggy Wonders only collects and processes Personal Data to the extent that it is required for the specific purpose(s) notified to the Individual in a privacy notice.
* Wildmans Waggy Wonders is also required to ensure that the Personal Data Wildmans Waggy Wonders holds is accurate and kept up to date.
* Wildmans Waggy Wonders staff that collect and record Personal Data shall ensure that the Personal Data is recorded accurately, is kept up to date and shall also ensure that they limit the collection and recording of Personal Data to that which is adequate, relevant and limited to what is necessary in relation to the purpose for which it is collected and used.
* Wildmans Waggy Wonders staff that obtain Personal Data from sources outside Wildmans Waggy Wonders shall take reasonable steps to ensure that the Personal Data is recorded accurately, is up to date and limited to that which is adequate, relevant and limited to what is necessary in relation to the purpose for which it is collected and used.
* This does not require Wildmans Waggy Wonders to independently check the Personal Data obtained.
* In order to maintain the quality of Personal Data, all Wildmans Waggy Wonders staff that access Personal Data shall ensure that they review, maintain and update it to ensure that it remains accurate, up to date, adequate, relevant and limited to what is necessary in relation to the purpose for which it is collected and used.
* This does not apply to Personal Data which Wildmans Waggy Wonders must keep in its original form (e.g. for legal reasons or that which is relevant to an investigation).
* Wildmans Waggy Wonders recognises the importance of ensuring that Personal Data is amended, rectified, erased or its use restricted where this is appropriate under Data Protection Laws.
* Wildmans Waggy Wonders has a Rights of Individuals Policy and a Rights of Individuals Procedure which set out how Wildmans Waggy Wonders responds to requests relating to these issues. Any request from an individual for the amendment, rectification, erasure or restriction of the use of their Personal Data should be dealt with in accordance with those documents.

PERSONAL DATA MUST NOT BE KEPT FOR LONGER THAN NEEDED:

* Data Protection Laws require that Wildmans Waggy Wonders does not keep Personal Data longer than is necessary for the purpose or purposes for which the Wildmans Waggy Wonders collected it.
* Wildmans Waggy Wonders has assessed the types of Personal Data that it holds and the purposes it uses it for and has set retention periods for the different types of Personal Data processed by Wildmans Waggy Wonders, the reasons for those retention periods and how Wildmans Waggy Wonders securely deletes Personal Data at the end of those periods. These are set out in the Retention of Records Policy.
* If Wildmans Waggy Wonders staff feel that a particular item of Personal Data needs to be kept for more or less time than the retention period set out in the Retention of Records Policy, for example because there is a requirement of law, or if Wildmans Waggy Wonders staff have any questions about this Policy or the Wildmans Waggy Wonders Personal Data retention practices, they should contact the DPO for guidance.
* At the end of the retention period Personal data will be disposed of securely.

DATA SECURITY:

* Wildmans Waggy Wonders takes information security very seriously and Wildmans Waggy Wonders has security measures against unlawful or unauthorised processing of Personal Data and against the accidental loss of, or damage to, Personal Data.
* Wildmans Waggy Wonders has in place procedures and technologies to maintain the security of all Personal Data from the point of collection to the point of destruction.

DATA BREACH:

* Whilst Wildmans Waggy Wonders takes information security very seriously, unfortunately, it is possible that a security breach could happen which may result in the unauthorised loss of, access to, deletion of or alteration of Personal Data. If this happens there will be a Personal Data breach and Wildmans Waggy Wonders staff must comply with the Wildmans Waggy Wonders Personal Data Breach Notification Policy.
* There are important obligations with which Wildmans Waggy Wonders staff need to comply with in the event of Personal Data breaches.
* Personal Data breach is defined very broadly and is effectively any failure to keep Personal Data secure, which leads to the accidental or unlawful loss (including loss of access to), destruction, alteration or unauthorised disclosure of Personal Data. Whilst most Personal Data breaches happen as a result of action taken by a third party, they can also occur as a result of something someone internal does.

There are three main types of Personal Data breach which are as follows:

* Confidentiality breach - where there is an unauthorised or accidental disclosure of, or access to, Personal Data e.g. hacking, accessing internal systems that a Wildmans Waggy Wonders staff is not authorised to access, accessing Personal Data stored on a lost laptop, phone or other device, people “blagging” access to Personal Data they have no right to access, putting the wrong letter in the wrong envelope, sending an email to the wrong student, or disclosing information over the phone to the wrong person.
* Availability breach - where there is an accidental or unauthorised loss of access to, or destruction of, Personal Data e.g. loss of a memory stick, laptop or device, denial of service attack, infection of systems by ransom ware, deleting Personal Data in error, loss of access to Personal Data stored on systems, inability to restore access to Personal Data from back up, or loss of an encryption key.
* Integrity breach - where there is an unauthorised or accidental alteration of Personal Data.

APPOINTING CONTRACTORS WHO ACCESS PERSONAL DATA:

* If Wildmans Waggy Wonders appoints a contractor who is a Processor of Wildmans Waggy Wonders Personal Data, Data Protection Laws require that Wildmans Waggy Wonders only appoints them where Wildmans Waggy Wonders has carried out sufficient due diligence and only where Wildmans Waggy Wonders has appropriate contracts in place.
* One requirement of GDPR is that a Controller must only use Processors who meet the requirements of the GDPR and protect the rights of individuals. This means that data protection due diligence should be undertaken on both new and existing suppliers. Once a Processor is appointed, they should be audited periodically to ensure that they are meeting the requirements of their contract in relation to Data Protection.
* Any contract where an organisation appoints a Processor must be in writing.
* A Processor is considered as having been appointed where someone is engaged to perform a service and as part of that they may get access to Wildmans Waggy Wonders Personal Data.
* Where a Processor is appointed Wildmans Waggy Wonders, as Controller, remain responsible for what happens to the Personal Data.

GDPR requires the contract with a Processor to contain the following obligations as a minimum:

* To only act on the written instructions of the Controller.
* To not export Personal Data without the Controller’s instruction.
* To ensure staff are subject to confidentiality obligations.
* To take appropriate security measures.
* To only engage sub-processors with the prior consent (specific or general) of the Controller and under a written contract.
* To keep the Personal Data secure and assist the Controller to do s.
* To assist with the notification of Data Breaches and Data Protection Impact Assessments.
* To assist with subject access/individuals’ rights.
* To delete/return all Personal Data as requested at the end of the contract.
* To submit to audits and provide information about the processing; and to tell the Controller if any instruction is in breach of the GDPR or other EU or member state data protection law.

In addition, the contract should set out:

* The subject-matter and duration of the processing.
* The nature and purpose of the processing.
* The type of Personal Data and categories of individuals and the obligations and rights of the Controller.

INDIVIDUALS’ RIGHTS:

* GDPR gives individuals more control about how their data is collected and stored and what is done with it. Some existing rights of individuals have been expanded upon and some new rights have been introduced.

The different types of rights of individuals are reflected below:

* Subject Access Requests - Individuals have the right under the GDPR to ask Wildmans Waggy Wonders to confirm what Personal Data they hold in relation to them and provide them with the data. The timescale for providing it is one calendar month from the date of receipt of the request, (with a possible extension if it is a complex request). Subject Access Requests are often made in the context of a dispute. However, all Subject Access Requests must be handled appropriately to avoid a complaint being made.
* Right of Erasure (Right to be Forgotten) - This is a limited right for individuals to request the erasure of Personal Data concerning them where the use of the Personal Data is no longer necessary. Their consent is withdrawn and there is no other legal ground for the processing. The individual objects to the processing and there are no overriding legitimate grounds for the processing. The Personal Data has been unlawfully processed; and the Personal Data has to be erased for compliance with a legal obligation. In a marketing context, where Personal Data is collected and processed for direct marketing purposes, the individual has a right to object to processing at any time. Where the individual objects, the Personal Data must not be processed for such purposes.
* Right of Data Portability - An individual has the right to request that data concerning them is provided to them in a structured, commonly used and machine readable format where the processing is based on consent or on a contract and the processing is carried out by automated means. This right isn’t the same as subject access and is intended to give individuals a subset of their data.
* The Right of Rectification and Restriction - Individuals are also given the right to request that any Personal Data is rectified if inaccurate and to have use of their Personal Data restricted to particular purposes in certain circumstances.

Wildmans Waggy Wonders will use all Personal Data in accordance with the rights given to Individuals under Data Protection Laws. These documents contain important obligations which College Personnel need to comply with in relation to the rights of Individuals over their Personal Data.

MARKETING AND CONSENT:

* Wildmans Waggy Wonders will sometimes contact Individuals to send them marketing or to promote Wildmans Waggy Wonders. Where Wildmans Waggy Wonders carries out any marketing, Data Protection Laws require that this is only done in a legally compliant manner.
* Marketing consists of any advertising or marketing communication that is directed to particular individuals.
* Privacy and Electronic Communications Regulations (PECR) sit alongside data protection. PECR apply to direct marketing i.e. a communication directed to particular individuals and covers any advertising/marketing material. It applies to electronic communication i.e. calls, emails, texts, faxes. PECR rules apply even if you are not processing any personal data.
* Consent is central to electronic marketing.

AUTOMATED DECISION MAKING AND PROFILING:

* Under Data Protection Laws there are controls around profiling and automated decision making in relation to Individuals. Automated Decision Making happens where Wildmans Waggy Wonders makes a decision about an Individual solely by automated means without any human involvement and the decision has legal or other significant effects; and Profiling happens where Wildmans Waggy Wonders automatically uses Personal Data to evaluate certain things about an Individual.
* Any Automated Decision Making or Profiling which Wildmans Waggy Wonders carries out can only be done once Wildmans Waggy Wonders is confident that it is complying with Data Protection Laws. If Wildmans Waggy Wonders staff therefore wish to carry out any Automated Decision Making or Profiling Wildmans Waggy Wonders staff must inform the DPO.
* Wildmans Waggy Wonders staff must not carry out Automated Decision Making or Profiling without the approval of the DPO.
* Wildmans Waggy Wonders does not carry out Automated Decision Making or Profiling in relation to its employees.

DATA PROTECTION IMPACT ASSESSMENTS (DPIA):

* The GDPR introduce a new requirement to carry out a risk assessment in relation to the use of Personal Data for a new service, product or process. This must be done prior to the processing via a Data Protection Impact Assessment (“DPIA”). A DPIA should be started as early as practical in the design of processing operations. A DPIA is an assessment of issues affecting Personal Data which need to be considered before a new product/service/process is rolled out.
* The process is designed to describe the collection and use of Personal Data, assess its necessity and its proportionality in relation to the purposes. It assesses the risks to the rights and freedoms of individuals and the measures to address the risks.
* A DPIA must be completed where the use of Personal Data is likely to result in a high risk to the rights and freedoms of individuals. The procedure for making an assessment of issues affecting Personal Data which need to be considered before a new product/service/process is rolled out.
* Where Wildmans Waggy Wonders is launching or proposing to adopt a new process, product or service which involves Personal Data Wildmans Waggy Wonders needs to consider whether it needs to carry out a DPIA as part of the project initiation process.
* Wildmans Waggy Wonders needs to carry out a DPIA at an early stage in the process so that Wildmans Waggy Wonders can identify and fix problems with its proposed new process, product or service at an early stage, reducing the associated costs and damage to reputation, which might otherwise occur.
* Situations where Wildmans Waggy Wonders may have to carry out a Data Protection Impact Assessment include the following (please note that this list is not exhaustive): large scale and systematic use of Personal Data for the purposes of Automated Decision Making or Profiling (see definitions above) where legal or similarly significant decisions are made.
* All DPIAs must be reviewed and approved by the DPO.