

# Information Security and Data Protection Policy



## Skills Construction Centre Fair Processing Statement

As a recruitment and training company Skills Recruitment Ltd, trading as Skills Construction Centre (SCC) processes personal data in relation to its own staff, work-seekers, learners and individual client contacts. It is vitally important that we abide by the principles of the Data Protection Act 1998 set out below.

SCC holds data on individuals for the following general purposes:

- Staff Administration
- Advertising, marketing and public relations
- Accounts and records
- Administration and processing of work-seekers personal data for the purposes of work-finding services
- Learners information for educational purposes

The Data Protection Act 1998 requires SCC as data controller to process data in accordance with the principles of data protection. These require that data shall be:

1. Fairly and lawfully processed
2. Processed for limited purposes
3. Adequate, relevant and not excessive
4. Accurate
5. Not kept longer than necessary
6. Processed in accordance with the data subjects' rights
7. Kept securely
8. Not transferred to countries outside the European Economic Area without adequate protection.

Personal data means data, which relates to a living individual who can be identified from the data or from the data together with other information, which is in the possession of, or is likely to come into possession of, SCC.

Processing means obtaining, recording or holding the data or carrying out any operation or set of operations on the data. It includes organising, adapting and amending the data, retrieval, consultation and use of the data, disclosing and erasure or destruction of the data. It is difficult to envisage any activity involving data, which does not amount to processing. It applies to any processing that is carried out on computer including any type of computer however described, main frame, desktop, laptop, palm top etc.

Data should be reviewed on a regular basis to ensure that it is accurate, relevant and up to date and those people listed in the appendix shall be responsible for doing this.

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Data may only be processed with the consent of the person whose data is held. Therefore, if they have not consented to their personal details being passed to a third party this may constitute a breach of the Data Protection Act 1998. By instructing Skills Recruitment Ltd to look for work and providing us with personal data contained in a CV work-seekers will be giving their consent to processing their details for work-finding purposes. If you intend to use their data for any other purpose you must obtain their specific consent.

However, caution should be exercised before forwarding personal details of any of the individuals on which data is held to any third party such as past, current or prospective employers; suppliers; customers and clients; persons making an enquiry or complaint and any other third party.

Data in respect of the following is “sensitive personal data” and any information held on any of these matters MUST not be passed on to any third party without the express written consent of the individual:

- Any offence committed or alleged to be committed by them
- Proceedings in relation to any offence and any sentence passed
- Physical or mental health or condition
- Racial or ethnic origins
- Sexual life
- Political opinions
- Religious beliefs or beliefs of a similar nature
- Whether someone is a member of a trade union

From a security point of view, only those staff listed in the appendix should be permitted to add, amend or delete data from the database. However, all staff are responsible for notifying those listed where information is known to be old, inaccurate or out of date. In addition, all employees should ensure that adequate security measures are in place. For example:

- Computer screens should not be left open by individuals who have access to personal data
- Passwords should not be disclosed
- Email should be used with care
- Personnel and learner files and other personal data should be stored in a place in which any unauthorised attempts to access them will be noticed. They should not be removed from their usual place of storage without good reason.
- Personnel and learner files should always be locked away when not in use and when in use should not be left unattended
- Any breaches of security should be treated as a disciplinary issue.
- Care should be taken when sending personal data in internal or external mail
- Destroying or disposing of personal data counts as processing. Therefore, care should be taken in the disposal of any personal data to ensure that it is appropriate. For example, it would have been more appropriate to shred sensitive data than merely to dispose of it in the dustbin.

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It should be remembered that the incorrect processing of personal data e.g. sending an individual's details to the wrong person; allowing unauthorised persons access to personal data; or sending information out for purposes for which the individual did not give their consent, may give rise to a breach of contract and/or negligence leading to a claim against Skills Recruitment Ltd for damages from an employee, work-seeker or client contact. A failure to observe the contents of this policy will be treated as a disciplinary offence.

Data subjects, i.e. those on whom personal data is held, are entitled to obtain access to their data on request and after payment of a fee. All requests to access data by data subjects i.e. staff, members, customers or clients, suppliers, students etc should be referred to Sonya Daley whose details are also listed on the appendix to this policy.

Any requests for access to a reference given by a third party must be referred to Sonya Daley and should be treated with caution even if the reference was given in relation to the individual making the request. This is because the person writing the reference also has a right to have their personal details handled in accordance with the Data Protection Act 1998, and not disclosed without their consent. Therefore, when taking up references an individual should always be asked to give their consent to the disclosure of the reference to a third party and/or the individual who is the subject of the reference if they make a subject access request. However, if they do not consent then consideration should be given as to whether the details of the individual giving the reference can be deleted so that they cannot be identified from the content of the letter. If so the reference may be disclosed in an anonymised form.

Finally, it should be remembered that all individuals have the following rights under the Human Rights Act 1998 and in dealing with personal data these should be respected at all times:

- Right to respect for private and family life [Article 8]
- Freedom of thought, conscience and religion [Article 9]
- Freedom of expression [Article 10]
- Freedom of assembly and association [Article 11]
- Freedom from discrimination [Article 14]

Appendix of Individuals within SCC responsible for Data Processing: Updated 04/01/2022

Sonya Daley	
Lorraine Grainger	Nicola Carter
Gemma Byrne	Demi Johnson
Rachel Moon	Donna Brennan
Luca Simone	
Josh Wragg	
Jade Cook	

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## Policy

### Introduction

- This document outlines the steps which all members of Skills Construction Centre must take to ensure that Skills Construction Centre complies with the General Data Protection Regulations (GDPR) and supplementary enacting Data Protection legislation.
- Skills Construction Centre is committed to being transparent about how it collects and processes the personal data of its learners, employees and visitors to meet its data protection obligations. This policy sets out Skills Construction Centre's commitment to data protection, and individual rights and obligations in relation to personal data.
- All members of Skills Construction Centre have a duty to ensure compliance with the GDPR.
- This policy applies to all personal and special category data that is held and processed by Skills Construction Centre. The GDPR are technologically neutral, so this policy covers all manual records and data held electronically.

The definition of "Personal data" is any information that relates to an individual who can be identified from that information.

"Special categories of personal data" means information about an individual's racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, health, sex life or sexual orientation and biometric data.

"Processing" is any use that is made of data, including collecting, storing, amending, disclosing or destroying it.

### 2. Scope of this Policy

This policy applies to all staff, learners and apprentices. It also applies to the following when they are acting on behalf of Skills Construction Centre; employers of apprentices, contractors, subcontractors and any other third party.

### 3. Status of this Policy

This policy does not form part of the formal contract of employment for staff, but it is a condition of employment that employees will abide by the rules and policies made by Skills Construction Centre. Any failure to follow this policy can therefore result in disciplinary proceedings or criminal prosecution for serious breaches.

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### 4. Principles of the General Data Protection Regulations

The GDPR are in place to protect individuals by regulating the way in which Skills Construction Centre collects, retains and uses personal data. Storing and processing data is governed by specific principles which state that Skills Construction Centre shall:

- Process personal data lawfully, fairly and in a transparent manner;
- Collect personal data only for specified, explicit and legitimate purposes;
- Process personal data only where it is adequate, relevant and limited to what is necessary for the purposes of processing;
- Keep accurate personal data and take all reasonable steps to ensure that inaccurate personal data is rectified or deleted without delay;
- Keep personal data only for the period necessary for processing;
- Adopt appropriate measures to make sure that personal data is secure, and protected; against unauthorised or unlawful processing, and accidental loss, destruction or damage;
- Implement organisational and technical measures to ensure and be able to demonstrate that processing is performed in accordance with the regulations.

### 5. Skills Construction Centre Policy Statement

Skills Construction Centre will:

- Comply with the General Data Protection Regulations.
- Follow the relevant conditions for the lawful, fair and transparent processing of personal data.
- Tell individuals the reasons for processing their personal data, how it uses such data and the legal basis for processing in its privacy notices. It will not process personal data of individuals for other reasons.
- Provide information to staff, learners, employers, visitors and the general public on their rights under the GDPR.
- Hold only the minimum personal data necessary to carry out Skills Construction Centre's functions.
- Make every effort to ensure the accuracy of the information held and ensure that where records include opinions and/or intentions, these are carefully and professionally expressed.
- Update data promptly if an individual advises that their information has changed or is inaccurate.
- Ensure that data which is no longer required or has reached its legal retention limit is securely destroyed.
- Advise individuals of the periods for which Skills Construction Centre holds personal data. The retention period will be contained in all privacy notices.

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- Ensure that all Skills Construction Centre policies and processes comply with the GDPR and any new policies and procedures are privacy impact assessed and have individual's privacy at their core.
- Periodically review and extend existing security measures to ensure these include all records containing personal information and continue to be effective in preventing the unauthorised or unlawful processing, or disclosure, accidental loss, alteration, damage and destruction of data and, consider adopting further safeguards, including for example, the use of encryption to secure e-mail attachments and privacy of internet communication.
- Use personal data for the direct marketing of goods or services in circumstances where individuals have opted to receive it.
- Only use wholly automated decision-making processes where this is necessary.
- Ensure all requests from individuals to access their personal data are dealt with as quickly as possible and at the latest within one month of receipt of the request.
- Keep a record of its processing activities in respect of personal data being transferred to a third party, in accordance with the requirements of the General Data Protection Regulations.

### 6. The Data Protection Officer

The Designated Data Protection Officer (DPO) for Skills Construction Centre is responsible for ensuring that Skills Construction Centre is registered with the Information Commissioner's Office and that appropriate policies and procedures are in place. The Data Protection Officer will also ensure that procedures and processes are in place for dealing with data breaches, document retention, data security, subject access and freedom of information requests and will be the lead at any Information Commissioners Office (ICO) inspection.

Any member of staff, student or other individual who considers that the Policy has not been followed in respect of personal data about himself or herself should raise the matter with the Data Protection Officer.

### 7. Responsibilities of Staff

All staff are responsible for:

- Checking that any information that they provide to Skills Construction Centre in connection with their employment is accurate and up to date.
- Informing Skills Construction Centre of any changes to information that they have provided, e.g. changes of address, either at the time of appointment or subsequently. Skills Construction Centre cannot be held responsible for any errors unless the staff member has informed Skills Construction Centre of such changes.

As and when, as part of their responsibilities, staff collect information about other people they must comply with this policy and guidelines.

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## 8. Student Obligations

- 8.1 Students must ensure that all personal data provided to Skills Construction Centre is accurate and up to date. They must ensure that changes of address and contact details are provided to Skills Construction Centre.
- 8.2 Students who may from time to time process personal data as part of their studies must notify their tutor, who should inform the Data Protection Officer, and must comply with the guidelines for data collection and security as set out in Skills Construction Centre's GDPR Code of Practice.
- 8.3 Students are not permitted to upload images of staff to social media accounts, as this would be a breach of privacy and may result in disciplinary action.

## 9. Training

Employees will be trained to an appropriate level in the use and control of personal data and guidance will be issued to employees explaining their rights and responsibilities under the Act, including the requirement to comply with this policy, the Code of Practice and any other relevant procedures, to ensure best practice is followed in all its information handling processes.

Skills Construction Centre will provide training to all individuals about their data protection responsibilities as part of the induction process and at regular intervals thereafter.

Individuals whose roles require regular access to special category data, or who are responsible for implementing this policy or responding to subject access requests under this policy, will receive additional training to help them understand their duties and how to comply with them.

Staff and students will be provided with information outlining what data is held about them and their rights under GDPR. For learners this will be included in privacy notices and the student handbook. Staff will receive a new GDPR compliant employee privacy notice.

## 10. Data Security

- 10.1 Skills Construction Centre takes the security of all personal data seriously. Skills Construction Centre has internal policies and controls in place to protect personal data against loss, accidental destruction, misuse or disclosure, and to ensure that data is not accessed, except by employees in the proper performance of their duties.
- 10.2 All staff are responsible for ensuring that:
- 10.2.1. Any personal data that they hold is kept securely;
- 10.2.2 Personal information is not disclosed either orally, in writing or digitally or by any other means, accidentally or otherwise, to any unauthorised third party;

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10.2.3. Staff should note that unauthorised disclosure will usually be a disciplinary matter, and may be considered gross misconduct in some cases (see Disciplinary Policy for further details);

10.2.4. Personal information, whether electronic or paper based, should be stored securely and in keeping with Skills Construction Centre procedures for document retention. Information should only be removed from its storage location when operationally necessary and with appropriate security measures in place.

10.2.5. If personal data is computerised, it must be encrypted or password protected on a device that is regularly backed up to Skills Construction Centre network.

10.3 Skills Construction Centre aims to minimise the storage of, and, access to personal data on removable media, such as laptops, external hard drives, flash drives and USB pens which may be lost or stolen. The requirements apply to all occasions where mobile devices or portable storage is used. Permission to store personal data on portable and removable media, must be given by the Data Protection Officer.

### 11. IT Systems and Security Under GDPR

- Even though the General Data Protection Regulations are technologically neutral, they have significant implications for IT systems and cyber security. Skills Construction Centre is required to provide 'appropriate technical and organisational measures', to ensure personal data is stored securely.
- Individuals have the right to reasonably anticipate that their data will be stored securely and Skills Construction Centre has safeguards in place to protect from hacking or malicious attacks.
- Skills Construction Centre has an Acceptable Use Policy and Information Security Policy which provide a framework for best operational practice, to minimise risk and respond effectively to new IT security threats and vulnerabilities as they emerge.
- Periodic risk assessments and health checks are undertaken to assess the IT security controls in place and ensure they provide the appropriate level of protection against cybersecurity threats.
- Skills Construction Centre provides anti-virus software to all PCs connected to Skills Construction Centre network and this is licensed for use on staff and student home computers, to reduce the transfer of malicious software.
- Skills Construction Centre provides separate domains/networks for staff and students.

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- Access to staff network services requires a unique user login.
- In order to comply with the GDPR principle of keeping the minimum amount of data, personal data is retained in line with Awarding Body/funding requirements.
- To protect against cybersecurity threats and ensure the data stored is secure, Skills Construction Centre has an array of security measures in place, e-mail filtering, spyware, virus protection, encryption and rights management,

### 12. Cloud Storage

- There are an increasing number of services offering 'cloud storage' where users can upload documents, photos, videos and other files to share or act as a backup. These files can then be accessed from any location or device. Storing information in the 'cloud' means you are storing data on servers external to Skills Construction Centre that are controlled by someone else.
- Skills Construction Centre has some of its core data systems in the cloud; qualis direct and Skillsfile (e-portfolio systems). The data is under strict contractual agreement, to ensure compliance with GDPR. Use of further systems has to gain Directors approval.

### 13. Rights to Access Information

- All staff and students, as data subjects, have a number of rights in relation to their personal data. Individuals have the right to make a subject access request. If an individual makes a subject access request, Skills Construction Centre will provide them with the following:
  - whether or not their data has been processed and if so why, the categories of personal data concerned and the source of the data if it is not collected from the individual;
  - to whom their data has or may be disclosed, including to recipients located outside the European Economic Area (EEA) and the safeguards that apply to such transfers;
  - for how long their personal data will be stored (or how that period is decided);
  - their rights to rectification or erasure of data, or to restrict or object to processing;
    - their right to complain to the Information Commissioner if they think Skills Construction Centre has failed to comply with his/her data protection rights; and
  - whether or not Skills Construction Centre carries out automated decision-making and the logic involved in any such decision-making.
- Skills Construction Centre will also provide the individual with a copy of the personal data undergoing processing. This will normally be in electronic form if the individual has made a request electronically, unless he/she agrees otherwise.
- If the individual requires additional copies, Skills Construction Centre will charge a fee, which will be based on the administrative cost to Skills Construction Centre of providing the additional copies.
- To make a subject access request, the individual should send the request in writing to the Data Protection Officer. In some cases, Skills Construction Centre may need to ask for proof

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of identification before the request can be processed. Skills Construction Centre will inform the individual if it needs to verify his/her identity and the documents it requires to do so.

- Skills Construction Centre will normally respond to a request within a period of one month from the date it is received. In some cases, such as where Skills Construction Centre processes large amounts of the individual's data, it may respond within three months of the date the request is received. Skills Construction Centre will write to the individual within one month of receiving the original request to tell him/her if this is the case.
- To prevent delay by having to ask data subjects for further information and, to ensure these are processed within the necessary time scale, all requests from data subjects must:
  - be made in writing;
  - be accompanied by adequate proof of the identity of the data subject and, where applicable the written authorisation of the data subject if the request is being made on their behalf by a legal or lawfully appointed representative or, authorised agent;
  - specify the information required;
  - give adequate information to enable the requested data to be located;
- If a subject access request is manifestly unfounded, unauthorised or excessive, Skills Construction Centre is not obliged to comply with it. Alternatively, Skills Construction Centre can agree to respond but will charge a fee, which will be based on the administrative cost of responding to the request. A subject access request is likely to be manifestly unfounded or excessive where it repeats a request to which Skills Construction Centre has already responded. If an individual submits a request that is unfounded or excessive, Skills Construction Centre will notify him/her that this is the case and whether or not it will respond to it.

### 14. Other rights of individuals

Individuals have a number of other rights in relation to their personal data. They can require Skills Construction Centre to:

- rectify inaccurate data;
- stop processing or erase data that is no longer necessary for the purposes of processing;
- stop processing or erase data if the individual's interests override Skills Construction Centre's legitimate grounds for processing data (where Skills Construction Centre relies on its legitimate interests as a reason for processing data);
- stop processing or erase data if processing is unlawful; and
- stop processing data for a period if data is inaccurate or if there is a dispute about whether or not the individual's interests override Skills Construction Centre's legitimate grounds for processing data.

To ask Skills Construction Centre to take any of the steps in 12.1, the individual should send the request in writing to Skills Construction Centre report inaccurate or changes to data.

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### 15. Individual Responsibilities

- Individuals are responsible for helping Skills Construction Centre keep their personal data up to date. Individuals should let Skills Construction Centre know if data provided to Skills Construction Centre changes, for example if an individual moves house or changes his/her bank details.
- Individuals may have access to the personal data of other colleagues, learners, employers, visitors in the course of their employment, contract, study or apprenticeship. Where this is the case, Skills Construction Centre relies on individuals to help meet its data protection obligations.
- Individuals who have access to personal data are required:
  - to access only data that they have authority to access and only for authorised purposes;
  - not to disclose data except to individuals (whether inside or outside Skills Construction Centre) who have appropriate authorisation;
  - to keep data secure (for example by complying with rules on access to premises, computer access, including password protection, and secure file storage and destruction);
  - not to remove personal data, or devices containing or that can be used to access personal data, from Skills Construction Centre's premises without adopting appropriate security measures (such as encryption or password protection) to secure the data and the device; and
  - not to store personal data on local drives or on personal devices that are used for work purposes.
- Failing to observe these requirements may amount to a disciplinary offence, which will be dealt with under Skills Construction Centre's disciplinary procedure. Significant or deliberate breaches of this policy, such as accessing employee or learner data without authorisation or a legitimate reason to do so, may constitute gross misconduct and could lead to dismissal or criminal prosecution.

### 16 Monitoring of Communications

- Skills Construction Centre reserves the right to monitor telephone calls, e-mails and Internet access on its own networks, in compliance with the Telecommunications (Lawful Business Practice) (Interception of Communications) Regulations 2000, Privacy and Electronic Communications Regulations, GDPR, Human Rights Act 1998 and any other relevant legislation. This will be subject to the Information Commissioners Code of Practice on Employer/Employee Relationships.
- Skills Construction Centre does not monitor, inspect or disclose electronic communications or documents, without consent, unless one or more of the following circumstances is identified:
  - Required by and consistent with law;

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- Breach of legislation or Skills Construction Centre policy; ➤ Compelling or emergency circumstances; ➤ Time dependent, business critical need.
- Any monitoring or access must be risk assessed and signed off by both the Data Protection Officer and Principal and Chief Executive.

### 17. Achievement Data

- During the course of their studies, students will routinely be provided with information about their results for both coursework and examinations. Assessed coursework and exam grades are classed as personal data under the General Data Protection Regulations, so should be kept private and not published on notice boards or announced in class in front of other learners.
- Exam scripts themselves are exempted from the subject access rules and copies will not ordinarily be given to a student who makes a subject access request. Skills Construction Centre does not hold copies of exam scripts, as these are sent directly to the awarding bodies, following an exam. If a student wishes to gain access to their exam's scripts, they will need to make an application to the appropriate awarding body via the Exams Office. The procedures set out in the JCQ publication Post Results Services, which is reviewed annually, will be adhered to.

### 18. Subject Consent

- In many cases, Skills Construction Centre can only process personal data with the consent of the individual. In some cases, if the data is sensitive, as defined in the General Data Protection Regulations, express consent must be obtained. Agreement to Skills Construction Centre processing some specified classes of personal data is a condition of acceptance of a student onto any course, and a condition of employment for staff. This includes information about previous criminal convictions.
- Some jobs or courses will bring the applicants into contact with children, including young people between the ages of 14 and 18. Skills Construction Centre has a duty under the Children Act 1989 and other enactments to ensure that staff are suitable for the job, and students for the courses offered. Skills Construction Centre also has a duty of care to all staff and students and must therefore make sure that employees and those who use Skills Construction Centre facilities do not pose a threat or danger to other users.
- Skills Construction Centre may also ask for information about particular health needs, such as allergies to particular forms of medication, or any medical condition such as asthma or diabetes. Skills Construction Centre will only use this information in the protection of the health and safety of the individual, but will need consent to process this data in the event of a medical emergency, for example.
- Therefore, the application forms that all prospective staff and students are required to complete will include a section requiring consent to process the applicant's special category and personal data. A refusal to sign such a form will prevent the application from being processed and withholding information, may result in disciplinary action.

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### 19. Impact Assessments

- Some of the processing that Skills Construction Centre carries out may result in risks to privacy. Where processing would result in a high risk to individual's rights and freedoms, Skills Construction Centre will carry out a data protection impact assessment to determine the necessity and proportionality of processing. This will include considering the purposes for which the activity is carried out, the risks for individuals and the measures that can be put in place to mitigate those risks.
- All data protection impact assessments will be reviewed and risk assessed by the Centre Director

### 20. Data breaches

- If Skills Construction Centre discovers that there has been a breach of personal data that poses a risk to the rights and freedoms of individuals, it will report it to the Information Commissioner within 72 hours of discovery. Skills Construction Centre will record all data breaches regardless of their effect.
- If the breach is likely to result in a high risk to the rights and freedoms of individuals, it will tell affected individuals that there has been a breach and provide them with information about its likely consequences and the mitigation measures it has taken.

### 21. Processing Special Category Data

- Sometimes it is necessary to possess information about a person's health, criminal convictions, religious beliefs, bio-metric data, ethnicity, and trade union membership. This may be to ensure that Skills Construction Centre is a safe place for everyone, or to operate other Skills Construction Centre policies, such as the sick pay policy or the Equality and Diversity policy. Skills Construction Centre also has a contractual or legal duty to collect a variety of special category data on behalf of the Funding Agencies. An offer of employment or a course place may be withdrawn if an individual refuses to consent to the collection or processing, without good reason.

### 22. Retention of Data

- Skills Construction Centre has a duty to retain some staff and student personal data for a period of time following their departure from Skills Construction Centre, mainly for legal reasons, but also for other purposes such as being able to provide references and academic transcripts, or for financial reasons, for example relating to pensions and taxation. Different categories of data will be retained for different periods of time. The exact details of retention periods and purposes are set out in Skills Construction Centre Document Retention policy.

### 22. Compliance

- Compliance with the General Data Protection Rules is the responsibility of all members of Skills Construction Centre. Any deliberate breach of the data protection policy may lead to disciplinary action being taken or to access to Skills Construction Centre facilities being withdrawn, or even to a criminal prosecution. Any questions or concerns about the

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interpretation or operation of this policy should be directed to the Designated Data Protection Officer.

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