



DATA PROTECTION POLICY

1. POLICY STATEMENT

OSAT Ltd, needs to keep certain information about its employees, students, and others in order to allow it to conduct its legitimate business.

It is necessary to process information so that staff can be recruited and paid, performance, achievements and health and safety monitored, courses organised in order to fulfil contracts with students, and to comply with legal obligations to funding bodies and other government agencies.

OSAT Ltd processes personal data both as a Data Controller and as a Data Processor. For all government funded activity undertaken, OSAT Ltd is a Data Processor for the ESFA who is the Data Controller. OSAT Ltd is the Data Controller for all other activity such as employment records and non-government funded student activity.

To comply with the Data Protection Legislation, and specifically with General Data Protection Regulations (GDPR), personal information is collected and used fairly, stored safely, and not disclosed to any other person or organisation unlawfully. To do this, OSAT Ltd complies with the requirements of the Data Protection Act 2018 and GDPR 2018.

OSAT Ltd is transparent about the purposes for which personal data is processed and has clearly articulated Privacy Statements, Information Asset Register and Data sharing agreements and index.

OSAT Ltd embraces the concept of Privacy by Design and has systems in place to ensure that any new system/activity undergoes Privacy Impact Assessment (PIA)
OSAT Ltd, is currently registered with the Information Commissioner



Office and will continue to be registered, post GDPR implementation, until April 2021 when OSAT Ltd current registration expires. Following expiry, OSAT Ltd will comply with the new legal requirement to pay the relevant ICO fee only.

Currently the Data Protection registration number for OSAT Ltd is ZA266459. OSAT Ltd entry on the register can be viewed at http://www.ico.gov.uk/for_organisations.aspx

The Lawful Bases upon which OSAT Ltd relies for its processing of personal data are primarily:-

Contract: the processing is necessary for a contract we have with the individual, or because they have asked us to take specific steps before entering into a contract.

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.

Public task: The processing is necessary for OSAT Ltd to carry out its official functions.

In some circumstances, consent may be requested from data subjects.

2. STATEMENT OF PRINCIPLES

OSAT Ltd adopts the principles outlined within GDPR and has systems and processes to ensure compliance with these.

At OSAT Ltd it is ensured that personal data is:-

1. Processed lawfully, fairly and in a transparent manner in relation to individuals.
2. Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or

statistical purposes shall not be considered to be incompatible with the initial purposes.

3. Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.
4. Accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay.
5. Kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods in so far as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals.
6. 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.

3. EXPLANATION OF KEY TERMS

Consent- requires that there is an active agreement between the organisation and the data subject. Where consent is obtained, it must be explicit and not implied if the subject does not actively object.

Data controller - A data controller determines the purposes and means of processing personal data.

Data processor - A processor is responsible for processing personal data on behalf of a controller

Data subject—An identifiable natural person who can be identified, directly or indirectly from data held.

Personal data - Personal data means information about a natural person who can be identified from that information and other information which is in, or likely to come into, the data controller's possession

Processing-Processing means obtaining, recording or holding the data or carrying out any operation or set of operations on data.

Relevant Filing System - This is a set of information about individuals, held manually or on a computer, which is structured either by name or by another criterion, such as a course title so that specific information is readily accessible to the person using or processing.

Sensitive Data (Special Category) - Data is considered sensitive if it about an individual's race, political opinions, religious beliefs, trade union membership or non membership, their physical or mental health, sex life or criminal record.

Data subjects rights - Under GDPR, data subject's rights are enhanced. Individuals can ask to see the information about themselves that is held on computer and in some paper records. They have the right to receive this information in an electronic, accessible format, free of charge, within 1 month of the request being made. Data subjects also have the right to withdraw consent and to have their personal data erased. As OSAT Ltd relies less on consent and more on 'contract' and 'legitimate interests' as a lawful basis for processing, subject requests will always be viewed in conjunction with the prevailing lawful bases.

Privacy Impact Assessment – a procedure by which each new system / activity undergoes a risk assessment to identify any potential risks to personal data, along with action planning of activities to mitigate risks.

4. RESPONSIBILITIES AND DUTIES

OSAT LIMITED

It is the responsibility of the Management Team to:

1. Ensure that OSAT Ltd has a nominated Data Protection Officer.
2. Ensure that appropriate systems and procedures exist in order to comply with Data Protection legislation. Procedures are listed in section 5.
3. Ensure that OSAT Ltd replaces current Data Protection Registration with the Information Commissioner's Office with Statutory ICO fee when current registration fee expires.
4. Ensure that OSAT Ltd provides all staff and students and other relevant users with information about OSAT Ltd' Data Protection Policy and Procedures, to be included in OSAT Ltd operational handbook, Staff and Student Handbook. The Policy can also be accessed electronically

Data Protection Officer

It is the responsibility of the Data Protection Officer (DPO) to:

1. Monitor data protection compliance against privacy rights, data protection law (including General Data Protection Regulations) and internal data protection policies, ensuring that compliance checking activities are undertaken regularly.
2. Report to the Senior Leadership Team and Audit Committee. biannually, regarding the organisation's' compliance with Data Protection Policy and Procedures.
3. Provide training and awareness-raising
4. Provide expert advice, guidance, and information to the organisation and those processing its data, regarding their legal obligations.
5. Provide advice and actively support the process of Privacy Impact Assessments, ensuring privacy by design is embedded into all OSAT developments and reported regularly to the Resources and Infrastructure Committee.
6. Monitor and provide guidance as necessary in relation to data security breaches.

7. Liaise with data subjects and provide timely responses to requests.
8. Maintain appropriate records to enable the organisation to be able to demonstrate compliance with the law.
9. Cooperate and liaise with the supervisory authority for Data Protection.

LEARNERS

It is the responsibility of all learners to:

1. Ensure that all personal data provided to OSAT Ltd is accurate and up to date.
2. Ensure that changes to personal data e.g. address or name, are notified to the student records data staff either via their teacher or directly.

EMPLOYEES

It is the responsibility of all OSAT employees, including managers, to:

1. Check that any information that they provide to OSAT Ltd in connection with their employment is accurate and up to date.
2. Inform OSAT Ltd of any changes to information which they have provided, e.g. changes of address. OSAT Ltd cannot be held responsible for any errors in staff members' personal information resulting from the failure of members of staff to do this.
3. Ensure that any personal data they hold about students complies with the Data Protection Principles listed in section 2 of this policy and that the systems in which personal data is stored (relevant filing system) is notified to OSAT Ltd's Data Protection Officer for inclusion in the Information Asset Register. In particular, staff must ensure that such data is accurate, up-to-date, fair, securely stored and not excessive in relation to its purpose.
4. Ensure that 'sensitive data' (i.e. that relating to the student's physical or mental health, sexual life, political or religious views, trade union membership, or ethnicity

or race) is not held, except with the approval of OSAT Ltd Data Protection Officer. Such processing must be in line with OSAT Ltd lawful basis for processing. The exception to this is when the member of staff is satisfied that the processing of such data is necessary because it is in the vital interests of the data subject.

5. Keep personal data confidential – it must not be accessed by or disclosed to any student, or other member of staff, unless for normal academic or pastoral purposes, without agreement from the Data Protection Officer, or in line with OSAT's policy. Staff should note that unauthorised access or disclosure will usually be a disciplinary matter, and may be considered gross misconduct in some cases. Unauthorised access or disclosure by a staff member knowingly in breach of this policy could result in prosecution of the individual concerned.
6. Personal Data, in the form of spreadsheets, databases or any other electronic information source, which is about any individual (student or staff) and therefore within the scope of the data protection act, must NOT leave OSAT Ltd, either on email or on a portable device e.g. laptop, memory stick, CD, without being encrypted for the protection of personal data. This includes data being emailed externally.
7. Check, prior to recording personal data, that the data to be recorded is fair, necessary, accurate, securely storable, and not 'sensitive'.

5. OSAT PROCEDURES LINKED TO THIS POLICY (list)

A number of OSAT procedures exist to underpin the Data Protection / GDPR Principles in section 2 and to provide assurance that OSAT Ltd complies with Data Protection legislation. These include procedures relating to: -

- 5.1 Consent to process
- 5.2 Updating and accuracy of personal data
- 5.3 Notification and amendments to the Information Asset Register
- 5.4 Processing security

- 5.5 Privacy Impact Assessment
- 5.5 References
- 5.6 Examination marks
- 5.7 Statistical and historical research
- 5.8 Management planning
- 5.9 Data subject rights and subject access requests
- 5.10 Electronic data and portable devices containing personal data
- 5.11 Retention of personal data
- 5.12 Destruction and disposal of personal data

6. HOW HAS IMPACT ASSESSMENT TAKEN PLACE

The requirement for the Data Subject to make data access request in writing may disadvantage some individuals. The procedure has, therefore, been amended in order to allow students or staff to make such requests by either personal representation, electronically or inwriting.

First level information about Data Protection including Privacy Statements, which signpost to the full policy, will be included in documents such as the student handbook and on OSAT Ltd website in future.

7. RECORD RETENTION



OSAT Ltd must ensure we have and maintain a reliable, auditable system of all training or testing delivered, as well as quality assurance documentation, for a minimum period of three years. This information could be used to substantiate any claims and/or resolve any appeals during the three-year period. The records will form part of the quality assurance checks and be used to audit course delivery. This shall include:

- course notifications
- course assessment reports
- examination papers and any resits
- course evaluation
- course attendance records
- quality assurance documentation.

Review Frequency	Annually
Date policy approved and adopted	June 2020
Policy agreed by	Directors
Date policy published	June 2020
Next review date	January 2024