Data Protection Policy (GDPR)

Train'd Up is committed to a policy of protecting the rights and privacy of individuals, including learners, staff and others, in accordance with the General Data Protection Regulation (GDPR) May 2018. The new regulatory environment demands higher transparency and accountability in how businesses manage and use personal data. It also accords new and stronger rights for individuals to understand and control that use.

The GDPR contains provisions that Train'd Up will need to be aware of as data controllers, including provisions intended to enhance the protection of learner personal data. For example, the GDPR requires that we must ensure that our privacy notices are written in a clear, plain way that staff and learners will understand.

Train'd Up needs to process certain information about its staff, learners, parents and guardians and other individuals with whom it has a relationship for various purposes such as, but not limited to:

1. The recruitment and payment of staff
2. The administration of programmes of study and training courses
3. Learner enrolment
4. Examinations and external accreditation
5. Recording Learner progress, attendance and conduct
6. Collecting fees
7. Complying with legal obligations to funding bodies and Government including local authorities.

To comply with various legal obligations, including the obligations imposed on it by the General Data Protection Regulation (GDPR) Train'd Up must ensure that all this information about individuals is collected and used fairly, stored safely and securely and not disclosed to any third party unlawfully.

Compliance:

This policy applies to all staff and learners / customers of Train'd Up. Any breach of this policy or of the Regulation itself will be considered an offence and Train'd Up's disciplinary procedures will be invoked.

As a matter of best practice, other agencies and individuals working with Train'd Up and who have access to personal information, will also be expected to read and comply with this policy.

It is expected that teams responsible for dealing with external bodies will take the responsibility for ensuring that such bodies sign a contract which among other things will include an agreement to abide by this policy.

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This policy will be updated as necessary to reflect best practice in data management, security and control and to ensure compliance with any changes or amendments to the GDPR and other relevant legislation.

General Data Protection Regulation (GDPR):

This piece of legislation comes in to force on the 25th May 2018. The GDPR regulates the processing of personal data and protects the rights and privacy of all living individuals (including children), for example by giving all individuals who are the subject of personal data a general right of access to the personal data which relates to them. Individuals can exercise the right to gain access to their information by means of a 'subject access request'. Personal data is information relating to an individual and may be in hard or soft copy (paper/manual files; electronic records; photographs etc.) and may include facts or opinions about a person.

The GDPR also sets out specific rights for learners in relation to records held within the education system. For more detailed information on these Regulations see the Data Protection Data Sharing Code

of Practice (DPCoP) from the Information Commissioner's Office (ICO). Please follow this link to the ICO's website www.ico.gov.uk.

Responsibilities under the GDPR:
Train'd Up will be the 'data controller' under the terms of the legislation – this means it is ultimately responsible for controlling the use and processing of the personal data.

Train'd Up appoints a Data Protection Officer (DPO), currently the Managing Director who is available to address any concerns regarding the data held by Train'd Up and how it is processed, held and used.

The Senior Management Team is responsible for all day-to-day data protection matters and will be responsible for ensuring that all members of staff and relevant individuals abide by this policy, as well as developing and encouraging good information handling within the business.

The Senior Management Team is also responsible for ensuring that Train'd Up's notification is kept accurate. Details of Train'd Up's notification can be found on the Office of the Information Commissioner's website. Our data registration number is: **Z8860141**.

Compliance with the legislation is the personal responsibility of all members of staff who process personal information. Individuals who provide personal data to Train'd Up are responsible for ensuring that the information is accurate and up-to-date.

Data Protection Principles:
The legislation places a responsibility on every data controller to process any personal data in accordance with the eight principles. More detailed guidance on how to comply with these principles can be found in the DPCoP. Please follow this link to the ICO's website (www.ico.gov.uk).

In order to comply with its obligations, Train'd Up undertakes to adhere to these eight principles:

1) Process personal data fairly and lawfully.
Train'd Up will make all reasonable efforts to ensure that individuals who are the focus of the personal data (data subjects) are informed of the identity of the data controller, the purposes of the processing, any disclosures to third parties that are envisaged; given an indication of the period for which the data will be kept, and any other information which may be relevant.

2) Process the data for the specific and lawful purpose for which it collected that data and not further process the data in a manner incompatible with this purpose. Train'd Up will ensure that the reason for which it collected the data originally is the only reason for which it processes those data, unless the individual is informed of any additional processing before it takes place.

3) Ensure that the data is adequate, relevant and not excessive in relation to the purpose for which it is processed. Train'd Up will not seek to collect any personal data which is not strictly necessary for the purpose for which it was obtained. Forms for collecting data will always be drafted with this mind. If any irrelevant data are given by individuals, they will be destroyed immediately.

4) Keep personal data accurate and, where necessary, up to date. Train'd Up will review and update all data on a regular basis. It is the responsibility of the individuals giving their personal data to ensure that this is accurate, and each individual should notify the Train'd Up if, for example, a change in circumstances mean that the data needs to be updated. It is the responsibility of Train'd Up to ensure that any notification regarding the change is noted and acted on.

5) Only keep personal data for as long as is necessary. Train'd Up undertakes not to retain personal data for longer than is necessary to ensure compliance with the legislation, and any other statutory requirements. This means Train'd Up will undertake a regular review of the information held and implement a weeding process. Train'd Up will dispose of any personal data in a way that protects

the rights and privacy of the individual concerned (e.g. secure electronic deletion, shredding and disposal of hard copy files as confidential waste). A log will be kept of the records destroyed.

6) Process personal data in accordance with the rights of the data subject under the legislation.

Individuals have various rights under the legislation including a right to:

- be told the nature of the information Train'd Up holds and any parties to whom this may be disclosed.
- prevent processing likely to cause damage or distress.
- prevent processing for purposes of direct marketing.
- be informed about the mechanics of any automated decision making process that will significantly affect them.
- not have significant decisions that will affect them taken solely by automated process.
- sue for compensation if they suffer damage by any contravention of the legislation.
- take action to rectify, block, erase or destroy inaccurate data.
- request that the Office of the Information Commissioner assess whether any provision of the Act has been contravened. Train'd Up will only process personal data in accordance with individuals' rights.

7) Put appropriate technical and organisational measures in place against unauthorised or unlawful processing of personal data, and against accidental loss or destruction of data.

All members of staff are responsible for ensuring that any personal data which they hold is kept securely and not disclosed to any unauthorised third parties. Train'd Up will ensure that all personal data is accessible only to those who have a valid reason for using it.

Train'd Up will have in place appropriate security measures e.g. ensuring that hard copy personal data is kept in lockable filing cabinets/cupboards with controlled access (with the keys then held securely in a key cabinet with controlled access):

- keeping all personal data in a lockable cabinet with key-controlled access
- password protecting personal data held electronically
- archiving personal data which are then kept securely (lockable cabinet)
- placing any PCs or terminals that show personal data so that they are not visible except to authorised staff
- ensuring that PC screens are not left unattended without a password protected screen-saver being used.

In addition, Train'd Up will put in place appropriate measures for the deletion of personal data - manual records will be shredded or disposed of as 'confidential waste' and appropriate contract terms will be put in place with any third parties undertaking this work. Hard drives of redundant PCs will be wiped clean before disposal or if that is not possible, destroyed physically. A log will be kept of the records destroyed. This policy also applies to staff and learners who process personal data 'off-site', e.g. when working at home, and in circumstances additional care must be taken regarding the security of the data.

8) Ensure that no personal data is transferred to a country or a territory outside the European Economic Area (EEA) unless that country or territory ensures adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data. Train'd Up will not transfer data to such territories without the explicit consent of the individual. This also applies to publishing information on the internet - because transfer of data can include placing data on a website that can be accessed from outside the EEA - so Train'd Up will always seek the consent of individuals before placing any personal data (including photographs) on its website. If Train'd Up collects personal data in any form via its website, it will provide a clear and detailed privacy statement prominently on the website, and wherever else personal data is collected.

Consent as a basis for processing:

Although it is not always necessary to gain consent from individuals before processing their data, it is often the best way to ensure that data is collected and processed in an open and transparent manner. Consent is especially important when Train'd Up is processing any sensitive data, as defined by the legislation. Train'd Up understands consent to mean that the individual has been fully informed of the intended processing and has signified their agreement (e.g. via learner enrolment forms) whilst being of a sound mind and without having any undue influence exerted upon them. Consent obtained on the basis of misleading information will not be a valid basis for processing. Consent cannot be inferred from the non-response to a communication.

Personal details:
For the purposes of the General Data Protection Regulation (GDPR) (Regulation (EU) 2016/679 you consent to Train'd Up holding and processing personal data including sensitive personal data of which you are the subject, details of which are specified in the Train'd Up Data Protection Policy (GDPR). This will include marketing images.

Train'd Up will ensure that any forms used to gather data on an individual will contain a statement (fair use statement) explaining the use of that data, how the data may be disclosed and also indicate whether or not the individual needs to consent to the processing. Train'd Up will include the specified statement from the DfE on the Learner enrolment form and update when required following the ESFA or SDS technical guidance:

How we use your personal information:
Your information may be shared with third parties for education, training, employment and well-being related purposes, including for research. This will only take place where the law allows it and the sharing is in compliance with the Data Protection Act 1998.

Representatives of the European Social Fund (ESF) may contact you in order for them to carry out research and evaluation to inform the effectiveness of training. You can opt out of contact for other purposes by ticking any of the following boxes if you do not wish to be contacted:

- About courses or learning opportunities.
- For surveys and research.
- By post.
- By phone.
- By email.

Further information about use of and access to your personal data, and details of organisations with whom we regularly share data are available at: https://www.gov.uk/government/publications/esfa-privacy-notice (England).

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Train'd Up will ensure that if the individual does not give his/her consent for the processing, and there is no other lawful basis on which to process the data, then steps will be taken to ensure that processing of that data does not take place.

Subject Access Rights (SARs):
Individuals have a right to access any personal data relating to them which are held by Train'd Up. Any individual wishing to exercise this right should apply in writing to the Managing Director. Any member of staff receiving a SAR should forward this to the Managing Director.

Train'd Up reserves the right to charge an administration fee for data subject access requests (currently £25). Under the terms of the legislation, any such requests must be complied with within 40 days.

Disclosure of data:
Only disclosures which have been notified under the Train'd Up's DP notification must be made and therefore staff and learners should exercise caution when asked to disclose personal data held on another individual or third party.

Train'd Up undertakes not to disclose personal data to unauthorised third parties, including family members, friends, Government bodies and in some circumstances, the Police. Legitimate disclosures may occur in the following instances:

- the individual has given their consent to the disclosure
- the disclosure has been notified to the OIC and is in the legitimate interests of Train'd Up
- the disclosure is required for the performance of a contract.

There are other instances when the legislation permits disclosure without the consent of the individual. **Under no circumstances will Train'd Up sell any of its databases to a third party.**

Publication of Train'd Up information:

Train'd Up publishes various items which will include some personal data, e.g.

- internal telephone directory
- event information
- photos and information in marketing materials.

It may be that in some circumstances an individual wishes their data processed for such reasons to be kept confidential, or restricted Train'd Up access only. Therefore, it is Train'd Up policy to offer an opportunity to opt-out of the publication of such when collecting the information.

Email:

It is the policy of Train'd Up to ensure that senders and recipients of email are made aware that under the DPA, and Freedom of Information Legislation, the contents of email may have to be disclosed in response to a request for information. One means by which this will be communicated will be by a disclaimer on Train'd Up's email. Under the Regulation of Investigatory Powers Act 2000, Lawful Business Practice Regulations, any email sent to or from Train'd Up may be accessed by someone other than the recipient for system management and security purposes.

Procedure for review:

This policy will be updated as necessary to reflect best practice or future amendments made to the General Data Protection Regulation (GDPR) May 2018 and Data Protection Act 1998. Please follow this link to the ICO's website (www.ico.gov.uk) which provides further detailed guidance on a range of topics including individuals' rights, exemptions from the Act, dealing with subject access requests, how to handle requests from third parties for personal data to be disclosed etc. In particular, you may find it helpful to read the Guide to Data Protection which is available from the website.

For help or advice on any data protection or freedom of information issues, please do not hesitate to contact: The Data Protection Officer (DPO): Alan Wilson, Managing Director.

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Director Policy Approval:

This Policy is reviewed as a minimum on an annual basis and is approved and endorsed by the Board of Directors and Senior Management Team.

Signed on behalf of Company Directors:

Laura Thompson

Name: Laura Thompson
Position: Finance Director
Date: 13/10/2025

END.