



DigitalMarketingMentor

# Data Protection Policy

## Why we need this policy

Digital Marketing Mentor needs to keep certain information about its employees, learners and other users to allow us to monitor performance, achievements and - for example, health and safety. It is also necessary to process information so that staff can be recruited and paid, courses organised and legal obligations to funding bodies and government complied with.

## Compliance

To comply with the law, information must be collected and used fairly, stored safely and not disclosed to any other person unlawfully. To do this, Digital Marketing Mentor must ensure that it complies with the Data Protection Act 2019, which is the UK's implementation of the General Data Protection Regulation (GDPR).

The data protection principles contained within this state that data shall:

- Be obtained and processed fairly and lawfully and shall not be processed unless certain conditions are met.
- Be obtained for a specified and lawful purpose and shall not be processed in any manner incompatible with that purpose.
- Be adequate, relevant and not excessive for those purposes.
- Be accurate and kept up-to-date and not be kept longer than is necessary for that purpose.
- Be kept safe from unauthorised access, accidental loss or destruction, providing adequate security measures to protect personal data.
- Meet the requirements of the General Data Protection Regulation (GDPR) With effect from May 2018
- Process personal data only in order to meet our operational needs or fulfil legal requirements.
- Establish appropriate retention periods for personal data.
- Ensure that data subjects rights can be appropriately exercised.
- Ensure that a nominated officer is responsible for data protection compliance and provides a point of contact for all data protection issues.
- Ensure that all employees are made aware of good practice in data protection.
- Provide adequate training for all staff responsible for personal data.
- Ensure that everyone handling personal data knows where to find further guidance.
- Ensure that queries about data protection, internal and external to the organisation, are dealt with effectively and promptly.
- Regularly review data protection procedures and guidelines within the organisation.

Digital Marketing Mentor and all employees or others who process or use any personal information must ensure that they follow these principles at all times.

## Scope

This policy applies to all employees (regardless of their contract or hours of work), suppliers, subcontractors and consultants of Digital Marketing Mentor.

## Status of the Policy

This policy does not form part of the formal contract of employment, but it is a condition of employment that employees will abide by the rules and policies made by Digital Marketing Mentor. Any failure to follow the policy can therefore result in disciplinary proceedings.

Any member of staff who considers that the policy has not been followed in respect of personal data about themselves should raise the matter with a data controller.

## **Responsibilities of Staff**

All staff are responsible for maintaining compliance with the GDPR and Data Protection Act 2018 and must:

- Undertake appropriate data security awareness training.
- Maintain compliance with GDPR and the Data Protection Act 2018
- Check that any information they provide to Digital Marketing Mentor in connection with their employment is accurate and up-to-date
- Inform Digital Marketing Mentor of any changes to information, which they have provided (eg changes of address)
- Check the information that Digital Marketing Mentor will send out from time to time, giving details of information kept and processed about staff.
- Inform Digital Marketing Mentor of any errors or changes. Digital Marketing Mentor can not be held responsible for any errors unless the staff member has informed Digital Marketing Mentor of them.

If and when, as part of their responsibilities, staff collect information about other people (ie about student's coursework, opinions about ability, references to other academic institutions, or details of personal circumstances) they must comply with the guidelines.

## **Data Security**

All staff are responsible for ensuring that:

- Any personal data which they hold is kept securely
- Personal information is not disclosed either orally or in writing or accidentally or otherwise to any unauthorised third party.

Staff should note that unauthorised disclosure will usually be a disciplinary matter, and may be considered gross misconduct in some cases.

Personal information should be:

- Kept in a locked filing cabinet; or
- Kept in a locked drawer; or
- If it is computerised, be password protected; or
- Kept only on disk which is itself kept securely.

## **Learner Obligations**

Learners must ensure that all personal data provided to Digital Marketing Mentor is accurate and up-to-date. They must ensure that changes of address etc. are notified to the Managing Director. Learners who use Digital Marketing Mentor computer facilities may, from time to time, process personal data. If they do they must notify The Managing Director Any learner who requires further clarification about this should contact The Managing Director.

## **Right to Access Information**

Staff, learners and other users of Digital Marketing Mentor have a right to access personal data that is being held about them either on computer or in certain files. Any person who wishes to exercise this right should email [enquiries@digitalmarketingmentor.co.uk](mailto:enquiries@digitalmarketingmentor.co.uk) for the attention of The Managing Director. Digital Marketing Mentor aims to comply with requests for access to personal information as quickly as possible, but will ensure that it is provided within 21 days unless there is good reason for delay. In such cases, the reason for delay will be explained in writing to the person making the request.

## **Publication of Digital Marketing Mentor Information**

Information that is already in the public domain regarding Digital Marketing Mentor is exempt from the Data Protection Act 2018. It is Digital Marketing Mentor's policy to make as much information about the company as public as possible.

## **Subject Consent**

In many cases, Digital Marketing Mentor can only process personal data with the consent of the individual. In cases where the data is sensitive, express consent must be obtained. Agreement to Digital Marketing Mentor processing some specified classes of personal data is a condition of acceptance of a learner 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 16 and 18. Digital Marketing Mentor has a duty under the Children Act and other enactments to ensure that staff are suitable for the job, and also students for the courses offered.

Digital Marketing Mentor also has a duty of care to all staff and students and must therefore make sure that employees and those who use company facilities do not pose a threat or danger to other users. Digital Marketing Mentor will also ask for information about particular health needs, such as allergies to particular forms of medication, or any condition such as asthma or diabetes. Digital Marketing Mentor will only use the information in the protection of the health and safety of the individual, but will need consent to process the data in the event of a medical emergency, for example.

## **Processing Sensitive Information**

Sometimes it is necessary to process information about a person's health, criminal convictions, race and gender and family details. This may be to ensure that Digital Marketing Mentor is a safe place for everyone, or to operate other Digital Marketing Mentor policies, such as sick pay policy or equal opportunities policy.

Because this information is considered sensitive, and it is recognised that the processing of it may cause particular concern or distress to individuals, staff and students will be asked to give express consent to Digital Marketing Mentor to do this. Offers of employment or course places may be withdrawn if an individual refuses to consent to this, without good reason.

Digital Marketing Mentor has 2 designated data controllers. They are the:

- Founder - David Prescod
- Managing Director - Julie Thompson

Learners are entitled to information about their marks for both coursework and examinations. However this may take longer than other information to provide. Digital Marketing Mentor may withhold certificates, accreditation or references in the event that the full course fees have not been paid, or books and equipment have not been returned.

## **Retention of Data**

Digital Marketing Mentor will keep some forms of information for longer than others. Because of storage limitations, information about students cannot be kept indefinitely, unless there are specific requests to do so. In general, information about students will be kept for a maximum of five years after they leave Digital Marketing Mentor. This will include:

- Name and address, and
- Academic achievements, including marks for coursework

All other information, including information about health, race or disciplinary matters will be destroyed within three years of the course ending and the learner leaving. Digital Marketing Mentor will need to keep information about staff for longer periods of time. In general, all information will be kept for five years after a member of staff leaves Digital Marketing Mentor. Some information however, will be kept for much longer. This will include information necessary in respect of pensions, taxation, potential or current disputes or litigation regarding the employment, and information required for job references.

## **Staff Guidelines for Data Protection**

1. All staff will process data about students on a regular basis, when marking registers, or Digital Marketing Mentor work, writing reports or references, or as part of a pastoral or academic supervisory role. Digital Marketing Mentor will ensure through registration procedures, that all students give their consent to this sort of processing, and are notified of the categories of processing, as required by the 1998 Act.

The information that staff deal with on a day-to-day basis will be 'standard' and will cover categories such as:

- General personal details such as names and addresses.
- Details about class attendance, coursework, marks and grades, and associated comments.
- Notes of personal supervision, including matters about behaviour and discipline.

2. Information about a student's physical or mental health; sexual life; political or religious views; trade union membership or ethnicity or race is sensitive and can only be collected and processed with the student's consent.

3. All staff have a duty to ensure that they comply with the data protection principles which are set out in the data protection policy. In particular staff must ensure that records are:

- Accurate
- Up-to-date
- Fair

- Kept and disposed of safely, and in accordance with company policy.

4. Digital Marketing Mentor will designate staff in each area as 'authorised staff'. These are the only staff authorised to hold or process data that is:

- Not standard data; or
- Sensitive data.

The only exception to this will be if a non-authorised staff member is satisfied that the processing of data is necessary:

- In the best interests of the student or staff member, or a third person, or Digital Marketing Mentor; AND he or she has either informed the authorised person of this, or has been unable to do so and processing is urgent or necessary in all the circumstances.

5. Authorised staff will be responsible for ensuring that all data is kept securely.

6. Staff must not disclose personal data to any student, unless for normal academic or pastoral purposes, without authorisation or agreement from a data controller, or in line with company policy.

7. Staff shall not disclose personal data to any other member of staff except with the authorisation and agreement of a designated data controller, or in line with company policy.

8. Before processing any personal data, all staff should consider the checklist.

### **Staff Checklist for Recording Data**

- Do you really need to record this information?
- Is the information 'standard' or 'sensitive'?
- If it is sensitive, do you have the data subject's express consent?
- Has the student been told that this type of data will be processed?
- Are you authorised to collect/store/process the data?
- If yes, have you checked that the data is accurate?
- Are you sure that the data is secure?
- If you do not have the data subject's consent to process, are you satisfied that it is in the best interests of the student or the staff member to collect and retain the data?
- Have you reported the fact of the data collection to the authorised person within the required time?

### **Conclusion**

Meeting the requirements of the General Data Protection Regulation (GDPR) and Data Protection Act 2018 is the responsibility of all members of Digital Marketing Mentor. Any deliberate breach of the data protection policy may lead to disciplinary action being taken, or access to Digital Marketing Mentor facilities being withdrawn, or even a criminal prosecution. Any questions or concerns about the interpretation or operation of this policy should be taken up with a designated data controller.