

Data Protection Policy – GDPR Compliant

Please note that this BreatheHR version of this policy is the only version that is maintained. Any printed copies should therefore be viewed as 'uncontrolled' and as such, may not necessarily contain the latest updates and amendments.

Scope

This policy applies to the personal data of job applicants, employees, workers, contractors, volunteers, interns, apprentices and former employees, referred to as HR-related personal data. This policy does not apply to the personal data of clients or other personal data processed for business purposes.

This policy does not form part of any employee's contract of employment. The Skills Centre Limited reserves the right to amend at any time.

Introduction

Purpose

The Skills Centre Limited is committed to being transparent about how it collects and uses the personal data of its workforce, and to meeting its data protection obligations. This policy sets our commitment to data protection, and individual rights and obligations in relation to personal data.

The Skills Centre Limited has appointed Maria Richards as its data protection officer. The role is to inform and advise the organisation on its data protection obligations. Maria can be contacted at Maria.Richards@theskillscentre.co.uk. Questions about this policy, or requests for further information, should be directed to the data protection officer.

Definitions

"Personal data" is any information that relates to a living individual who can be identified from that information. Processing is any use that is made of data, including collecting, storing, amending, disclosing or destroying it.

"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 genetic and biometric data.

"Criminal records data" means information about an individual's criminal convictions and offences, and information relating to criminal allegations and proceedings.

Data protection principles



The Skills Centre Limited processes HR-related personal data in accordance with the following data protection principles:

- We process personal data lawfully, fairly and in a transparent manner.
- We collect personal data only for specified, explicit and legitimate purposes.
- We process personal data only where it is adequate, relevant and limited to what is necessary for the purposes of processing.
- We keep accurate personal data and takes all reasonable steps to ensure that inaccurate personal data is rectified or deleted without delay.
- We keep personal data only for the period necessary for processing.
- We adopt appropriate measures to make sure that personal data is secure, and protected against unauthorised or unlawful processing, and accidental loss, destruction or damage.

The Skills Centre Limited tells individuals the reasons for processing their personal data, how it uses such data and the legal basis for processing in its privacy notices. We will not process personal data of individuals for other reasons. HR-related data will not be shared with third parties, except as set out in [privacy notices](#). Where the organisation relies on its legitimate interests as the basis for processing data, it will carry out an assessment to ensure that those interests are not overridden by the rights and freedoms of individuals.

We will update HR-related personal data promptly if an individual advises us that their information has changed or is inaccurate.

Personal data gathered during the employment, worker, contractor or volunteer relationship, or apprenticeship or internship is held in the individual's personnel file in hard copy or electronic format, or both, and on HR systems. The periods for which the organisation holds HR-related personal data are contained in its [privacy notices](#) to individuals.

The Skills Centre Limited keeps a record of its processing activities in respect of HR-related personal data in accordance with the requirements of the General Data Protection Regulation (GDPR).

Special Categories of Data

The Skills Centre Limited processes special category personal data and criminal records data for the following purposes.

Equal opportunities monitoring

Data related to racial and ethnic origin, religious and philosophical beliefs, health (including information on whether or not an individual has a disability) and sexual orientation are processed for equal opportunities monitoring purposes.

Health

Data related to health (including information on whether or not an individual has a disability) is processed to:



- ensure that The Skills Centre Limited is complying with its health and safety obligations;
- assess whether or not an employee is fit for work;
- carry out appropriate capability procedures if an employee is not fit for work;
- ensure that an employee receives sick pay or other benefits to which they may be entitled under their contract of employment or other policies; and
- allow The Skills Centre Limited to comply with its duties under the Equality Act 2010 for individuals with a disability.

Racial or ethnic origin

Data related to data subjects' nationality is processed to ensure that The Skills Centre Limited are complying with its obligations to check that they are entitled to work in the UK.

Criminal records data

Criminal records data is processed as part of recruitment processes and, where necessary, in the course of employment to verify that candidates are suitable for employment or continued employment and to comply with legal and regulatory obligations to which the organisation is subject.

Compliance with data protection principles

Employers can process special category personal data only if they have a legal basis for processing and, in addition, one of the specific processing conditions relating to special category personal data, or criminal records data, applies.

The Skills Centre Limited does not use the data for any other purpose and it reviews its processing and policies regularly to ensure that it is not using special category personal data or criminal records data for any other purpose. The organisation will not do anything unlawful with personal data.

Special category personal data and criminal records data are not disclosed to third parties, except in the context of seeking medical advice from the organisation's occupational health adviser or other medical advisers who are subject to a professional duty of confidentiality. The Skills Centre Limited complies with the Access to Medical Reports Act 1988 where relevant.

As far as possible, information required for equal opportunities monitoring purposes is kept in an anonymised form. Monitoring forms are kept under review to ensure that the information collected is accurate and not excessive.

As far as possible, The Skills Centre Limited relies on health questionnaires, rather than medical testing, to obtain necessary information. Any medical testing that is carried out is relevant to the purpose for which it is undertaken and is focused on those performing high-risk roles.

Criminal records checks are carried out only for individuals undertaking roles where the organisation is under a legal obligation or regulatory requirement to perform such checks.

The Skills Centre Limited keeps accurate personal data and takes all reasonable steps to ensure that inaccurate personal data is rectified or deleted without delay.

The Skills Centre Limited takes reasonable steps to ensure that the personal data that it holds is accurate. Special category personal data and criminal records data is obtained:

- directly from job applicants, employees and other data subjects; or
- from external sources that the organisation is entitled to assume will provide accurate information, such as the Disclosure and Barring Service in the case of criminal records data, or medical professionals in the case of health data.

individual rights

Individuals have a number of rights in relation to their personal data.

Subject access requests

Individuals have the right to make a subject access request. If an individual makes a subject access request, The Skills Centre Limited will tell them:

- whether or not their data is 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 is 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 is 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 the organisation has failed to comply with their data protection rights; and
- whether or not the organisation carries out automated decision-making and the logic involved in any such decision-making.

The Skills Centre Limited 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 they agree otherwise.

If the individual wants additional copies, The Skills Centre will charge a fee, which will be based on the administrative cost to the organisation of providing the additional copies.

To make a subject access request, the individual should send the request to Maria.Richards@theskillscentre.co.uk or use the organisation's [form for making a subject access request](#). In some cases, The Skills Centre Limited may need to ask for



proof of identification before the request can be processed. The Skills Centre Limited will inform the individual if it needs to verify their identity and the documents it requires.

The Skills Centre Limited will normally respond to a request within a period of one month from the date it is received. In some cases, such as where the organisation processes large amounts of the individual's data, we may respond within three months of the date the request is received. The Skills Centre Limited will write to the individual within one month of receiving the original request to tell them if this is the case.

If a subject access request is manifestly unfounded or excessive, we are not obliged to comply with it. Alternatively, we 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 The Skills Centre UK organisation has already responded. If an individual submits a request that is unfounded or excessive, we will notify them that this is the case and whether or not it will respond to it.

Other rights

Individuals have a number of other rights in relation to their personal data. They can require the organisation 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 the organisation's legitimate grounds for processing data (where the organisation 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 the organisation's legitimate grounds for processing data.

To ask The Skills Centre Limited to take any of these steps, the individual should send the request to the HR Department.

Data security

The organisation takes the security of HR-related personal data seriously. The Skills Centre Limited 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.

Where The Skills Centre Limited engages third parties to process personal data on its behalf, such parties do so on the basis of written instructions, are under a duty of confidentiality and are obliged to implement appropriate technical and organisational measures to ensure the security of data.

Data breaches



If The Skills Centre Limited discovers that there has been a breach of HR-related 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. The organisation 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.

International data transfers

The Skills Centre UK will not transfer HR-related personal data to countries outside the EEA.

Individual responsibilities

Individuals are responsible for helping the organisation keep their personal data up to date. Individuals should let the organisation know if data provided to the organisation changes, for example if an individual moves house or changes bank details.

Individuals may have access to the personal data of other individuals and of our customers and clients in the course of their employment, contract, volunteer period, internship or apprenticeship. Where this is the case, The Skills Centre relies on individuals to help meet its data protection obligations to staff and to customers and clients.

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 the organisation) 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 the organisation's premises without adopting appropriate security measures (such as encryption or password protection) to secure the data and the device;
- not to store personal data on local drives or on personal devices that are used for work purposes; and
- to report data breaches of which they become aware to the data protection officer immediately.

Failing to observe these requirements may amount to a disciplinary offence, which will be dealt with under the organisation's disciplinary procedure. Significant or deliberate breaches of this policy, such as accessing employee or customer data without authorisation or a legitimate reason to do so, may constitute gross misconduct and could lead to dismissal without notice.



Training

The Skills Centre Limited will provide training to all individuals about their data protection responsibilities as part of the induction process.

Individuals whose roles require regular access to personal 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.