



Vision Teaching Data Protection and Information Security Policy – April 2018

All organisations that process *personal data* are required to comply with data protection legislation. This includes the Data Protection Act 1998 (or its successor) and the EU General Data Protection Regulation (together the 'Data Protection Laws'). The Data Protection Laws give individuals (known as 'data subjects') certain rights over their *personal data* whilst imposing certain obligations on the organisations that process their data.

As a recruitment business Vision Teaching collects and processes both *personal data* and *sensitive personal data*. It is required to do so to comply with other legislation. It is also required to keep this data for different periods depending on the nature of the data.

This policy sets out how Vision Teaching implements the Data Protection Laws. It should be read in conjunction with the Data Protection Procedure.

Definitions

In this policy the following terms have the following meanings:

'consent' means any freely given, specific, informed and unambiguous indication of an individual's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the *processing* of personal data relating to him or her;

'data controller' means an individual or organisation which, alone or jointly with others, determines the purposes and means of the *processing of personal data*;

'data processor' means an individual or organisation which processes *personal data* on behalf of the *data controller*;

'personal data'* means any information relating to an individual who can be identified, such as by a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

'personal data breach' means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data;

'processing' means any operation or set of operations performed on personal data, such as collection, recording, organisation, structuring, storage (including archiving), adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

'profiling' means any form of automated *processing of personal data* consisting of the use of *personal data* to evaluate certain personal aspects relating to an individual, in particular to analyse or predict aspects concerning that natural person's performance at work, economic situation, health, personal preferences, interests, reliability, behaviour, location or movements;

'pseudonymisation' means the *processing of personal data* in such a manner that the *personal data* can no longer be attributed to an individual without the use of additional information, provided that such additional information is kept separately and is subject to technical and organisational measures to ensure that the *personal data* are not attributed to an identified or identifiable individual;

'sensitive personal data'* means *personal data* revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the *processing of genetic data*,



biometric data, data concerning health, an individual's sex life or sexual orientation and an individual's criminal convictions.

*For the purposes of this policy we use the term '*personal data*' to include '*sensitive personal data*' except where we specifically need to refer to *sensitive personal data*.

'***Supervisory authority***' means an independent public authority which is responsible for monitoring the application of data protection. In the UK the *supervisory authority* is the Information Commissioner's Office (ICO).

All these definitions are italicised throughout this policy to remind the reader that they are defined terms.

Data Processing

Vision Teaching processes *personal data* in relation to its own staff, work-seekers and individual client contacts and is a *data controller* for the purposes of the Data Protection Laws. Vision Teaching is registered with the ICO and its registration number is Z286944.

Vision Teaching may hold *personal data* on individuals for the following purposes:

- Staff administration;
- Advertising, marketing and public relations
- Accounts and records;
- Administration and *processing* of work-seekers' *personal data* for the purposes of providing work-finding services, including *processing* using software solution providers and back office support
- Administration and *processing* of clients' *personal data* for the purposes of supplying/introducing work-seekers

1 - The data protection principles

The Data Protection Laws require Vision Teaching to act as either *data controller* or *data processor* to process data in accordance with the principles of data protection. These require that *personal data* is:

1. Processed lawfully, fairly and in a transparent manner;
2. Collected for specified and legitimate purposes and not further processed in a manner that is incompatible with those purposes;
3. Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
4. Accurate and 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 for no longer than is necessary for the purposes for which the *personal data* are processed;
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; and that
7. The *data controller* shall be responsible for, and be able to demonstrate, compliance with the principles.

2 - Legal bases for processing



Vision Teaching will only process *personal data* where it has a legal basis for doing so (see Annex A). Where Vision Teaching does not have a legal reason for *processing personal data* any processing will be a breach of the Data Protection Laws.

Vision Teaching will review the *personal data* it holds on a regular basis to ensure it is being lawfully processed and it is accurate, relevant and up to date and those people listed in the Appendix shall be responsible for doing this.

Before transferring *personal data* to any third party (such as past, current or prospective employers, suppliers, customers and clients, intermediaries such as umbrella companies, persons making an enquiry or complaint and any other third party (such as software solutions providers and back office support)), Vision Teaching will establish that it has a legal reason for making the transfer.

3 - Privacy by design and by default

Vision Teaching has implemented measures and procedures that adequately protect the privacy of individuals and ensures that data protection is integral to all *processing* activities. This includes implementing measures such as:

- data minimisation (i.e. not keeping data for longer than is necessary);
- *pseudonymisation*;
- anonymization;
- cyber security.

Information Security

Only those listed in the Appendix are permitted to add, amend or delete personal data from Vision Teaching's database(s) ('database' includes paper records or records stored electronically).

All Vision Teaching's internal staff are responsible for notifying those listed in the Appendix where information is known to be old, inaccurate or out of date or a request for erasure, access, rectification or restriction of processing has been received from the individual. Vision Teaching staff are also responsible for notifying those listed in the Appendix where any request for data portability, objection to processing or where consent to process has been withdrawn and has been received from the individual.

The incorrect processing of personal data e.g. sending an individual's details to the wrong person, allowing unauthorised persons access to personal data, sending information out for purposes for which the individual did not give their consent, or not having a lawful reason to process personal data, may give rise to a breach of contract and/or negligence leading to a claim against Vision Teaching for damages from an employee, work-seeker or client contact.

A failure to observe the contents of this procedure policy will be treated as a disciplinary offence.

In addition, all Vision Teaching staff should ensure that adequate security measures are in place to limit the risk of personal data breaches. For example:

Staff should lock their computer screens when they are not in use.

- All personal data collected via a company or personal device for the purposes of providing Vision Teaching's services, should be processed through the Company's CRM.
- Staff should not disclose their passwords to anyone.
- Email should be used with care. Vision Teaching's staff must ensure that emails are sent only to the intended recipient/s. Where staff send an email in error then the email must be recalled



immediately, and staff must inform those listed in the Appendix of the error so that any risk of a personal data breach can be limited.

- Personnel files (whether for internal staff or work-seekers) and other personal data should be stored securely to prevent unauthorised access. They should not be removed from their usual place of storage without good reason.
- Personnel files (whether for internal staff or work-seekers) should always be locked away when not in use and when in use should not be left unattended.
- Personal data should only be stored for the periods set out in Vision Teaching's data retention policy.
- Processing includes the destruction or disposal of personal data. Therefore, staff should take care to destroy or dispose of personal data safely and securely. Such material should be shredded or stored as confidential waste awaiting safe destruction.

Vision Teaching shall provide any information relating to data processing to an individual in a concise, transparent, intelligible and easily accessible form, using clear and plain language. The information shall be provided in writing, or by other means, including, where appropriate, by electronic means. Vision Teaching may provide this information orally if requested to do so by the individual.

Rights of the individual

1 - Privacy notices

Where Vision Teaching collects *personal data* from the individual, Vision Teaching will give the individual a privacy notice at the time when it first obtains the *personal data*.

Where Vision Teaching collects *personal data* other than from the individual directly, it will give the individual a privacy notice within a reasonable period after obtaining the *personal data*, but at the latest within one month. If Vision Teaching intends to disclose the *personal data* to a third party then the privacy notice will be issued when the *personal data* are first disclosed (if not issued sooner).

Where Vision Teaching intends to further process the *personal data* for a purpose other than that for which the data was initially collected, Vision Teaching will give the individual information on that other purpose and any relevant further information before it does the further *processing*

2 - Subject access requests

The individual is entitled to access their *personal data* on request from the *data controller*.

3 - Rectification

The individual or another *data controller* at the individual's request, has the right to ask Vision Teaching to rectify any inaccurate or incomplete *personal data* concerning an individual.

If Vision Teaching has given the personal data to any third parties it will tell those third parties that it has received a request to rectify the *personal data* unless this proves impossible or involves disproportionate effort. Those third parties should also rectify the *personal data* they hold - however Vision Teaching will not be in a position to audit those third parties to ensure that the rectification has occurred.

4 - Erasure

The individual or another data controller at the individual's request, has the right to ask Vision Teaching to erase an individual's personal data.

If Vision Teaching receives a request to erase it will ask the individual if s/he wants his *personal data* to be removed entirely or whether s/he is happy for his or her details to be kept on a list of individuals who



do not want to be contacted in the future (for a specified period or otherwise). Vision Teaching cannot keep a record of individuals whose data it has erased so the individual may be contacted again by Vision Teaching should they come into possession of the individual's *personal data* at a later date.

If Vision Teaching has made the data public, it shall take reasonable steps to inform other *data controllers* and *data processors processing* the *personal data* to erase the *personal data*, considering available technology and the cost of implementation.

If Vision Teaching has given the *personal data* to any third parties it will tell those third parties that it has received a request to erase the *personal data*, unless this proves impossible or involves disproportionate effort. Those third parties should also rectify the *personal data* they hold - however Vision Teaching will not be in a position to audit those third parties to ensure that the rectification has occurred.

5 - Restriction of *processing*

The individual or a *data controller* at the individual's request, has the right to ask Vision Teaching to restrict its *processing* of an individual's *personal data* where:

- The individual challenges the accuracy of the *personal data*;
- The *processing* is unlawful and the individual opposes its erasure;
- Vision Teaching no longer needs the *personal data* for the purposes of the *processing*, but the *personal data* is required for the establishment, exercise or defence of legal claims; or

The individual has objected to *processing* (on the grounds of a public interest or legitimate interest) pending the verification whether the legitimate grounds of Vision Teaching override those of the individual.

If Vision Teaching has given the *personal data* to any third parties it will tell those third parties that it has received a request to restrict the *personal data*, unless this proves impossible or involves disproportionate effort. Those third parties should also rectify the *personal data* they hold – however Vision Teaching will not be in a position to audit those third parties to ensure that the rectification has occurred.

6 - Data portability

The individual shall have the right to receive *personal data* concerning him or her, which he or she has provided to Vision Teaching, in a structured, commonly used and machine-readable format and have the right to transmit those data to another *data controller* in circumstances where:

- The *processing* is based on the individual's *consent* or a contract; and
- The *processing* is carried out by automated means.

Where feasible, Vision Teaching will send the *personal data* to a named third party on the individual's request.

7 - Object to *processing*

The individual has the right to object to their *personal data* being processed based on a public interest or a legitimate interest. The individual will also be able to object to the *profiling* of their data based on a public interest or a legitimate interest.

Vision Teaching shall cease *processing* unless it has compelling legitimate grounds to continue to process the *personal data* which override the individual's interests, rights and freedoms or for the establishment, exercise or defence of legal claims.

The individual has the right to object to their *personal data* for direct marketing.



8 - Enforcement of rights

All requests regarding individual rights should be sent to the person whose details are listed in the Appendix.

Vision Teaching shall act upon any subject access request, or any request relating to rectification, erasure, restriction, data portability or objection or automated decision making processes or profiling within one month of receipt of the request. Vision Teaching may extend this period for two further months where necessary, taking into account the complexity and the number of requests.

Where Vision Teaching considers that a request under this section is manifestly unfounded or excessive due to the request's repetitive nature Vision Teaching may either refuse to act on the request or may charge a reasonable fee taking into account the administrative costs involved.

9 - Automated decision making

Vision Teaching will not subject individuals to decisions based on automated *processing* that produce a legal effect or a similarly significant effect on the individual, except where the automated decision:

- Is necessary for the entering into or performance of a contract between the *data controller* and the individual;
- Is authorised by law; or
- The individual has given their explicit *consent*.

Vision Teaching will not carry out any automated decision-making or *profiling* using the *personal data* of a child.

Personal Data Breaches

All data breaches should be referred to the persons whose details are listed in Appendix A.

1 - Personal data breaches where Vision Teaching is the data controller:

Where Vision Teaching establishes that a *personal data breach* has taken place, Vision Teaching will take steps to contain and recover the breach. Where a *personal data breach* is likely to result in a risk to the rights and freedoms of any individual Vision Teaching will notify the ICO.

Where the *personal data breach* happens outside the UK, Vision Teaching shall alert the relevant *supervisory authority* for data breaches in the effected jurisdiction.

2 - Personal data breaches where Vision Teaching is the data processor:

Vision Teaching will alert the relevant *data controller* as to the *personal data breach* as soon as they are aware of the breach.

3 - Communicating personal data breaches to individuals

Where Vision Teaching has identified a *personal data breach* resulting in a high risk to the rights and freedoms of any individual, Vision Teaching shall tell all affected individuals without undue delay.

Vision Teaching will not be required to tell individuals about the *personal data breach* where:

- Vision Teaching has implemented appropriate technical and organisational protection measures to the *personal data* affected by the breach, in particular to make the *personal data* unintelligible to any person who is not authorised to access it, such as encryption.
- Vision Teaching has taken subsequent measures which ensure that the high risk to the rights and freedoms of the individual is no longer likely to materialise.



It would involve disproportionate effort to tell all affected individuals. Instead, Vision Teaching shall make a public communication or similar measure to tell all affected individuals.

The Human Rights Act 1988

All individuals have the following rights under the Human Rights Act 1998 (HRA) 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, belief and religion (Article 9).
- Freedom of expression (Article 10).
- Freedom of assembly and association (Article 11).

Protection from discrimination in respect of rights and freedoms under the HRA (Article 14).

Complaints

If you have a complaint or suggestion about Vision Teaching's handling of *personal data* then please contact the person whose details are listed in the Appendix to this policy.

Alternatively, you can contact the ICO directly on 0303 123 1113 or at <https://ico.org.uk/global/contact-us/email/>

APPENDIX A

Staff responsible for adding, amending or deleting personal data:

Craig Sanders, Managing Partner:	craig@visionteaching.co.uk	0207 430 7124
Daniel Leigh, Managing Partner:	daniel@visionteaching.co.uk	0207 430 7123
Sarah Pugh, Compliance Director:	sarah@visionteaching.co.uk	0207 430 7125

Staff responsible for responding to subject access requests/requests for rectification, erasure, restriction data portability, objection and automated decision making processes and profiling;

Craig Sanders, Managing Partner:	craig@visionteaching.co.uk	0207 430 7124
Daniel Leigh, Managing Partner:	daniel@visionteaching.co.uk	0207 430 7123

Staff responsible for reporting data breaches/dealing with complaints;

Craig Sanders, Managing Partner:	craig@visionteaching.co.uk	0207 430 7124
Daniel Leigh, Managing Partner:	daniel@visionteaching.co.uk	0207 430 7123

Data Protection Officer for Vision Teaching:

Craig Sanders, Managing Partner:	craig@visionteaching.co.uk	0207 430 7124
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ANNEX - Legal Basis for Processing Personal Data

The lawfulness of *processing* conditions for *personal data* are:

1. *Consent* of the individual for one or more specific purposes.
2. *Processing* is necessary for the performance of a contract with the individual or in order to take steps at the request of the individual to enter into a contract.
3. *Processing* is necessary for compliance with a legal obligation that the controller is subject to.
4. *Processing* is necessary to protect the vital interests of the individual or another person.
5. *Processing* is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the *data controller*.
6. *Processing* is necessary for the purposes of legitimate interests pursued by the controller or a third party, except where such interests are overridden by the interests or fundamental rights or freedoms of the individual which require protection of *personal data*, in particular where the individual is a child.

The lawfulness of *processing* conditions for *sensitive personal data* are:

1. Explicit *consent* of the individual for one or more specified purposes, unless reliance on *consent* is prohibited by EU or Member State law.
2. *Processing* is necessary for carrying out data controller's obligations under employment, social security or social protection law, or a collective agreement, providing for appropriate safeguards for the fundamental rights and interests of the individual.
3. *Processing* is necessary to protect the vital interests of the individual or another individual where the individual is physically or legally incapable of giving *consent*.
4. In the course of its legitimate activities, *processing* is carried out with appropriate safeguards by a foundation, association or any other not-for-profit body, with a political, philosophical, religious or trade union aim and on condition that the *processing* relates only to members or former members (or those who have regular contact with it in connection with those purposes) and provided there is no disclosure to a third party without the *consent* of the individual.
5. *Processing* relates to *personal data* which are manifestly made public by the individual.
6. *Processing* is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity.
7. *Processing* is necessary for reasons of substantial public interest on the basis of EU or Member State law which shall be proportionate to the aim pursued, respects the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and interests of the individual.
8. *Processing* is necessary for the purposes of preventative or occupational medicine, for assessing the working capacity of the employee medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services on the basis of EU or Member State law or a contract with a health professional and subject to the necessary conditions and safeguards.
9. *Processing* is necessary for reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring high standards of quality and safety of healthcare and of medicinal products or medical devices, on the basis of EU or Member State law which provides for suitable and specific measures to safeguard the rights and freedoms of the individual, in particular professional secrecy.
10. *Processing* is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes, which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard fundamental rights and interests of the individual.