



## **Data Protection Policy**

This policy follows strict guidelines from the Data Protection act 2018 and details your rights and obligations in relation to your personal data and the personal data of third parties that you may come into contact with during the course of your employment.

If you have access to the personal data of employees, clients, customers, stakeholders or of third parties, you must comply with this policy. For TDM staff, failure to comply with the policy and procedures may result in disciplinary action up to and including dismissal without notice.

## **Your entitlements and your duties as a TDM employee**

Personal Data means data held either on a computer or in a paper-based filing system which relates to a living individual who can be identified from that data.

The Data Protection Act 2018 prescribes the way in which the Company may collect, retain and handle personal data.

TDM have in place a set of Information Security Policies and Procedures that every TDM employee must follow to ensure compliance.

TDM will comply with the requirements of the Data Protection Act and all Employees and stakeholders, contractors who handle personal data in the course of their work must also comply with it.

<https://www.gov.uk/government/collections/data-protection-act-2018>

## **The purposes for which personal data may be held by TDM**

Personal data relating to employees may be collected by the Company for the purposes of:

- recruitment, promotion, training, redeployment, and / or career development, such as references, CVs and appraisal documents.
- administration and payment of wages, such as emergency contact details and bank/building society details
- calculation of certain benefits including pensions
- disciplinary or grievance issues
- performance management purposes and performance review
- recording of communication with employees and their representatives
- compliance with legislation
- provision of references to financial institutions, to facilitate entry onto educational courses and/or assist future potential employers
- staffing levels and career planning

Personal data relating to clients we work with may be collected by the Company for the purposes of:

- Delivering the TDM services
- Accessing funding to deliver the TDM services

These lists are not exhaustive.

## **Sensitive personal data**

Sensitive personal data is a specific set of “special categories” that must be treated with extra security. This includes information related to:

- racial or ethnic origin
- political opinions
- religious or similar beliefs
- trade union membership
- physical or mental health condition
- genetic data
- commission or alleged commission of any offence
- biometric data (where processed to uniquely identify someone)

TDM staff and any stakeholder that comes across this data must take extra care when dealing with this data. As with personal data generally, it should only be kept in laptops or portable devices if the file has been encrypted or pseudonymised.

TDM staff must use the secure company platforms to store any personal data and follow the strict guidelines to protect personal data of staff and clients.

## **Data protection principles**

1. Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless –  
(a) at least one of the conditions in Schedule 2 in the data protection act is met, and  
(b) in the case of sensitive personal data, at least one of the conditions in Schedule 3 (in the data protection act) is also met.
2. Personal data shall be obtained only for one or more specified and lawful purposes and shall not be further processed in any manner incompatible with that purpose or those purposes.
3. Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.
4. Personal data shall be accurate and, where necessary, kept up to date.
5. Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.
6. Personal data shall be processed in accordance with the rights of data subjects under this Act.
7. Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.
8. Personal data shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

For more information please go to:

<https://ico.org.uk/for-organisations/guide-to-data-protection/>

## **Processing of sensitive data**

TDM will process sensitive data primarily where it is necessary to enable the Company to meet its legal obligations and in particular to ensure adherence to health and safety and vulnerable groups protection legislation or for equal opportunities monitoring purposes. In most cases, TDM will not process sensitive personal data without the data subject consent (this is the employee, the customer, learner, etc.)

If you are handling sensitive data as part of your job duties at TDM, you must ensure that you do so following the guidelines and procedures stated in this policy and according to the data protection law. You also must follow the Information Security Policies and Procedures that form TDM's Information Security Strategy.

### **Accuracy of personal data**

The Company will review personal data regularly to ensure that it is accurate, relevant and up to date. To ensure the Company's files are accurate and up to date, and so that the Company is able to contact you or, in the case of an emergency, another designated person. You must notify your line manager or Company director as soon as possible of any change in your personal details (e.g., change of name, address, telephone number, loss of driving licence where relaxant, next of kin details, etc.) Likewise, if you get notification from customers on change of personal data, you must follow TDM procedures and guidance to ensure the TDM systems are updated accordingly.

### **Security of personal data**

The Company will ensure that personal data is not processed unlawfully, lost or damaged. If you have access to personal data during the course of your employment, you must also comply with this obligation. If you believe you have lost any personal data in the course of your work, you must report it to your manager immediately. Failure to do so may result in disciplinary action up to and including dismissal without notice. You must follow TDM's all Information Security Policies and Procedures.

### **Access to your personal data**

The Data Protection Act 2018 gives you the right to access the personal data held about you by the Company. This is in line with the freedom of information act.

The Company will arrange for you to see or hear all personal data held about you within 40 days of receipt of a written request and subject to a £10.00 administration fee. Likewise, if a customer you are dealing with makes a request to access the personal data we hold about themselves, you must refer this to the Data Protection Officer, currently Elizabeth Hoyos de Kent.

### **Handling of Customers personal data**

Your role may involve handling customer personal data, for example: apprenticeships provision, and qualification programmes. It is the responsibility of all TDM staff to keep customers' data secure and in designated safe places. Also to safely destroy any customers' personal data that is not required by the Company anymore. If you have any questions, Please consult with your line manager about the safe handling of customers' personal data. Failure to do so may result in disciplinary action.

You must follow TDM's Information Security Strategy and read and understand all Information Security Policies and Procedures.

### **Data Protection Act Registration**

TDM is registered with the Information Commissioner's Office (ICO) – Registration number **Z1889101** – and details of our registration can be found at:

<http://www.ico.org.uk/ESDWebPages/DoSearch>

Should you have any queries regarding this policy and/or access to the above page please contact TDM's data controller: Elizabeth Hoyos de Kent.

Issue Date	Revision Number*	Revision Date*	Revision Changes*	Initials
08/05/12	5	16/03/17	Updating the ICO details, such as relevant link.	EK
08/05/12	6	30/04/2018	Pg 1 - Entitlements and Duties as a TDM employee Pg 2 and 3 - Mention of TDM Information Security Strategy - Policies and Procedures Pg 3 - Removal of Mahara Page guidance as it contained old address.	EK
08/05/12	7	26/11/2019	Added links to Information security policies and procedures and confidentiality policy.	EK
08/05/12	8	21/01/2021	Updated information to reflect new position of business (Covid)	EK BP
08/05/12	9	20/01/2022	Reviewed- Ensured clarity of processing of clients data is mentioned	EHK