

**DATA PROTECTION POLICY**

Date of policy: 27/06/2023

This policy will be reviewed every 12 months (as a minimum) Review Date: 27/06/24

**1. INTRODUCTION**

We hold personal data about our employees, clients, suppliers and other individuals for a variety of business purposes.

This policy sets out how we seek to protect personal data and ensure that staff understand the rules governing their use of personal data to which they have access in the course of their work. In particular, this policy requires staff to ensure that the Data Protection Officer be consulted before any significant new data processing activity is initiated to ensure that relevant compliance steps are addressed.

**2. DEFINITIONS**

<p><b>Business purposes</b></p>	<p>The purposes for which personal data may be used by us:</p> <p>Personnel, administrative, financial, regulatory, payroll and business development purposes.</p> <p>Business purposes include the following:</p> <ul style="list-style-type: none"> <li>- Compliance with our legal, regulatory and corporate governance obligations and good practice</li> <li>- Gathering information as part of investigations by regulatory bodies or in connection with legal proceedings or requests</li> <li>- Ensuring business policies are adhered to (such as policies covering email and internet use)</li> <li>- Operational reasons, such as recording transactions, training and quality control, ensuring the confidentiality of commercially sensitive information, security vetting, credit scoring and checking</li> <li>- Investigating complaints</li> <li>- Checking references, ensuring safe working practices, monitoring and managing staff access to systems and facilities and staff absences, administration and assessments</li> <li>- Monitoring staff conduct, disciplinary matters</li> <li>- Marketing our business</li> <li>- Improving services</li> </ul>
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<p><b>Personal data</b></p>	<p>Information relating to identifiable individuals, such as job applicants, current and former employees, agency, contract and other staff, clients, suppliers and marketing contacts.</p> <p>Personal data we gather may include: individuals' contact details, educational background, financial and pay details, details of certificates and diplomas, education and skills, marital status, nationality, job title, and C.V.</p>
<p><b>Sensitive personal data</b></p>	<p>Personal data about an individual's racial or ethnic origin, political opinions, religious or similar beliefs, trade union membership (or non-membership), physical or mental health or condition, criminal offences, or related proceedings—any use of sensitive personal data should be strictly controlled in accordance with this policy.</p>

### 3. SCOPE

This policy applies to all staff. You must be familiar with this policy and comply with its terms. This policy supplements our other policies relating to internet and email use. We may supplement or amend this policy by additional policies and guidelines from time to time. Any new or modified policy will be circulated to staff before being adopted.

#### Who is responsible for this policy?

As our Data Protection Officer, Abby Farrow has overall responsibility for the day-to-day implementation of this policy.

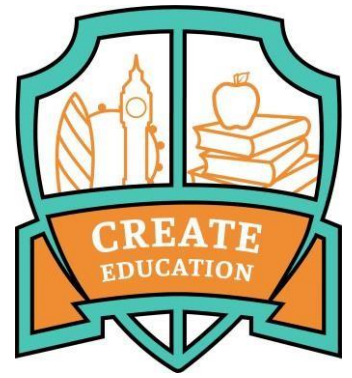
### 4. OUR PROCEDURES

#### Fair and lawful processing

We must process personal data fairly and lawfully in accordance with individuals' rights. This generally means that we should not process personal data unless the individual whose details we are processing has consented to this happening.

#### The Data Protection Officer's responsibilities:

- Keeping the board updated about data protection responsibilities, risks and issues
- Reviewing all data protection procedures and policies on a regular basis
- Arranging data protection training and advice for all staff members and those included in this policy
- Answering questions on data protection from staff, board members and other stakeholders
- Responding to individuals such as clients and employees who wish to know which data is being held on them by Create Education Limited.



- Checking and approving with third parties that handle the company's data any contracts or agreement regarding data processing

#### **Responsibilities of the IT Department**

- Ensure all systems, services, software and equipment meet acceptable security standards
- Checking and scanning security hardware and software regularly to ensure it is functioning properly
- Researching third-party services, such as cloud services the company is considering using to store or process data

#### **Responsibilities of the Marketing Manager**

- Approving data protection statements attached to emails and other marketing copy
- Addressing data protection queries from clients, target audiences or media outlets
- Coordinating with the DPO to ensure all marketing initiatives adhere to data protection laws and the company's Data Protection Policy

#### **The processing of all data must be:**

- Necessary to deliver our services
- In our legitimate interests and not unduly prejudice the individual's privacy
- In most cases this provision will apply to routine business data processing activities.

Our Terms of Business contains a Privacy Notice to clients on data protection.

The notice:

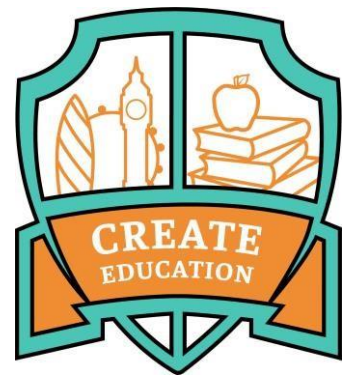
- Sets out the purposes for which we hold personal data on customers and employees
- Highlights that our work may require us to give information to third parties such as expert witnesses and other professional advisers
- Provides that customers have a right of access to the personal data that we hold about them

#### **5. SENSITIVE PERSONAL DATA**

In most cases where we process sensitive personal data we will require the data subject's explicit consent to do this unless exceptional circumstances apply or we are required to do this by law (e.g. to comply with legal obligations to ensure health and safety at work). Any such consent will need to clearly identify what the relevant data is, why it is being processed and to whom it will be disclosed.

#### **6. ACCURACY AND RELEVANCE**

We will ensure that any personal data we process is accurate, adequate, relevant and not excessive, given the purpose for which it was obtained. We will not process personal data



obtained for one purpose for any unconnected purpose unless the individual concerned has agreed to this or would otherwise reasonably expect this.

Individuals may ask that we correct inaccurate personal data relating to them. If you believe that information is inaccurate you should record the fact that the accuracy of the information is disputed and inform the DPO, Abby Farrow.

## **7. YOUR PERSONAL DATA**

You must take reasonable steps to ensure that personal data we hold about you is accurate and updated as required. For example, if your personal circumstances change, please inform the Data Protection Officer so that they can update your records.

## **8. DATA SECURITY**

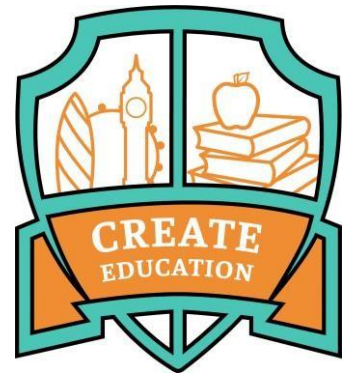
You must keep personal data secure against loss or misuse. Where other organisations process personal data as a service on our behalf, the DPO will establish what, if any, additional specific data security arrangements need to be implemented in contracts with those third party organisations.

## **9. STORING DATA SECURELY**

- In cases when data is stored on printed paper, it should be kept in a secure place where unauthorised personnel cannot access it
- Printed data should be shredded when it is no longer needed
- Data stored on a computer should be protected by strong passwords that are changed regularly. We encourage all staff to use a password manager to create and store their passwords.
- Data stored on CDs or memory sticks must be locked away securely when they are not being used
- The DPO must approve any cloud used to store data
- Servers containing personal data must be kept in a secure location, away from general office space
- Data should be regularly backed up in line with the company's backup procedures
- Data should never be saved directly to mobile devices such as laptops, tablets or smartphones unless it is password protected in line with policy and for use only within the objectives of this policy
- All servers containing sensitive data must be approved and protected by security software and strong firewall.

## **10. DATA RETENTION**

We must retain personal data for no longer than is necessary. What is necessary will depend on the circumstances of each case, taking into account the reasons that the personal data was



obtained, but should be determined in a manner consistent with our data retention guidelines.

## **11. TRANSFERRING DATA INTERNATIONALLY**

There are restrictions on international transfers of personal data. You must not transfer personal data anywhere outside the UK without first consulting the Data Protection Officer.

Subject access requests

Please note that under the Data Protection Act 1998, individuals are entitled, subject to certain exceptions, to request access to information held about them.

If you receive a subject access request, you should refer that request immediately to the DPO. We may ask you to help us comply with those requests.

Please contact the Data Protection Officer if you would like to correct or request information that we hold about you. There are also restrictions on the information to which you are entitled under applicable law.

Processing data in accordance with the individual's rights

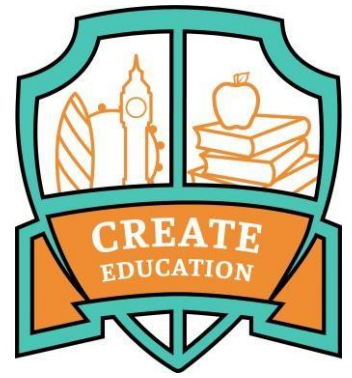
You should abide by any request from an individual not to use their personal data for direct marketing purposes and notify the DPO about any such request.

Do not send direct marketing material to someone electronically (e.g. via email) unless you have an existing business relationship with them in relation to the services being marketed.

Please contact the DPO for advice on direct marketing before starting any new direct marketing activity.

## **12. TRAINING**

All staff will receive training on this policy. New joiners will receive training as part of the induction process. Further training will be provided at least every two years or whenever there is a substantial change in the law or our policy and procedure.



Training is provided through an in-house seminar on a regular basis.

It will cover:

- The law relating to data protection
- Our data protection and related policies and procedures.

Completion of training is compulsory.

### **13. COVID-19**

During the Coronavirus pandemic we have always followed government and APSCo advice.

As an alternative to face to face interviewing, video interviewing has been introduced and is conducted in line with advice and legislation.

**[Link: APSCo Compliance+ \(COVID Changes\)](#)**

Consultants must only use Microsoft Teams for interviews with a secure invitation link emailed only to the applicant before their meeting. The recording of interviews is solely for audit purposes to verify original documents which will provide a secure stream link once the recording has finished. This link will be saved within a candidate record which as mentioned above is a password protected CRM system giving only the consultant and relevant admin access to the candidate record.

For further information around the security of using Microsoft Teams please follow the links below:

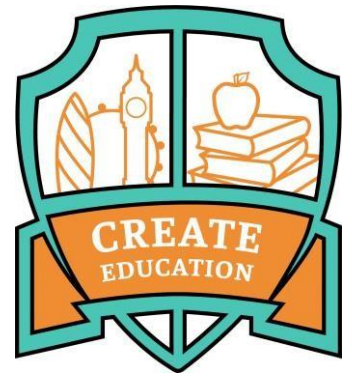
**[Link: Our commitment to privacy and security in Microsoft Teams](#)**

**[Link: Microsoft Privacy Statement](#)**

As with all data, candidates can request for their data to be removed at any time which will include deleting the link to their interview recording.

### **14. GDPR PROVISION**

**[Privacy Notice - transparency of data protection](#)**



Being transparent and providing accessible information to individuals about how we will use their personal data is important for our organisation. The following are details on how we collect data and what we will do with it:

### **What information is being collected?**

C.V's and personal details including phone numbers, email addresses, addresses and date of birth. When someone comes in to register we are obliged to collect safeguarding documents such as ID, proof of address, proof of NI number, DBS and Qualification certificates. Further information on this is held in our data retention policy.

### **Who is collecting it?**

This data is collected by Create Education staff including Recruitment Consultants, Administrators and Directors.

### **How is it collected?**

Create Education obtains data from a variety of sources, these include:

- Through our website.
- Through our social media including Twitter, Facebook, LinkedIn and Instagram.
- Through phone enquiries.
- Through Job applications.
- Through CV Watchdogs ie. when a CV is uploaded.

### **Why is it being collected? How will it be used?**

We use data always with the goal of obtaining work for an individual, with their permission details of experience and work history will be passed to our clients.

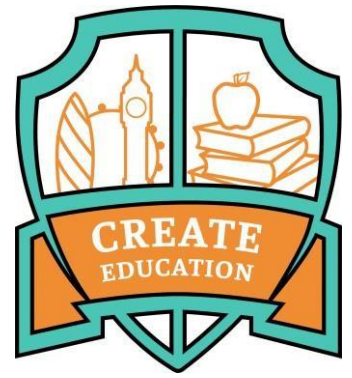
Data will be stored on our internal systems which will always be password encrypted, all paper files will be kept in locked cabinets.

### **Who will it be shared with?**

We use data always with the goal of obtaining work for an individual, with their permission details of experience and work history will be passed to our clients. We may also provide data to trusted payroll providers with the individuals' permission to ensure they get paid.

### **What will be the effect of this on the individuals concerned?**

Once data is added to our database, the individual can expect to receive notification within one month explaining where we obtained the data from and a link to this notice.



We use data always with the goal of obtaining work for an individual, with their permission details of experience and work history will be passed to our clients.

We may contact you via phone or email or social media to inform you of:

- Job opportunities.
- Obtain your availability to work.
- Events we think might be of interest.
- Confirmation of work.
- CPD opportunities.
- Changes within our businesses e.g. Consultant changes, opening hours etc.

This will be no more than once a week although if you are in a placement and require information associated with that it may be more regular.

### **Is the intended use likely to cause individuals to object or complain?**

We believe that adhering to this processing policy means that all data is dealt with in an appropriate way. Should individuals wish to complain they may do so in line with our complaints policy. An individual may unsubscribe at any time by emailing [admin@Create-education.co.uk](mailto:admin@Create-education.co.uk)

### **Conditions for processing**

We will ensure any use of personal data is justified using at least one of the conditions for processing and this will be specifically documented. All staff who are responsible for processing personal data will be aware of the conditions for processing. The conditions for processing will be available to data subjects in the form of a privacy notice.

### **Justification for personal data**

We will process personal data in compliance with all six data protection principles. We will document the additional justification for the processing of sensitive data, and will ensure any biometric and genetic data is considered sensitive.

### **Consent**

The data that we collect is subject to active consent by the data subject. This consent can be revoked at any time.

### **Criminal record checks**





Any criminal record checks are justified by law. Criminal record checks cannot be undertaken based solely on the consent of the subject.

### **Data portability**

Upon request, a data subject should have the right to receive a copy of their data in a structured format. These requests should be processed within one month, provided there is no undue burden and it does not compromise the privacy of other individuals. A data subject may also request that their data is transferred directly to another system. This must be done for free.

### **Right to be forgotten**

A data subject may request that any information held on them is deleted or removed, and any third parties who process or use that data must also comply with the request. An erasure request can only be refused if an exemption applies.

### **Privacy by design and default**

Privacy by design is an approach to projects that promote privacy and data protection compliance from the start. The DPO will be responsible for conducting Privacy Impact Assessments and ensuring that all IT projects commence with a privacy plan.

When relevant, and when it does not have a negative impact on the data subject, privacy settings will be set to the most private by default.

### **International data transfers**

No data may be transferred outside of the EEA without first discussing it with the data protection officer. Specific consent from the data subject must be obtained prior to transferring their data outside the EEA.

### **Data audit and register**

Regular data audits to manage and mitigate risks will inform the data register. This contains information on what data is held, where it is stored, how it is used, who is responsible and any further regulations or retention timescales that may be relevant.



### **Reporting breaches**

All members of staff have an obligation to report actual or potential data protection compliance failures. This allows us to:

- Investigate the failure and take remedial steps if necessary
- Maintain a register of compliance failures
- Notify the Supervisory Authority (SA) of any compliance failures that are material either in their own right or as part of a pattern of failures

### **Create Education Limited's procedure is as follows:**

1. As soon as the breach is identified the employee must notify the Data Protection Officer.
2. The employee will make a note of the breach on the relevant record in our database system (matchmaker -client or candidate)
3. The Data Protection Officer will record the breach on the data breach spreadsheet in the secure drive and notify the directors.
4. The Directors will decide appropriate approach and action.
5. The DPO will follow up with the directors and record actions taken on the spreadsheet.

### **Monitoring**

Everyone must observe this policy. The DPO has overall responsibility for this policy. They will monitor it regularly to make sure it is being adhered to.

### **Consequences of failing to comply**

We take compliance with this policy very seriously. Failure to comply puts both you and the organisation at risk.

The importance of this policy means that failure to comply with any requirement may lead to disciplinary action under our procedures which may result in dismissal. A solicitor in breach of Data Protection responsibility under the law or the Code of Conduct may be struck off.

If you have any questions or concerns about anything in this policy, do not hesitate to contact the DPO.