

Cleveland Youth Association

Data Protection Policy

Cleveland Youth Association (CYA) has a legal responsibility to comply with the provisions of the General Data Protection Regulations (GDPR) 2018 in relation to handling any personal data that we obtain from our employees or customers.

The GDPR requires that personal data shall:

- be processed fairly and lawfully,
- be obtained for a specified and lawful purpose and shall not be processed in any manner incompatible with the purpose,
- be adequate, relevant and not excessive for the purpose,
- be accurate and up-to-date,
- not be kept for longer than necessary for the purpose
- be processed in accordance with the data subject's rights,
- be kept safe from unauthorised processing and accidental loss, damage or destruction,
- not be transferred to a country outside the European Economic Area unless that country has equivalent levels of protection for personal data, except in specified circumstances.

Definitions

- "Customers" refers to learners, employers, contractors and suppliers, Nautical Studies customers
- "Employees" and "customers" may include past, present and potential members of those groups.
- "Processing" refers to any action involving personal information, including obtaining, recording, viewing, organising, copying, amending, adding, deleting, extracting, making available, storing, disclosing, restricting or destroying information.
- "Data controller" determines the purposes and means of processing personal data
- "Data Processor" is responsible for processing personal data on behalf of a controller
- "Data Subject" is a person whose personal data we collect

CYA acts as a Data Controller AND a Data Processor

Lawful Basis under which CYA collects, holds and processes personal information

CYA collects personal information from their employees, learners, employers, contractors and suppliers and customers. Any personal information gathered will only be used in the context of employment with us or the business we conduct with our customers. The lawful basis for processing the majority of Personal Data is contractual. CYA collects sensitive data by consent and uses Legitimate Interest as the basis for some marketing strategies.

Notification of Data held

The information currently held by CYA and the purposes for which it is processed are set out in the Privacy Notice. If processing for a new or different purpose is introduced, the individuals affected by that change would be informed and the Privacy Notice amended.

Employees Responsibilities

All employees shall:

- ensure that all personal information they provide to CYA in connection with their employment is accurate and up-to-date,
- inform CYA of any changes to personal information e.g. changes of address,
- check the information that CYA will make available from time to time in written or automated form and inform CYA of any errors or update the errors as appropriate. CYA will not be held responsible for errors of which it has not been informed,
- abide by CYA's Confidentiality Policy when handling customer's information,
- ensure that customers are aware of Data Protection principles and the requirement to obtain the data subject's consent where appropriate.
- ensure that learner data is kept completely secure at all times e.g.
 - Keep learner data in a secure place when taken outside of CYA premises.
 - No learner files are left unattended on a desk outside of Staff areas

Customer Responsibilities

All customers shall:

- ensure that all personal information they provide to CYA is accurate and up-to-date,
- inform CYA of any changes to information e.g. changes of address,
- check the information that CYA will make available from time to time in written or automated form and inform CYA of any errors or update the errors as appropriate. CYA will not be held responsible for errors of which it has not been informed,
- ensure the strict security of any learner or employee data with which they come into contact.

Rights to Access Information

All employees and customers have the right to ask for a copy of the information held by CYA. The request must be put in writing to the Chief Executive Officer.

CYA aims to comply with requests for access to personal information as quickly as possible, but will ensure that it is provided within 30 days.

Subject Consent

In some cases such as the handling of sensitive information, CYA is entitled to process personal data only with the consent of the individual. However CYA may process sensitive information about a person's health, disabilities, criminal convictions, race or ethnic origin in pursuit of the legitimate interests of CYA. For example some jobs or courses will bring the applicants into contact with children, including young people between the ages of 16 and 18, and CYA has a duty under the Children Act 2004 and other enactments to ensure that employees are suitable for the job, and learners for the courses offered.

CYA may also require such information for the administration of sick pay, the absence policy or the equality and diversity policy, or for assessment purposes.

CYA also asks for information about particular health needs, such as allergies or particular forms of medication, or conditions such as asthma or diabetes. CYA will only use such information to protect the health and safety of the individual, for example, in the event of a medical emergency. The consent of the data subject will always be sought prior to the collection of any sensitive data as defined by the Act.

CYA will also ask for permission before taking photographs or making any recordings of learners other than for ID purposes or as part of an examination. The possible purposes are listed on the Publicity, Photographic/Video Consent Form which learners complete on induction.

Security of Data

For security of paper information, please see the Document Control procedure.
For security of data information, please see the Data Systems procedure.

Retention and secure Disposal of Data

CYA will keep different types of documentation for differing lengths of time as required by law, contractual and operational requirements. These requirements, plus arrangements for the safe disposal of data, are described in CYA's Document Control and Data Systems procedures.

Compliance

Compliance with the Act is the responsibility of all employees and customers. Compliance will be monitored by the Administrators as part of their audit process and the Director of Contracts in his IT role. Any deliberate or reckless breach of this Policy may lead to disciplinary and, where appropriate, legal proceedings. Any questions or concerns about the interpretation or operation of this policy should be taken up with the Chief Executive Officer.

Any learner or employee, who considers that the policy has not been followed in respect of personal data about him or herself, should raise the matter with their Line Manager initially. Any other customer should raise the matter with the Team Manager or the Director of Finance as appropriate. If the matter is not resolved, it should be referred to CYA's complaints procedure. If the matter is still not resolved, it should be referred to ICO at <https://ico.org.uk/concerns/> or ring them on 0303 123 1113.

Signed: Date:
(Chief Executive Officer)