

Data Protection Guidance

The Learning Trust

Introduction

This document sets out the necessary steps to be undertaken by staff at The Learning Trust when responding to a subject access request (Responding to a Request) and also the issues to bear in mind when processing personal data (Complying with the 8 Principles).

Responding to a request

Application in writing

A request is made in writing seeking to access personal information processed by The Learning Trust.

Sufficient detail

The request should include details and provide documented evidence of the person requesting the information (e.g. driving licence, passport, birth certificate). The person making the request should give as much detail as possible regarding the information they wish to access (e.g. where and by whom information is believed to be held, specific details of information required etc). If sufficient detail is not included contact the applicant to seek further information.

The applicant need not state the reason

The applicant is not required to state WHY they wish to access the information: the details required are merely those that will aid the efficient location and retrieval of information.

Fees

The Learning Trust adopts a general policy of openness in terms of allowing individuals access to their personal information and wherever possible we aim to waive the £10 administration fee (permitted under the Data Protection Act 1998).

Time frame

Once a Subject Access Request is received, all efforts will be made to fully comply within 40 days. In any event, all the information that has been located and can be released will be released within 40 days and an explanation for any information that cannot be provided at that time.

Personal information about 3rd parties

In accordance with the Data Protection Act 1998, The Learning Trust does not usually release information held about individuals without their consent. Therefore if information held about you also contains information related to a third party, The Learning Trust will make every effort to anonymise the information. If this is not possible, and The Learning Trust has been unable to secure the relevant consent, The Learning Trust may decide not to release the information.

Data Protection Guidance

The Learning Trust

Complying with the 8 Principles

In addition to responding to subject access requests, the Data Protection Act 1998 also governs the way in which information is processed.

1. Fairly and lawfully processed

To meet this condition either the data subject must give their consent or the processing must be necessary for legal or contractual reasons.

When collecting personal information, for example on an application form, the applicant's consent should be sought. The Legal team should be contacted for advice and will review application forms and other such collection methods for Data Protection compliance.

2. Processed for limited purposes

Personal data should only be processed where there are specific and valid reasons for doing so. The purpose for which personal data is obtained should be stated and this information should not be further used for unrelated or "incompatible" purposes.

If you are considering using personal information previously collected, for a new purpose please check with the Legal team to ensure that this is a compatible purpose.

3. Adequate, relevant and not excessive

Only information required for the specific purpose should be required during the collection. Information should not be recorded simply because it *may* be relevant in future.

Only relevant information should be recorded, not personal comments.

4. Accurate

Data should be recorded accurately.

Information should be checked at capture to validate its accuracy. Data should be reviewed at regular intervals to ensure it remains accurate and steps should be taken to delete incorrect or out-of-date information, or where possible update or correct information as appropriate.

5. Not kept longer than necessary

Personal data should only be kept as long as necessary in line with the purpose for which it was collected. For example data collected for the sole purpose of running a competition should be destroyed once the competition is over.

6. Processed in accordance with individuals' rights

This principle gives individuals the right to access their own information (see above for how to respond to a subject access request).

Data Protection Guidance

The Learning Trust

Also the Act gives individuals the right to prevent processing that may cause damage or distress. They also have the right to have information corrected, blocked, erased or destroyed.

7. Kept secure

Personal information should only be available to those employees who need access in order to carry out their work.

Where information is held electronically security is applied by way of password control. Information which is held in filing cabinets etc. should be kept secure and access granted only to those who need in the course of their work.

8. Not transferred to non-EEA (European Economic Area) countries without adequate protection

Information should not be transferred to countries where there is not similar protection afforded to personal data.

Further Information

For further information or advice contact Tom Lewis-Brooke, or a member of the Legal team.