

## **IN2CHANGE DATA PROTECTION POLICY: THE APPLICATION OF THE GENERAL DATA PROTECTION REGULATION (GDPR) and a PRIVACY NOTICE.**

### **How we use information for the Leaners in our Care**

At In2Change South Yorkshire Ltd, Dr Sharon Jowitt acts as the Data Controller for the personal data that you provide to us.

### **The categories of information that we process include:**

- personal identifiers and contacts (such as name, unique Learner number, contact details and address)
- characteristics (such as ethnicity, language, and free school meal eligibility)
- safeguarding information (such as court orders and professional involvement)
- special educational needs (including the needs and ranking)
- medical and administration (such as Doctors information, child health, dental health, allergies, medication and dietary requirements)
- attendance (such as sessions attended, number of absences, absence reasons and any previous schools attended)
- assessment and attainment
- behavioural information (such as exclusions and any relevant alternative provision put in place)

### **Why we collect and use information**

We will use learner's information for the following reasons:

- i) To deliver the services that we are engaged to undertake within our Articles Of Association and Constitution within the Charity Commission
- ii) To comply with a legal duty
- iii) To protect your vital interests

The personal data collected is essential, for In2Change to fulfil their official functions and meet legal requirements.

We collect and use Learner information, for the following purposes:

- a) to support Learner learning
- b) to monitor and report on Learner attainment progress
- c) to provide appropriate pastoral care
- d) to assess the quality of our services
- e) to keep children safe (food allergies, or emergency contact details)
- f) to meet the statutory duties placed upon us by the Department for Education

**Under the General Data Protection Regulation (GDPR), the lawful bases we rely on for processing Learner information are:**

For the purposes of planning support and ensuring contractual obligations in accordance with the legal basis of processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract and processing is necessary for compliance with a legal obligation to which the controller is subject;

#### **Conditions**

- Processing is necessary for the performance of a contract to which the data subject is party, or in order to take steps at the request of the data subject prior to entering into a contract
- Processing is necessary for compliance with a legal obligation to which the data controller is subject
- Processing is necessary in order to protect the vital interests of the data subject or of another natural person
- Processing is necessary for the purposes of the legitimate interests pursued by the data controller or by a third party
- The data subject has given consent to the processing of his or her data for one or more specific purposes. Agreement must be indicated clearly either by a statement or positive action to the processing.

In addition, concerning any special category data:

Processing of sensitive personal information (known as 'special categories of personal data') is prohibited unless a lawful special condition for processing is identified. Sensitive personal

information is data which reveals racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, sex life or orientation or is genetic or biometric data which uniquely identifies a natural person. Sensitive personal information will only be processed if one of the special conditions for processing sensitive personal information applies:

- (a) the individual ('data subject') has given explicit consent (which has been clearly explained in a Privacy Notice)
- (b) the processing is necessary for the purposes of exercising the employment law rights or obligations of In2Change or the data subject
- (c) the processing is necessary to protect the data subject's vital interests, and the data subject is physically incapable of giving consent
- (d) the processing is carried out in the course of its legitimate activities with appropriate safeguards by a foundation, association or any other not-for-profit body with a political, philosophical, religious or trade-union aim
- (e) the processing relates to personal data which are manifestly made public by the data subject
- (f) the processing is necessary for the establishment, exercise or defence of legal claims
- (g) the processing is necessary for reasons of substantial public interest
- (h) the processing is necessary for purposes of preventative or occupational medicine, for the assessment of the working capacity of the employee, the provision of social care and the management of social care systems or services
- (i) the processing is necessary for reasons of public interest in the area of public health

Sensitive personal information will not be processed until an assessment has been made of the proposed processing as to whether it complies with the criteria above and the individual has been informed (by way of a privacy notice or consent) of the nature of the processing, the purposes for which it is being carried out and the legal basis for it. Unless In2Change can rely on another legal basis of processing, explicit consent is usually required for processing sensitive personal data. Evidence of consent will need to be captured and recorded so that In2Change can demonstrate compliance with the GDPR.

## **Collecting information**

We collect Learner information via secure document transfer or in person.

Learner data is essential for the In2Change's operational use. Whilst the majority of information you provide to us is mandatory, some of it requested on a voluntary basis. In order to comply with the data protection legislation, we will inform you at the point of collection, whether you are required to provide certain information to us or if you have a choice in this and we will tell you what you need to do if you do not want to share this information with us.

## **Storing data**

We will only keep and process your personal data for as long as it is required (6 years) to enable us to perform the services we are contracted to deliver/undertake. We continually review what information we hold and delete what is no longer required.

In2Change South Yorkshire is based at Rutland Hall, Hicks Street, Sheffield S3 8BL and we store the data within the building under secure conditions (locked, metal cabinet in a locked room). We hold some of the data on a cloud system but this is controlled by the Directors/Trustees.

Data protection at In2Change is put in place to keep personal information of both staff and learners protected and private. In line with policies, contractual compliance, and in accordance with national regulations, ensuring all documents, files and records are (locked, metal cabinet) in a safe place in the office which only the management team have access to. We ensure that records are kept for no longer than they need to be, for example past student records and private information is not kept for longer than needs must. In2Change follow GDPR protocols when it processes risk management of volunteer serving offenders, their criminal records, to ensure that each member of staff is assessed and safe to work with young students at our training centre/gym. The data that is kept within the office at In2change is accessible to directors only and information when it needs to be processed is recorded in a book when signing for access.

In2Change will not pass any data onto members of staff or other members of the public who are not entitled to look at it. In2Change make sure that each member of staff and students are assessed in terms of names, address, employment history, medical needs and contact information in case of an emergency.

In2Change do not make the information easy to copy as it is locked away for this purpose. They make sure that changes that are made are kept on file by updating the records of a student or staff, whilst keeping other information providing it has not exceeded the length of time it is no longer needed. In2Change make sure that the information that has been passed onto them is correct by checking with the correct providers, contractors, such as the schools, or in other cases the prison services.

### **Who we share Learner information with:**

We routinely share Learner information with:

- schools
- local authorities
- youth support services

We may share information if we have a legal obligation.

### **Why we regularly share Learner information.**

We do not share information about our Learners, volunteers, or employees with anyone without consent unless the law and our policies allow us to do so.

We will share information if we have a legal obligation to do so.

We will share information with contracting Schools/Academies.

### **Youth support services**

#### **Learners aged 13+**

Once our Learners reach the age of 13, we also pass Learner information to our local authority and / or provider of youth support services as they have responsibilities in relation

to the education or training of 13-19 year olds under section 507B of the Education Act 1996.

This enables them to provide services as follows:

- youth support services
- careers advisers

A parent or guardian can object to any information in addition to their child's name, address and date of birth being passed to their local authority or provider of youth support services by informing us.

### **Local Authorities**

We may be required to share information about our Learners with the local authority to ensure that they can conduct their statutory duties.

### **Requesting access to your personal data**

Under GDPR, parents and learners have the right to request access to information about them that we hold. To make a request for your personal information, or be given access to your child's educational record, contact Dr Sharon Jowitt (Chair of Trustees).

Depending on the lawful basis above, you may also have the right to:

- object to processing of personal data that is likely to cause, or is causing, damage or distress
- prevent processing for the purpose of direct marketing
- object to decisions being taken by automated means
- in certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed; and
- a right to seek redress, either through the ICO, or through the courts

If you have a concern about the way we are collecting or using your personal data, you should raise your concern with us in the first instance or directly to the Information Commissioner's Office at <https://ico.org.uk/concerns/>

### **Withdrawal of consent and the right to lodge a complaint**

Where we are processing your personal data with your consent, you have the right to withdraw that consent. If you change your mind, or you are unhappy with our use of your personal data, please let us know by contacting Darren Turner, Rutland Hall, Hicks St, Neepsend, Sheffield S3 8BL. Telephone 0114 253 6077

### **Review Dates**

This data protection policy with privacy notice was reviewed on the **8th March 2022**. It is reviewed annually and the next review is due in March 2023.

### **Contact Details**

If you would like to discuss anything in this privacy notice, please contact: Dr Sharon Jowitt, Rutland Hall, Hicks St, Neepsend, Sheffield S3 8BL. Telephone 0114 253 6077