



**“Enabling Students to Accomplish their Academic Goal”**

## **GDPR and Retention Policy**

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# 1 Policy Statement

As an alternative provider, Belmont College has an obligation to protect its information assets and in particular, the information relating to its employees, students and other individuals in whatever form that information is held. Belmont College is responsible for ensuring that Personal Data is properly safeguarded and processed in accordance with the United Kingdom General Data Protection Regulations (UK GDPR) 1 and the Data Protection Act 2018 (collectively referred to in this document as Data Protection Legislation). The purpose of this policy is to set out the standards of how the College handles Personal Data whether held electronically or manually.

Bellmont College is registered as a Data Controller with the Information Commissioner's Office (ICO) on an annual basis. Belmont College registration number with ICO is ZB513720.

The College functions require us to process personal data, primarily to perform our statutory functions to deliver education and training in the Further Education sector to our students. In addition, to administer contracts with our employees, workers, contractors, agency workers, consultants and suppliers and to comply with our legal obligations (for example health and safety and reporting to the Department for the Economy).

Full details of what Personal Data we process, our lawful basis for processing, and what personal data is shared with third parties is as set out in the College's Privacy Notices. The College's appropriate Privacy Notice must be presented when the Data Subject first provides the Personal Data.

## 2 Scope

This policy sets out what Belmont College expects of all its employees, workers, contractors, agency workers, consultants, directors, students, in order to comply with Data Protection legislation.

## 3 Procedure For Implementation

### 3.1 Governing Body and Chief Executive Officer and Head of Quality will:

- Endorse and support in assisting in raising the profile of the Data Protection Legislation.
- Have ultimate responsibility for ensuring the College complies with Data Protection Legislation.

### 3.2 Data Protection Officer

The Data Protection Officer (DPO) has responsibility, on behalf of the Chief Executive, officer and as defined in Article 39 of the Regulations to:

- Inform and advise the College and its employees about their obligations to comply with the UK GDPR and other data protection laws.
- Monitor compliance with the UK GDPR and other data protection laws, including managing internal data protection activities; advise on Privacy Impact Assessments; train employees and conduct internal audits.
- Cooperate with the supervisory authority, the Information Commissioner's Office (ICO).

- To act as the contact point for the ICO on issues relating to processing, including the prior consultation referred to in Article 36.
- Ensure Belmont College is kept informed of legislative changes and that relevant amendments are implemented into the College processes.
- Ensure that employees, students and authorised third parties comply with the UK GDPR Principles, in respect of data within their remit.
- Ensure that Belmont College Policy, guidelines and security measures are appropriate and up to date for the types of data being processed.
- Be the contact point for the administration of all subject access requests relating to data held by Belmont College.

### **3.3 Staff Responsibilities**

All staff, workers, contractors, agency workers, consultants, directors (collectively referred to as Staff) are responsible for working in compliance with Data Protection Legislation and the conditions set out in this policy. Throughout the course of working with the College, staff will have access to various extracts of Personal Data pertaining to Staff/students, depending on the nature of their role.

Staff must ensure they:

- adhere to all Data Protection related policies and procedures to ensure the confidentiality, integrity, and availability of personal data.
- Complete the mandatory training on UK GDPR and adhere to regular information updates on new policies and procedures as they become operational.
- are compliant with this policy. Any breach of this Data Protection Policy may lead to disciplinary action being taken, access to Belmont College information facilities being withdrawn, or in substantial cases, a criminal prosecution. Any questions or concerns about the interpretation or operation of this policy should be taken up initially with the DPO.
- familiarise themselves and comply with all published policies and procedures.

### **3.4 Data Subject Responsibilities**

As Data Subjects, all employees, workers, contractors, agency workers, consultants, directors, students are responsible for:

- ensuring that any personal information they provide to Belmont College in connection with their employment, registration or other contractual agreement is accurate.
- informing Belmont College of any changes to any personal information which they have provided, e.g., changes of address, bank details.
- responding to requests to check the accuracy of the personal information held on them and processed by Belmont College and informing the College of any errors or changes to be made.

Bellmont College cannot be held responsible for any errors unless the data subject has informed to Belmont College of the changes.

## **4 Data Protection Principles**

Bellmont College adheres to the six principles (Article 5(1)) relating to the processing of Personal Data set out in the UK GDPR and the Data Protection Act 2018 which requires Personal Data to be:

- a) Processed lawfully, fairly and in a transparent manner in relation to the data subject - (Lawfulness, Fairness and Transparency).
- b) Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall, in accordance with Article 89(1), not be considered to be incompatible with the initial purposes – (Purpose limitation).
- c) Adequate, relevant, and limited to what is necessary in relation to the purposes for which they are processed - (data minimisation).
- d) Accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased, or rectified without delay – (Accuracy).
- e) Kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89(1) subject to implementation of the appropriate technical and organisational measures required by this Regulation in order to safeguard the rights and freedoms of the data subject – (Storage Limitation).
- f) Processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction, or damage, using appropriate technical or organisational measures - (Integrity and Confidentiality).

### **Article 5(2) of the UK GDPR requires that:**

The controller shall be responsible for and be able to demonstrate compliance with the Data Protection Principles listed above.

#### **4.1 Lawful Basis for Processing Personal Data**

You may only collect; process; and share Personal Data fairly and lawfully and for specified purposes.

Bellmont College will ensure all processing is affiliated to one or more of the following:

- a) Consent: The Data Subject has given clear consent to process their personal data for a specific purpose.

- b) Contract: the processing is necessary for purposes of a contract with the Data Subject, or with a view to entering into a contract.
- c) Legal obligation: the processing is necessary to comply with legislation (not including contractual obligations).
- d) Vital interests: the processing is necessary to protect someone's life.
- e) Public task: the processing is necessary to perform a task in the public interest or for official functions, and the task or function has a clear basis in law.
- f) Legitimate interests: the processing is necessary for legitimate interests or the legitimate interests of a third party unless there is a good reason to protect the individual's personal data, which overrides those legitimate interests. (This cannot apply if you are a public authority processing data to perform official tasks).

#### **4.2 Lawful Basis for Processing Special Category Data**

- a) explicit consent – consent which can be demonstrated.
- b) processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law.
- c) processing is carried out in the course of its legitimate activities with appropriate safeguards.
- d) processing relates to personal data which are manifestly made public by the data subject.
- e) processing is necessary for the establishment, exercise or defence of legal claims.
- f) processing is necessary for reasons of substantial public interest.
- g) processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems.
- h) processing is necessary for reasons of public interest in the area of public health.
- i) processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes.

### **5 Individual Rights**

Data Protection Legislation provides the following rights for individuals, which the College will respond to within the provision of the law. These rights are not absolute.

- 1) The right to receive certain information about our Processing activities.
- 2) The right of access to Personal Data.
- 3) The right to rectification of inaccurate or incomplete data.
- 4) The right to ask us to erase their Personal Data if it is no longer necessary in relation to the purposes for which it was collected or processed.
- 5) The right to restrict processing in certain specific circumstances.

- 6) The right to data portability in certain specific circumstances.
- 7) The right to object in certain specific circumstances (for example to us processing for direct marketing purposes).
- 8) Rights in relation to automated decision making and profiling.
- 9) Right to Withdraw Consent.
- 10) Right to Complain to the Information Commissioner's Office (ICO).

All requests made in relation to the rights listed above should immediately be forwarded to the DPO who will provide advice and assistance on responding to this request. Further information in this regard can be found in the 'Data Subject Rights Procedure'.

## **6 Contracts**

Data Controllers and Data Processors are both liable in the event of a data breach therefore individuals and departments who enter into a contract with a third-party data processor are responsible for ensuring that all processing of personal data carried out on behalf of Belmont College is done in compliance with this policy. Further guidance is available in the 'UK GDPR Handbook'.

## **7 Consent**

Data Subjects are able to withdraw consent; therefore, it is Belmont College Policy that consent should only be relied on as the lawful basis for processing in exceptional circumstances. Where Belmont College relies on consent as a condition for processing, it will:

- Ensure the consent is clear and unambiguous (e.g. no pre-ticked opt-in boxes).
- Place consent declarations separate from other terms and conditions
- Provide clear and easy ways for subjects to withdraw consent at any time including contact details of a responsible owner
- Act on withdrawals of consent as soon as possible
- Retain records of consent/withdrawals of consent throughout the lifetime of the data processing.
- The DPO must be contacted to ensure:
  - Consent is the appropriate legal basis for the processing in question
  - Obtaining of consent meets the requirements of UK GDPR
  - Open transparency to the data subjects. Further guidance is available in the 'UK GDPR Handbook'.

## **8 Disclosures to Third Parties**

Personal Data will not be shared with third parties unless certain safeguards or contractual arrangements are in place or where there is a legal or statutory obligation to disclose.

In dealing with a request, the College will be sensitive to and give proper consideration to the data subjects rights and privacy in relation to any 'third party' information contained in the response. Personal data will only be disclosed to a third party where a lawful basis exists.

Special Category personal data will only be disclosed where a lawful basis specific to Special Category data, as defined by Data Protection Legislation, is met.

### **8.1 Disclosure of Student Information**

Bellmont College will not disclose Personal Data of students to parents or next of kin where we have no consent from the student to do so. There may be exceptional circumstances to this rule, for example where it is necessary to protect the vital interest of students or someone else.

### **8.2 Disclosures to the Police**

In certain circumstances, Belmont College may be able to disclose Personal Data to the police for the purposes of the prevention or detection of crime, the apprehension or prosecution of offenders. Further guidance is available in the 'UK GDPR Handbook'.

## **9 Data Breach**

In the event of an actual, suspected or potential breach, the College will take immediate action to secure the information and mitigate any further or possible compromise of data.

If a data security breach occurs, the College will respond to and manage the breach effectively by means of a 5-part process.

- 1) Reporting a Breach.
- 2) Containment and Recovery.
- 3) Assessing the Risks.
- 4) Notification of Breaches.
- 5) Evaluation and Response.

If you know or suspect that a Personal Data Breach has occurred, do not attempt to investigate the matter yourself. Immediately and without delay, contact the DPO. You should preserve all evidence relating to the potential Personal Data Breach.

Suspected or confirmed breaches which may cause damage/distress to the data subjects must be reported to the ICO within 72 hours by the DPO, from when the College becomes aware of it. In the event of a sufficiently serious data breach, the College will notify the public without undue delay.

## **10 Data Protection Officer Contact Details**

The DPO is the point of contact for anyone who wishes to exercise any of the rights as listed above or respond to general queries.

You can either write to or email on: [DPO@bellmontcollege.co.uk](mailto:DPO@bellmontcollege.co.uk)

DPO: Belmont College Sanctuary House, 9 Lymington Avenue, N22 6EA.



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<b>Version</b>	<b>Date</b>	<b>Author(s)</b>	<b>Amendments</b>	<b>Approved by</b>	<b>Next review</b>
1	March 2023	EWW	New Document	Advisory Board	October 2024
2	February 2024	EWW	Revised no update or changes made	Advisory Board	October 2024

<b>Document Context</b>	
This document relates to:	
<b>Document/Policy</b>	<b>Date/version</b>
Bellmont College Quality Assurance Handbook	February 2024 v2
Bellmont College Student Handbook	February 2024 v2
Bellmont College Employee Handbook	February 2024 v2
QAA <a href="#">Quality Code for Higher Education</a>	2020