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Stirling School of English SCIO (SC051748)

DATA PROTECTION POLICY

1. Introduction

1.1 The Stirling School of English (SSE) SCIO (SC051748) needs to collect, process and retain certain information about its employees, volunteers, board members and students (potential, current and former) and other individuals for various purposes, e.g.: managing volunteer engagement and progress of students; recruiting, managing and paying staff; recruiting and managing volunteers; complying with legal or statutory obligations etc. and accurately create statistical information.

‘Personal data’ is information which relates to an identifiable living individual who can be directly or indirectly identified from the information. Personal data must be processed in accordance with data protection legislation.

1.2 Data protection legislation has existed in the UK for many years. On 25 May 2018 the General Data Protection Regulation (GDPR) came into force, replacing the Data Protection Act 1998.

1.3 SSE has formally adopted this policy to ensure compliance with GDPR and related privacy legislation.

1.4 This policy states that SSE, as the Data Controller, is compliant with GDPR in the way it collects, handles and stores data as well as the destruction of the personal data of an individual known as the Data Subject.

1.5 SSE is committed to protecting a Data Subject’s privacy and to treat personal data securely, fairly and lawfully complying with all aspects of GDPR.

1.6 The policy will be available at all times via our website
<https://stirlingschoolofenglish.wordpress.com/>

2. Purpose

2.1 The policy sets out the SSE’s commitment to comply with data protection and associated privacy legislation. It sets out the responsibilities of the SSE, its staff and volunteers, its students and others as defined in this policy in relation to data protection compliance.

2.2 This policy and associated policies, procedures and guidance form a framework within which those processing personal data should operate. This framework will assist the SSE in complying with its legal obligations.

3. Key terms

3.1 **'Personal Data'**: means any information relating to an identifiable person directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, photographic data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

3.2 **'Data Subject'**: a data subject is any person whose personal data is being collected, held or processed

3.3 **'Processing'**: means any operation which is performed on personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

3.4 **'Filing System'**: means any structured set of personal data which are accessible according to specific criteria, whether centralised, decentralised or dispersed on a functional or geographical basis.

3.5 **'Controller'**: means the body which, alone or jointly with others, determines the purposes and means of the processing of personal data.

3.6 **'Processor'**: means a person, or other body which processes personal data on behalf of the controller (this includes volunteers who work on behalf of SSE).

3.7 **'Consent'**: of the data subject means any freely given, specific, informed and unambiguous indication of the data subject's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her.

3.8 **'Personal Data Breach'**: means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed.

3.9 'Information Commissioners Office' (ICO): The UK's independent authority set up to uphold information rights in the public interest, promoting openness by public bodies and data privacy for individuals.

4. Policy Statement

4.1 The SSE is committed to protecting the rights and freedoms of individuals in relation to the processing of their personal information.

4.2 The SSE will process personal data in accordance with the legislation and best practice.

5. Scope and status

5.1 This policy applies to all SSE staff, volunteers, board members and others who use or process any personal data for SSE's purposes, irrespective of where the personal data is processed. The policy applies to all personal data or special category data held in electronic form or in (structured) manual paper records.

5.2 In addition to information identified in 1.1 and 5.1, personal data also includes images (still and moving) and audio recordings (from which an individual can be identified).

6. Data Protection Principles

The GDPR requires that personal data is processed in line with the 6 principles, namely that personal data shall be:

- 6.1. processed lawfully, fairly and in a transparent manner
- 6.2. collected for specified, explicit and legitimate purposes and not further processed in any manner incompatible with those purposes. Further processing for archiving, scientific or historical research or statistical purposes is permissible ('purpose limitation');
- 6.3. adequate, relevant and limited to what is necessary in relation to the purpose for which it is processed ('data minimisation');
- 6.4. accurate and where necessary kept up to date ('accuracy');
- 6.5. not be kept for longer than is necessary for that purpose ('storage limitation');
- 6.6. processed in a manner that ensures appropriate security including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures ('integrity and confidentiality').

7. Privacy notices

SSE provides transparency and accessibility in relation to how it handles a Data Subject's personal data. This is set out in our Privacy Notices which are readily available to everyone and are included on: <https://stirlingschoolofenglish.com/>

In line with GDPR, our Privacy Notices state:

- the type of personal data we collect;
- who handles this data;
- what we plan to do with the data.

8. Information Security

8.1 Whenever personal data is being processed appropriate technical and organisational measures will be taken to ensure the security of that data.

8.2 We take the necessary steps to keep secure all the personal data we hold. Only authorised and trained staff and volunteers have access to data.

8.3 Electronic documents are protected by passwords and the volunteer manager and administrator are the password holders.

9. Collecting data

9.1 The reasons SSE may collect data:

1. Consent

2. Legitimate Interest in data (contacting students, monitoring students' progress, etc.) – in order for the controller to carry out its tasks – as long as it does not infringe on the person's other rights.

3. Legal contracts – such as a lease agreement / workplace contracts.

4. Legal obligations to which the controller is subject – PVGs.

Only data that is legitimate, useful and up-to-date should be kept and stored.

Data that is unnecessary or out of date should either be updated or deleted.

9.2. When Collecting Data

The person should understand clearly when giving their data:

- *the purpose*- why the data is being collected
- *the processors*- how the data will be used
- *the controllers*- and by whom

If any of the above were to change, the person should be notified in advance and given the option to then opt out. The consequences of opting out should be made clear at the time.

9.3 Consent

9.3.1. Consent should be given by a clear affirmative act establishing a freely given, specific, informed and unambiguous indication of the person's agreement to the processing of personal data relating to them, such as by a written statement, including by electronic means, or an oral statement.

This could include ticking a box when visiting an internet website, circling a 'yes' option on the registration form or another statement or conduct which clearly indicates in this context the Data Subject's acceptance of the proposed processing of their personal data.

9.3.2 Silence, pre-ticked boxes or inactivity should not therefore constitute consent.

9.3.3 Consent should cover all processing activities.

9.3.4 Consent should be clear: easily read, understood and accessible (e.g. privacy policy on our website).

9.3.5 Consent should be able to be evidenced by the Controller.

9.3.6 The data subject can withdraw consent at any time – this does not impact on the data collected previously to this happening.

9.3.7 Parental consent will be obtained for children under the age of 13.

9.3.8 When collecting any data, a clear disclaimer will be given and will be requested from the person.

9.4 Children

Children attending our crèche merit specific protection with regard to their personal data, as they may be less aware of the risks, consequences and safeguards concerned and their rights in relation to the processing of personal data.

Such specific protection should, in particular, apply to the use of personal data of children for the purposes of marketing or the collection of personal data with regard to children.

10. Processing data

10.1 In accordance with the principles set out in this policy described in para 6, data will be:

- processed fairly, lawfully, and in a transparent manner;
- collected only for legitimate purposes;
- adequate, relevant and limited to meet the need;
- accurate and where necessary – kept up to date;
- held for only as long as is legitimately necessary;
- processed in a manner that protects the data from breach or loss.

This means a number of things for the Controller:

- the data will be held in a secure location;
- the data will not be circulated unnecessarily;
- the software used needs to also comply with GDPR.

Compliance with this will be demonstrated by the Controller.

10.2 SEE's Processors (People Using the Data)

10.2.1 SSE's Processors should be competent and demonstrate the appropriate levels of knowledge in handling our information.

10.2.2 Training will be given with written instructions and a record that such training has taken place held

10.2.3 Confidentiality agreements will be in place for any volunteers who regularly process data (e.g., Volunteer Manager, Administrator).

10.2.4 Processors will not be permitted to sub-contract their responsibilities without prior consent of SSE.

10.2.5 All data must be returned or deleted after the processor has finished with it. Regular database updates will be carried out annually.

11. Personal Data Breach

11.1 All necessary measures will be taken to avoid data breaches occurring. Examples of personal data breaches include:

- personal information sent in an email to the wrong recipient;
- personal information loaded on to a website by mistake;
- unencrypted storage/memory, device or laptop lost or left unattended;
- files containing personal data left in a public place;
- hackers gaining access to confidential files;
- unauthorised staff able to access files containing personal data;
- theft of a laptop or bag containing files;
- personal data left in an unsecured location e.g., a shared drive accessible to all staff or an unlocked filing cabinet in an open-access area.

11.2 If a data breach was to occur that could result in any of these the following action would be taken:

The Processors will notify the Volunteer Manager as soon as possible (within 72 hours of becoming aware of the breach) and provide the following information:

- the nature of the personal data breach, categories of data, number of people affected;
- describe the likely consequences of the data breach;
- what measures have been taken to mitigate the breach.

Upon receiving this information, the controller should then notify the ICO.

When the data breach is likely to impact the person then the person must be notified.

12. Individuals' Rights

12.1 GDPR gives individuals a number of specific rights, depending on the circumstances, namely:

- the right to be informed;
- the right of access;
- the right to rectification;
- the right to erasure;
- the right to restrict processing;
- the right to data portability;
- the right to object;
- rights in relation to automated decision making and profiling.

12.2 The SSE will develop procedures and guidance to ensure that staff and volunteers are able to comply with these rights, as required.

13. Impact of Non-compliance

13.1 Any individual who is found to have breached the policy and/or who is found to have made an unauthorised disclosure of personal information may be subject to disciplinary action.

13.2 Staff or volunteers may also incur criminal liability if they knowingly or recklessly obtain and/or disclose personal information without the consent of the Volunteer Manager.

13.3 The SSE may face investigation and enforcement action by the ICO in case of non-compliance. This can include substantial fines. The level of fine depends on the scale and nature of the breach and the privacy impact on individuals.

14. Review

14.1 This policy will be subject to review every year, or as required, in order to comply with any changes in UK/EU guidance or legislation.

14.2 Minor amendments, e.g., typographical errors or updates to legislative references will be made by the Volunteer Manager without formal approval.

14.3 Any significant amendments will require the policy to be submitted for approval by SSE board via the appropriate process.

15. SSE key personnel and contact details

Data Controllers

Stirling School of English

Level One, 61-63 Murray Place, Stirling, FK8 1AP

Tel: 07742514087

Email: admin@stirlingschoolofenglish.com

www.stirlingschoolofenglish.com

Data Processors

Volunteer Manager: Ilona Hunter, ilonahunter20@gmail.com

Deputy Manger: Kevin Curtin: admin@stirlingschoolofenglish.com

Volunteer Administrator: Michael Hall mike_hall33@hotmail.com

Supervising Authority in UK:

Information Commissioner's Office (ICO):

Email: registration@ico.org.uk Tel: **0303 123 1113**

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