

## Data Protection Policy

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### Introduction

The Portland Training Company Limited (The Data Controller) is required to maintain certain personal data about living individuals (Data Subjects) for the purposes of satisfying operational and legal obligations. Portland Training recognises the importance of the correct and lawful treatment of personal data. This maintains confidence in the organisation and provides for successful operations.

The types of personal data that Portland Training may require includes information about: current, past and prospective employees; learners; employers, suppliers and others with whom it communicates. This personal data (including digital and video images where applicable), whether it is held on paper, on computer or other media, will be subject to the appropriate legal safeguards as specified in the General Data Protection Regulation (GDPR).

Portland Training fully endorses and adheres to the key principles of GDPR which set out our main responsibilities. These principles specify the legal conditions that must be satisfied in relation to obtaining, handling, processing, transportation and storage of personal data. Data Controllers and Data Processors that collect, handle, process, transport and store personal data for Portland Training must adhere to these principles.

### Definitions

Data Subject – a living individual

Data Controller – determines the purpose & manner of processing

Data Processor - performs actions on behalf of controller

Personal Data - data relating to an identified or identifiable living individual, which can include data that can directly or indirectly identify individuals, including digital and video images

### Purpose of the Data Protection Policy

1. The purpose of this Data Protection Policy is to ensure that Portland Training Data Controllers and Data Processors comply with the requirements of GDPR when processing personal data.
2. All Data Controllers must comply with and understand the key principles of GDPR. Article 5 states that:  
  
‘the controller shall be responsible for, and be able to demonstrate, compliance with the principles’.
3. It is important to recognise that breach of GDPR by Processors and Controllers may expose both Portland Training and the individual to legal action and claims for substantial damages. Any breach of the regulation will be treated seriously by Portland Training and may be considered under disciplinary procedures for employees of Portland Training.
4. For Learner, employers, employees and suppliers to maintain confidence in Portland Training’s compliance with GDPR.

### The General Data Protection Regulation

In accordance with the principles set out under the GDPR, all personal data held by Portland Training shall be:

#### Principles

Article 5 of the GDPR requires that personal data shall be:

- a. processed lawfully, fairly and in a transparent manner in relation to individuals;
- 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 not be considered to be incompatible with the initial purposes;
- c. adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
- 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;
- 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 subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals; and
- 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.

### **Lawful basis for Processing**

All personal data that is processed by Portland Training will be done so using a valid lawful basis, the most common lawful basis we use to process data is our legal obligation we have with the Education and Skills Funding Agency (ESFA). The lawful basis used for processing all data is listed within our Data Inventory and is communicated to individuals via our privacy notice(s).

Where Portland Training requests to publish digital video and/or images for success stories we will do so using the lawful basis of consent, the subject will be contacted prior to complete an Image Use Permission Form. The subject has rights to decline this request and/or chose to stay anonymous.

### **Individual Rights**

Individuals that we hold personal data for have the following rights:

- 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

Portland Training supports these rights by communicating how we collect and use personal data in our privacy notice(s), and it is company policy that we do not use automated decision making systems. The process for requesting access, rectification, erasure, restriction, data portability and objection can be found below.

## Subject Access Requests

To access individual rights it must be requested in writing (Paper based or electronically) via a Subject Access Request (SAR) to Portland Training along with ID in some circumstances. Portland Training will respond to all requests no later than 1 month after receiving them. If the request is found to be manifestly unfounded or excessive, particularly if it is repetitive a small fee may be applied. Where Portland Training is legally obliged to retain data for a certain period we will be unable to action your request for deletion.

## Accountability and Governance

Portland Training (The Data Controller) holds contracts with the following organisations that process personal data on our behalf (The Data Processor) these include:

- IT Desk
- Education and Skills Funding Agency (ESFA)
- Other Training Providers or Further Education Colleges where we are subcontracting provision, including their MI System software suppliers
- Cognisoft
- Awarding Body Organisations
- Onefile
- Quals Direct
- BOX-IT

Portland Training employees only:

- Portland Investment Group
- Sage
- BACS
- Natwest
- Legal Advisors
- Breathe HR

Portland Training have a legal obligation to provide employee personal data to HMRC and Nest Pension.

Portland Training hold a data inventory of all data we process, to ensure the key principles of the GDPR are adhered to at all times, this is updated and reviewed accordingly when new business processes are implemented and further funding contracts are obtained.

Data Protection Compliance audits are carried out on a yearly basis and a review of this policy, the privacy notice(s) and data inventory.

## Security

Personal data that is held paper based for learners and employers is kept in secure and locked filing cabinets within the admin office at Portland Training. Personal data that is held paper based for Portland Training employees is kept secure and locked with restricted access to the managing director and relevant line managers only.

Portland Training operates a clear desk policy which means paper based personal data that is actively being processed is allowed on employees desks for no longer than is required. If it is no longer required for active processing it must be filed (as above) or confidentially destroyed. Portland Training contracts with Box-it to ensure secure shredding of all confidential waste. All offices

at Davian House where personal data is being processed are key coded and a strict 'access only where required' policy is exercised.

Personal Data that is held electronically for learners and employers may be stored in more than one place for contractual obligations or to support business processes. These are our MI System YETI, tracking spreadsheets stored on a drive within our server, other provider MI or data sharing systems, awarding body and Onefile and Quals Direct electronic portfolio system.

Access to personal data that is held electronically for learners and employers is restricted, and password protected log ins are only provided to Portland Training employees where required to fulfil their job role.

Personal Data that is held electronically for Portland Training employees is stored on our electronic HR system Breathe HR, in HR files on a drive within our server and in Sage for payroll purposes. Access to personal data that is held for Portland Training employees is restricted to the managing director, HR and Compliance Manager for the group and further restricted access to line managers only to enable them to fulfil their job role.

Portland Training strictly forbids the use of personal equipment to obtain, process or store personal data, only IT equipment supplied by Portland Training will be used to obtain, process and store personal data. Portland Trainings servers, network, and IT equipment are all certificated as compliant with the Cyber Essentials scheme.

## Retention

Personal Data held for learners and employers that have received funded training will be retained in line with the '**European Social Fund (ESF): funding and performance-management rules 2014 to 2020**' which states that; 'Any documents (i.e personal data) relating to ESF 2014-2020 provision (this includes training funded by the ESFA and ESF) must be retained until 31/12/2030'.

All other personal data for learners and employers that does not relate to ESF 2014-20 provision (i.e not funded) will be reviewed after 6 years.

Personal Data held for Portland Training employees will be reviewed after 6 years.

Once the retention period has passed, or upon review Portland Training will destroy the personal data held or anonymise (remove identifying particulars so the data is no longer personal) to continue to use the information for statistical purposes and to manage business performance effectively.

## Data Breaches

Portland Training keeps a register to record when a data breach may occur, all breaches will be investigated and where required to do so they will be reported to the Information Commissioner's Office (ICO) within 72 hours. If a data breach occurs that may cause high risk to an individual's rights and freedoms Portland Training will notify the individual within 72 hours.

## Sales and Marketing

Portland Training operates a strict opt in policy when contacting individuals to carry out sales and marketing activities with personal data. Portland Training provides privacy notices to all learners and employers with whom it engages to give individuals the opportunity to opt in. Our privacy notices provide clear and concise information of how we process personal data. Where consent is not given this is recorded within our MI System and all employees of Portland Training are required to act in accordance with this decision.

Data we hold for employers that does not identify an individual (e.g a generic company email address [info@exampleorganisation.co.uk](mailto:info@exampleorganisation.co.uk)) is not personal data and so not covered under GDPR.

**Person(s) with Responsibility for the Policy and Procedures**

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