

GDPR, Data Protection and Confidentiality Policy

Dynamo Healthcare Training Ltd (DHCT) needs to collect and use certain types of information about the learners and employees (data subjects) who we come into contact with in order to carry on our work. This personal information must be collected and dealt with appropriately— whether on paper, in a computer, or recorded on other material - and there are safeguards to ensure this under the Data Protection Act 1998. DHCT is a registered member of the Information Commissioners Office which is 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. DHCT regards the lawful and correct treatment of personal information as very important to successful working, and to maintaining the confidence of those with whom we deal. DHCT intends to ensure that personal information is treated lawfully and correctly. We comply with the following documents:

- [Personal information charter - Department for Education - GOV.UK \(www.gov.uk\)](https://www.gov.uk)
- [Privacy notice for Key Stage 5 and adult education - GOV.UK \(www.gov.uk\)](https://www.gov.uk)
- [ILR Privacy Notice 2023 to 2024 version 1 May 2023 \(submit-learner-data.service.gov.uk\)](https://submit-learner-data.service.gov.uk)

To this end, DHCT will adhere to the Principles of Data Protection, as detailed in the Data Protection Act 1998 and the General Data Protection Regulations (GDPR).

Monitoring and evaluation

The overall data protection policy and its effective implementation will be kept under review, and responsibility for this will be shared by the Director, senior management and individual members of staff.

Policy Aim

To protect the student at all times and to give all staff involved clear, unambiguous guidance as to their legal and professional roles and to ensure good practice throughout DHCT which is understood by students, parents/carers and staff.

Rationale

- DHCT seeks to put the student at the heart of the learning process and to provide a safe and secure learning environment. It seeks to acknowledge and support individual rights and needs and to address the issues, which may arise about confidentiality.
- It is committed to developing creative and positive ways for the student voice to be heard whilst recognising the responsibility to use, hold and safeguard information received.
- DHCT is mindful that it is placed in a position of trust and there is a general expectation that a professional approach will be used in all matters of confidentiality.
- DHCT has a duty of care and responsibility towards students, parents/carers and staff.
- It also needs to work with a range of external agencies and share information on a professional need to know basis.

Objectives

- To foster an ethos of trust within the learning environment.
- To ensure that staff, parents and students are aware of the DHCT's confidentiality policy and procedures
- To reassure students that their best interests will be maintained.
- To encourage young people to talk to their parents and carers.
- To ensure that students and parents/carers know that DHCT staff cannot offer unconditional confidentiality.
- To ensure that there is equality of provision and access for all through rigorous monitoring and evaluation.
- Parents/carers and students need to be aware that the DHCT cannot guarantee total confidentiality and that DHCT has a legal duty to report child/vulnerable adult protection issues.
- Parents/carers and students should feel reassured that only in exceptional circumstances confidentiality will be broken.
- All information about individual students is private and should only be shared with those staff who have a need to know.
- All social services, medical and personal information about a student should be held in a safe and secure place which cannot be accessed by individuals other than college staff, again on a need to know basis.
- All staff receive annual training on child/vulnerable adults safeguarding and current associated issues.
- There is clear guidance for procedures if a member of staff is accused of inappropriate conduct.
- Any intolerance about gender, faith, race, culture or sexuality is unacceptable and should follow the DHCT discipline policy.
- Information collected for one purpose should not be used for another.
- All students have a right to the same level of confidentiality irrespective of gender, race, religion, medical concerns and special educational needs. A lot of data is generated in DHCT by these categories but individual students should not be identified.
- DHCT has appointed a senior member of staff as Senior Designated Safeguarding Person (SDSP). Child/Vulnerable Adult protection procedures are understood by staff and training is undertaken every year for all staff.
- Confidentiality is a whole organisation issue. Clear ground rules must be set for any classroom / tutorial situation so that sensitive issues can be dealt with appropriately, such as death etc. Even when sensitive information appears to be widely known it should not be assumed by those immediately involved that it is appropriate to discuss or share this information further.
- All personal information about students, including social services records should be regarded as confidential and will be held in a locked cupboard or electronically with password.

Freedom of Information Act 2000

The Freedom of Information Act 2000 provides public access to information held by public authorities.

It does this in two ways:

- public authorities are obliged to publish certain information about their activities; and
- members of the public are entitled to request information from public authorities.

The Act covers any recorded information that is held by a public authority in England, Wales and Northern Ireland, and by UK-wide public authorities based in Scotland.

- Recorded information includes printed documents, computer files, letters, emails, photographs, and sound or video recordings.
- Students have a right to access official information held about them by DHCT.
- Students do not need to give you a reason for wanting the information.
- Parents/carers can ask to view information held about their young people if aged below 18, otherwise the student has to give permission.

Confidentiality

Confidentiality will be maintained at all times and all personal information will be stored securely.

We value your privacy and know how important it is to have complete peace of mind regarding our use of information about you.

We will only access information that is required and we will restrict access to our facilities and records in order to assure the security of information. We NEVER exchange, sell or otherwise provide other organizations with information about you, unless you have given your consent. We will continue to work hard to protect all information so that you can sleep easier knowing we care about you and your privacy. Should an occasion arise where information needs to be shared we will seek consent

The General Data Protection Regulation 2018 (GDPR)

Under the GDPR, the data protection principles set out the main responsibilities for organisations.

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.”

Article 5(2) requires that:

“the controller shall be responsible for, and be able to demonstrate, compliance with the principles.”

Procedures:

A person, stakeholder, client, customer, learner and any other, whos data we collect for the purposes of undertaking activities within DHCT(A):

1. Will only be stored once confirmation has been sought and confirmed through the application process
2. Will be stored securely and not shared with any other party without explicit consent.
3. Will be removed from our storage within 30 days of request by email to Tanya Swanson who is the Data Protection Officer - office@dynamohealthcaretraining.co.uk.
4. Will have the opportunity to request to remain on our distribution lists should they wish to continue to receive information. It will not be assumed they wish to remain and we will remove anyone after 12 months who does not request to stay.