

Wandsworth Lifelong Learning

Data Protection Policy

Version no:	1
Original policy issued:	February 2016
Last revision/update:	
Next review/date:	February 2017
Owner:	Andres Ochoa-Mikan, Deputy Lifelong Learning
Target audience:	All
Name originator/author:	Ellie Boorer
Job title of originator/author:	Work Related Learning Manager
Contact details:	eboorer@wandsworth.gov.uk

Related policies & publications

Wandsworth Council

Privacy Notice

Freedom of Information Requests

[Lifelong Learning](#)

Learner handbook

Wandsworth Lifelong Data Protection Policy

Mission Statement

All Wandsworth's residents will have access to a wide range of high quality learning opportunities in a safe learning environment.

Provision will be demand-led, flexible and held at times and in places designed to meet the needs of learners, employers and the local community.

The Lifelong Learning Team aims to improve the quality of life, skills and employability of residents in the Borough, making Wandsworth a vibrant, prosperous, learning community.

Introduction

LLL is committed to protecting the rights and privacy of individuals, including learners, staff and all others in accordance with the Data Protection Act. LLL needs to process certain information about the learners, staff and other individuals it has dealings with, for administrative purposes e.g. to recruit and pay staff, to administer courses and training, to record training progress and to comply with our legal obligations to funding bodies and government.

Any breach of the Data Protection Act 1998 is considered to be an offence and in that event, LLL's disciplinary procedures will apply. As a matter of good practice, individuals working with LLL who have access to personal information will be expected to comply with this policy and adhere to the comprehensive guidance on the Data Protection Act 1998 found by visiting the [Information Commissioner's website](#).

What is the Data Protection Act (1998)?

The Data Protection Act protects an individual's privacy and ensures that personal data is processed responsibly and in accordance with the law. Personal data refers to information that can be used to identify an individual.

The Data Protection principles

We must make sure that all personal data is processed in line with the eight data protection principles. These principles ensure that personal data shall be: -

1. Processed fairly and lawfully
2. Processed for specified purposes
3. Adequate, relevant and not excessive in relation to the purposes for which they are held.
4. Accurate and where necessary kept up to date
5. Retained for no longer than necessary
6. Processed in accordance with the rights of Data Subjects under the Act
7. Kept secure
8. Not transferred to other countries without adequate protection.

Some exemptions may apply, for example where processing is necessary for the prevention or detection of crime.

Responsibilities of Staff

All staff are responsible for:-

- Checking that any information that they provide to LLL in connection with their employment is accurate and up to date;
- Informing the company of any changes to the personal data which they have previously provided;
- Informing the company of any errors or changes that the data subject is aware of.
- If and when as part of their responsibilities, staff collect information about other people (e.g. about learners course work, opinions about ability, references to other academic institutions, or details of personal circumstances), they must comply with this policy.

Data Security

All staff are responsible for ensuring that:

- Any personal data (for any parties) which they hold is kept securely;
- Personal information is not disclosed either orally or in writing, accidentally or otherwise, to any unauthorised third party.
- Staff should note that unauthorised disclosure will usually be a disciplinary matter and may be considered gross misconduct in some cases.
- Personal information should be:
 - Kept in a locked filing cabinet/locked drawer or other acceptable secured area.
 - If it is computerised, be password protected.
 - Kept only on media (hard disk, floppy disk, USB stick) which is itself kept securely.
 - Only held where absolutely necessary and not readily available from existing company systems.

Processing of Data off Site

Extra vigilance is required when personal data, which has been gained by virtue of employment with the company, is processed off site. Personal Data can only be taken or processed off site if the following criteria are met:-

- The Personal Data is used or processed in accordance with the duties of the member of staff and for no other purpose
- The processing activities are in accordance with this Policy
- The 8 governing Principles of the Data Protection Act are strictly adhered to
- The Personal Data must be stored off site for the minimum time required and then disposed of in a secure manner.

Data Protection and Email

Personal data includes any personal information stored in email messages and, potentially, email addresses themselves. Staff and learners must therefore comply with this policy in relation to any personal data which is sent, received or stored in the form of an email.

Data Protection and the Internet

The provisions of the Data Protection Act apply equally to processing on the World Wide Web as they do to processing on all other information systems. When personal data is submitted to the company via the website the following information must be supplied to the Data Subject:-

- The purpose for which the data is collected
- The description of the organisations or individuals to whom the data might be disclosed.
- The details of any direct marketing for which the data might be used together with the opportunity for the individual to object to this use of the data

Where LLL received personal data from another organisation the Head and Deputy Head of LLL must ensure that the subsequent use of the personal data conforms to the information provided to the data subject. If any further subsequent use of this data is proposed that was not disclosed at the time of the collection consent must be obtained from the data subject before commencing this processing.

Any personal data which is placed on a website (e.g learners photographs, learners testimonials, etc) needs written informed consent obtained from all staff and learners before details are entered on the site.

Learners Obligations

Learners should ensure that all personal data provided to LLL is accurate and up to date. They must ensure, for example, that changes of address are notified to the relevant member of staff.

Sensitive Data

Any information about a living individual that includes facts, intentions or opinions about any to the following matters is sensitive data for the purposes of The Act:-

- Racial or ethnic origin
- Political opinions
- Religious beliefs or other beliefs of a similar nature
- Whether or not someone is a member of a trade union
- Sexual life
- Physical or mental health or condition
- The commission or alleged commission of any offence
- Any proceedings for any offence committed or alleged to have been committed.

The Act introduces a number of restrictions and conditions on data controllers who want to record and process this type of information, including an obligation to obtain the “explicit consent” of the relevant individual before doing so.

Wandsworth Council: Open data and transparency

Wandsworth Council are working to make a variety of both data and other information we hold available in a more open and transparent way and in one place.

View the information the Council have made available in an [open data](#) format. View our [datasets](#) including payments to suppliers, salaries and pay policies and performance data.

Wandsworth Council: Freedom of Information Act

Make a request for information, and view published responses to Freedom of information requests. More about the [Freedom of Information Act](#).

Wandsworth Council: Accessing your information

The Data Protection Act 1998 provides an individual a right of access to their personal data.

You can obtain the information by writing (letter or email) to Wandsworth Council at the address below:

*Corporate Information Management Team
Wandsworth Town Hall
Wandsworth High Street
London, SW18 2PU*

Email: dpa@wandsworth.gov.uk

A request for personal information must include:

- Name and address
- Proof of identity
- The personal data required
- £10 fee

Copies of driving license and passport are accepted as proof of identity. The proof of identity may also need to be verified by a Council Officer.

In order for us to be able to process a request efficiently the request should include details of the information required, for example services received and departments which may hold the information.

A fee of £10 is payable for each request for personal information. Cheques should be made payable to 'Wandsworth Borough Council'.

The fee may be waived under certain circumstances by the Adult Social Services Department subject to an applicants status. Where a request for information comprises of a single document or similar the fee may also be waived.

If a fee is required, but has not been provided, we will contact the applicant to advise in order to progress the request.

Where information is requested by a third party, authorisation must be provided by the person who the information relates to. We will need to verify the third party's status.

Timescales

Applications will be processed promptly, but in any event a response will be made within 40 calendar days from the date that we receive the request, proof of identity and fee.

Wandsworth Council: Internal audit - Data matching

We are required by law to protect the public funds we administer. We may share information provided to us with other bodies responsible for auditing or administering public funds, or where undertaking a public function, to prevent and detect fraud.

Data matching involves comparing computer records held by one body against other computer records held by the same or another body to see how far they match. This is usually personal information. Computerised data matching allows potentially fraudulent claims and payments to be identified. Where a match is found it may indicate that there is an inconsistency which requires further investigation. No assumption can be made as to whether there is fraud, error or other explanation until an investigation is carried out.

The Cabinet Office is also responsible for carrying out National data matching exercises which we are required to participate in, known as the **National Fraud Initiative (NFI)**. This is a data matching exercise to assist in the prevention and detection of fraud. We are required to provide particular sets of data to the Minister for the Cabinet Office for matching for each exercise as shown on the [GOV.UK website](#).

The use of data by the Cabinet Office in a data matching exercise is carried out with statutory authority under Part 6 of the Local Audit and Accountability Act 2014. It does not require the consent of the individuals concerned under the Data Protection Act 1998. Data matching by the Cabinet Office is subject to a [Code of Practice](#).

View further information on the [Cabinet Office's legal powers and the reasons why it matches particular information](#).

Complaints Procedure

Please contact:

Santino Fragola, Head of Lifelong Learning 020 8871 8491

sfragola@wandsworth.gov.uk

Andres Ochoa-Mikan, Deputy Lifelong Learning 020 8871 7649

aochoa-mikan@wandsworth.gov.uk

Andres Ochoa-Mikan, Community Learning Manager 020 8871 7469

aochoa-mikan@wandsworth.gov.uk

Link to Wandsworth Council's complaint procedure:

http://www.wandsworth.gov.uk/info/200310/about_the_council/34/making_a_complaint

All individuals who believe they have been discriminated against, harassed or victimised have the right to make an informal or formal complaint. A complaint will be dealt with fairly and taken seriously without exception.

Contacts for Data Protection Data Enquiries and Incidences

Santino Fragola, Head of Lifelong Learning 020 8871 8491 sfragola@wandsworth.gov.uk

Andres Ochoa-Mikan, Deputy Lifelong Learning 020 8871 7649 aocchoa-mikan@wandsworth.gov.uk

Andres Ochoa-Mikan, Community Learning Manager 020 8871 7469 aocchoa-mikan@wandsworth.gov.uk