Data Protection & UK GDPR Policy

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Approved by	Exec Team
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Access	BreatheHR
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Next Review Date	02/02/2025

Introduction

"The Company" and "We" relates to Instructus and its subsidiary company CQM Training and Consultancy Ltd.

This Data Protection & UK GDPR Policy sets out the roles, responsibilities and procedures around the use of personal data within the Company.

This policy applies whenever you are collecting or handling personal data in any way.

Everyone has rights with regard to the way in which their personal data is handled. During the course of our activities we will collect, store and use personal data about clients, trainers, our fellow colleagues and people in external organisations.

This policy applies to all employees, workers and contractors. Any breach of this policy may result in disciplinary action.

This policy does not form part of any employee's contract of employment, or any contract for the provision of services, and may be amended at any time.

Policy Scope

This policy applies to all employees, workers, contractors, corporate data both our own and our customers.

The aims of this policy are:

- To ensure protection and security on the rights, safety and welfare of individuals, in relation to the use of personal data
- To help you understand the fundamentals of data protection law
- To guide you to help ensure that we are compliant with data protection laws.
- To understand the risks to the Company (and specifically the Group company whom you are employed by and as set out in your employment contract ("**your Employer**")) of non- compliance with data protection laws

Responsibilities

The Company has appointed a Data Protection Officer (**DPO**) who is responsible for overseeing compliance with the Data Protection Legislation and with this policy. Any questions about the operation of this policy or any concerns that the policy has not been followed should be referred in the first instance to the DPO. Please refer to **Appendix 1** for details.

Definitions

What does the Law say?

What is the UK GDPR?
The Data Protection Act 2018 is the UK's implementation of the General Data Protection Regulation (GDPR). Everyone responsible for using personal data has to follow strict rules called 'data protection principles'. They must make sure the information is: used fairly, lawfully and transparently.

What is personal data?
Personal data is any data which relates to a living individual who can be identified from that data (or from that data and other information likely to come into the Company's possession). It therefore captures a wide range of data. Examples of personal data are set out in **Schedule 1**. If you are unsure about whether certain information is personal data or not, please speak with the DPO.

What is sensitive personal data?
The Data Protection Laws class a certain type of personal data as sensitive personal data. A list of examples of sensitive personal data are set out in **Schedule 1**. It is important that you recognise what sensitive personal data is because the law imposes more stringent requirements around use of sensitive personal data and possibly means you need to get the consent of the individual about whose sensitive personal data you are using before you are lawfully permitted to use it.

Who regulates the GDPR in the UK?
In the UK, the Data Protection Laws are independently enforced by the Information Commissioner's Officer (ICO).

What happens if we get it wrong?
The ICO has a wide range of powers. It can issue enforcement notices where it tells businesses to remedy a certain breach. It can also publicise data protection breaches on its website which could lead to negative publicity for the business in breach. It also has the right to audit the Company and fine it up to £17.5 million or 4% of global turnover for breaches of the Data Protection Laws.

The 6 data protection principles
The UK GDPR sets out 6 data protection principles which you should be aiming to follow at all times. They are as follows:

1. **Fairly, lawful and transparent -** The first principle is that personal data shall be processed

   fairly, lawfully and transparently. The Data Protection Laws are not intended to prevent the processing of personal data, but to ensure that it is done fairly and without adversely affecting the rights of the individuals whose data you are using. It also important to be transparent with individuals in relation to what you do with their data.

2. **Use it only for a limited purpose -** The second principle is that personal data shall be collected for specified, explicit and legitimate purposes and not processed in a manner incompatible with those purposes. As an employee, you may be involved in collecting personal data in different ways. This may include data you receive directly from individuals and data you receive from other sources. You must not use the data for your own personal purposes. Personal data which you collect in the course of your employment should be used strictly as part of your employment and only for the purpose for which it was collected.

3. **Data minimisation -** The third principle is that personal data shall be adequate, relevant and limited to what is necessary. You should only collect, use, access or analyse personal datato the extent that you need to.

4. **Accuracy -** The fourth principle is that personal data shall be accurate and, where necessary, up to date. You should check the accuracy of any personal data at the point of collection and at regular intervals afterwards. You should take all reasonable steps to destroy or amend inaccurate or out-of-date data.

5. **Data retention -** The fifth principle is that personal data shall be kept for no longer than is necessary. The Data Protection Laws do not tell us how long is necessary. We have therefore prepared a separate Retention Policy to guide you in determining how long to keep certain types of information. Please refer to that policy for further details about how long you should be keeping certain types of personal data and how you should be deleting personal data. It is important that you follow the Data Retention Policy, and it should be read in conjunction with this policy.

6. **The security (or "ATOM") principle -** The sixth principle is that personal data shall be processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful use of personal data and against accidental loss, destruction or damage. The UK GDPR says that we must use "appropriate, technical and organisational measures" (try using the acronym "ATOM" to help you remember) to keep data secure. Security of personal data applies to a range of areas, including IT security, and it particularly should be applied throughout your day-to-day activities. You should review the Company's Communication, Systems & Technology policy for further details about using IT securely.

There are additional principles that we believe are just as important as those set out above and these are set out below.

Respecting the individual's legal rights
We will also be required to process personal data in accordance with the rights of data subjects. Please see paragraphs 'Dealing with Subject Access Requests' and 'Right to be Forgotten', for further detail about individuals' right of access to the information we hold about them (commonly known as a subject access request or **"SAR"**) and their right for information about them to be erased (typically referred to as the right to be forgotten).

Personal Data leaving the UK
We avoid personal data leaving the UK. A transfer of personal data to a third country or an international organisation may only take place where it is based on adequacy regulations (see section 17A of the 2018 Act). Such a transfer would require specific authorisation by the DPO. If you would like further details about these regulations or have any queries, please speak to the DPO. If you are aware of personal data being transmitted outside of the UK, you need to tell the DPO immediately. This might mean having to do some investigation as to how personal data flows in and out of the organisation.

Accountability
We all need to take responsibility for the principles above and be able to demonstrate that we are complying with them. Please make sure that you are in a position to show the DPO how you are complying with this policy and the Data Retention Policy.

Process

Taking Ownership

The UK GDPR introduces a new concept called data protection by "**design and default"**. It essentially means that we all have a responsibility to proactively build the principles, as detailed above, into our everyday activities. Don't be afraid to question current or old practices or technology if you think they do not follow good data protection practice and raise any issues or concerns with the DPO.

New Ideas

You may want to introduce something new and innovative to the Company. It could be a new piece of technology, or you may be looking to introduce a campaign which involves the use, in some way, of personal data. Or you might want to implement a new piece of software.

It is important that, before implementing anything new involving or impacting upon personal data, you speak with the DPO. Under the UK GDPR concept of data protection by design and default, we will need to ensure that we have built good data protection practice into any new idea before implementing the idea. Sometimes, this will require a formal data privacy impact assessment (with which the DPO will provide assistance) where the new idea is potentially high risk to the privacy of our employees.

Data Breaches

A personal data security breach is any security breach leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data. It could be as a result of a cybercrime. Or it could be that you, or someone you know, have accidentally shared personal data with another organisation or person without permission. Refer to **Appendix 2** for Risk Assessment on Data Risk Controls.

If you become aware of a personal data security breach you must inform the DPO **immediately**, providing as much background detail as possible. This is because the UK GDPR requires the Company to report personal data breaches to the regulator within 72 hours of first becoming aware of it. **Please do not report the breach to the ICO yourself.**

Sharing Information with Other Organisations

If you are looking at engaging with any new supplier, and you know that the supplier will be obtaining personal data relating to employees or other groups of people, you will need to contact the DPO as soon as possible before engaging with that supplier.

The UK GDPR requires the Company to (a) vet these suppliers to ensure that we offer an appropriate level of security of personal data and (b) make sure that there is a written contract between the supplier and the Company and that it is UK GDPR-compliant before being signed.

Dealing with Subject Access Requests

A subject access request (**"SAR"**) is a written request from an individual to obtain information the Company holds about them. This is a statutory right, however it is not without its complications and it doesn't just mean disclosing every piece of information because there might be legal reasons to withhold certain information. The individual issuing a SAR could be a client, third-party trainer, member of staff or member of the public. Not

everyone who requests personal data will be entitled to receive it, therefore, it is important we verify an individual's right to receive personal data, particularly where the personal data is not about themselves.

As there are strict time periods for complying with a SAR (1 calendar month from the date of the SAR), it is important that you **immediately** notify the DPO who will then assist with the request accordingly.

Please do not respond to the individual without first consulting with the DPO.

Right To Be Forgotten Requests

A right to be forgotten request is a written request from an individual to erase information we hold about them. Like SARs, this is a statutory right but not as straightforward as you might think, and it doesn't just mean deleting every piece of information about the individual because there might be legal reasons to keep certain information. As with SARs, please make sure that you contact the DPO **immediately** before responding to the individual making the request. **Please do not respond to the individual without first consulting with the DPO**.

SCHEDULE 1

EXAMPLES OF PERSONAL DATA

Personal Data	Sensitive Personal Data
Name (first name or second name)	Religious expression
Age	Physical or mental condition
Address	Political views and beliefs
Phone number	Racial or ethnic origin
Email address	Criminal record checks
Photograph	Trade union membership
Location	Sex life
Opinion	Sexual orientation
Bank details	Biometric data (e.g. information obtained from fingerprint or retina scanning)
Salary	
Staff training records	
Letters	
Contracts	

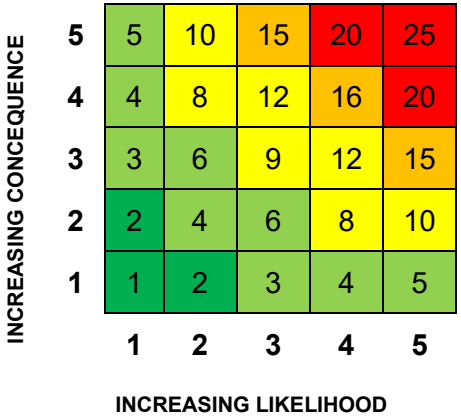
Please note that this is not an exhaustive list

Appendix 1

The Company's Data Protection Officer (DPO) is:
Andy Cheshire andy.cheshire@cqmltd.co.uk / 07825 108702

Appendix 2	Risk Assessment Form					
Location/Dept: Instructus Group – Data Risks	**Date Assessed:** 11/01/2023				**Assessed by:** Andy Cheshire	
Task/ Activity: Data risk controls	**Review Date:** 02/02/204	**Next Review Due:** 02/02/2025			**Reference Number:** RAI008	
Hazard/Risk	**Persons at risk**	**Controls in place**	**Consequence (1-5)**	**Likelihood (1-5)**	**Risk/ Priority**	**Additional controls required**
Risk to data from malware infection	All employees	Malware protection in place on all devices. Regular reminders issued to all employees about risks and a clear policy presented for reading and understanding each year.	3	2	6	
Risk to data from criminal activity	All employees	All employees reminded about the risks associated with 'phishing'. All attempts reported to IT supplier for blocking of addresses or sites.	4	1	4	
Risk to data from employees making mistakes	Data subject	Quality Assurance checks in place across all data entry tasks. Regular sampling.	1	3	3	
Malicious action from an employee	Data subject	Monitoring of network for data extraction, disablement of external memory devises and access control of sensitive information.	4	1	4	
Risk to data from employees being 'socially engineered'	All employees	Similar to 'phishing', all employees reminded to find alternative ways of validating a person's identity such as phone calls or using MS Teams communication. All incidents reported to IT supplier.	3	1	3	
Risk of loss of data	Business	All data is backed up via SharePoint / OneDrive.	3	1	3	
Risk of System failure	Business	Business continuity policy in place to ensure system failures are protected and contingencies in place.	3	1	3	

Risk/Priority Indicator Key



20 - 25	**Stop**
Stop activity and immediate action	
15 – 16	**Urgent Action**
Take immediate action and stop activity if necessary, maintain existing controls rigorously	
8 – 12	**Action**
Improve within specified timescale	
3 – 6	**Monitor**
Look to improve at next review or if there is a significant change	
1 – 2	**No action**
No further action, but ensure controls are maintained and reviewed	