



## **Introduction**

LEARN TSA is required to maintain certain personal data about living individuals for the purposes of satisfying operational and legal obligations. LEARN TSA recognises the importance of the correct and lawful treatment of personal data.

LEARN TSA is committed to protecting the rights and privacy of individuals in accordance with the Data Protection Act 1998 and this policy is written in compliance with this Act. LEARN TSA processes information about its staff & TSA representatives for a range of administrative purposes.

In order to comply with the law; information about individuals is collected and used fairly, stored safely and securely and not disclosed to any third party unlawfully.

All “processing” of personal data (includes collection, holding, retention, destruction and use of personal data) is governed by the Data Protection Act 1988. The Act applies to all personal data – whether held on a computer or similar automatic system or whether it is held as part of a manual file.

Personal data is defined as information relating to an identifiable living individual and can be held in any format, electronic (including websites and emails) paper-based, photographic etc from which the individual’s information can be readily extracted.

Under the 1988 Act, all organisations that process personal information are required to notify the Information Commissioner’s officer. LEARN TSA’s notification describes the various types of processing of personal information and defines the persons or bodies to which the information may be disclosed. Full details of the notification can be found at:

<http://www.dpr.gov.uk/search.html>.

Failure to comply with the Data Protection Act could result in prosecution.

### **Implications for staff**

All staff, consultants or representatives of LEARN TSA that are concerned with, or have access to such data have an obligation to ensure that they are processed according to the eight 'Principals of data protection' and the rights of data subjects. This means that staff must treat all data carefully and must not disclose personal data to unauthorised persons.

### **Eight Data Protection Principals:**

1. Data should be processed fairly and lawfully
2. Data should be obtained for one or more specified lawful purposes
3. Data should be adequate, relevant and not excessive
4. Data shall be accurate and where necessary kept up to date
5. Data is not kept longer than is necessary for its purpose
6. Data shall be processed in accordance with subject rights under the Act
7. Appropriate technical and organisational measures shall be taken against unauthorised/unlawful processing, loss, destruction, damage to personal data
8. Data shall not be transferred outside the European Economic Area unless that country/territory ensures adequate level of protection for right and freedoms of data subjects in relation to the processing of personal data

### **Data Subject Rights:**

A data subject is a person about whom such data is held. The Data Protection Act creates rights for those who have their data stored, and responsibilities for those who store, process or transmit such data.

The member of staff who has their data processed has the right to:

- make access requests regarding the nature of information held and to whom it has been disclosed.
- to prevent processing likely to cause damage or distress.
- to take action to rectify, block, erase or destroy inaccurate data.
- require that data is not used in any way that may potentially cause damage or distress.

- require that their data is not used for direct marketing.
- to be informed about mechanics of automated decision taking processes that will significantly affect them.
- not to have significant decisions that will affect them taken solely by automated process.
- to take action for compensation if they suffer damage by any contravention of the Act.
- to request the Commissioner to assess whether any provision of the Act has been contravened.

It is an offence to process personal data except in strict accordance with the Principles of the Act.

### **Implementing the policy**

All staff, contractors, consultants or suppliers working on behalf of LEARN TSA are required to read and comply with this policy.

### **Policy Review**

LEARN TSA consider the Data Protection Policy document to be important and will undertake a thorough review of both policy and practice each year, and report to the Director of the Trust Board & Director of Education.

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*Lincolnshire Education And Research Network*