



# SNAP Cymru Training – Data Protection Policy

## INTRODUCTION

The Data Protection Act 1998 replaces the Data Protection Act 1984. Data Controllers must follow certain principles in relation to the data that they hold. Individuals have rights of access to data that is held on them and rights to claim for damages if various offences occur. In relation to records, the most important differences between the Acts are that the 1998 Act, covers manual as well as computerised records, introduces a broader definition of 'sensitive personal data,' and restrictions on its processing.

In implementing the legislation SNAP Cymru intends to adopt a simple and straightforward policy that will, so far as is possible, be easy to understand and unambiguous in its application. This is best achieved by adopting the principles of openness, which will, in turn, contribute to the fostering of open and honest management. SNAP Cymru should not keep in record any information, opinion or judgement that SNAP Cymru would not be comfortable showing to its subject and explaining and justifying if called upon to do so.

## POLICY STATEMENT

Subject to the following provisions all learners will have the right of open access to their personal information gathered for the purpose of learner registration and assessment.

## SCOPE

Learner information gathered as part of the learner registration process forms a manual and/or electronic record which is held for five years. Any records that exist or are created for this purpose must comply with this policy.

## OTHER LEARNER RECORDS

There are, from time to time, requirements to establish and maintain 'one off' records for particular purposes e.g. Special consideration and special arrangements processes, appeals procedures, complaints grievances etc. where it is not reasonably practicable to

keep the whole record in a single file .i.e. registration data base. Secondary records may be established for these purposes however they must be referenced in the main record and the same rights of access apply.

## **LOCATION**

Due to SNAP Cymru being a multi-sited organisation, the main learner information will be established and maintained by the SNAP Cymru Training and Information Unit. Trainers who hold learner information electronically and on tutor files will ensure these are stored securely on site.

Due to the multi-sited structure of the organisation the Training Unit and the /training staff must ensure that all information transferred between sites is done so in a highly secure manner within our secure SNAP Cymru server

The Training and information unit is responsible for ensuring that the Trainers are fully aware of the secure methods by which such information can be transferred.

## **MAINTENANCE**

The Training and Information Unit is responsible for maintenance at its office. Trainers are responsible for maintenance of files existing in their designated offices.

## **INFORMATION USUALLY COLLECTED**

All learners registered with AGORED Cymru for accredited courses will have provided personal information such as name, address, age, employment status, disability status, ethnicity etc. Additional information may have been provided to evidence a request for special arrangements or consideration.

## **INFORMATION THAT MAY NOT BE INCLUDED**

What may not be included is information, data or other material that cannot legitimately be shown to be related directly or indirectly to the registration of the learner concerned.

## **SENSITIVE PERSONAL DATA - DEFINITION**

The 1998 Data Protection Act defines 'sensitive personal data' as personal data, which relates to:

- a. racial or ethnic origin of the data subject
- b. political opinions
- c. religious beliefs or other beliefs of a similar nature
- d. whether he is a member of a trade union
- e. physical or mental health or condition
- f. sexual orientation
- g. the commission or alleged commission of any offence, or
- h. any proceedings for any offence committed or alleged to have been committed, the disposal of such proceedings or the sentence of any court in such proceedings

## **PROCESSING OF SENSITIVE DATA**

The Act prohibits the processing of sensitive data except in specified circumstances, for example ethnic monitoring. It is SNAP Cymru's policy that the explicit and informed consent of learners will be obtained for the processing of information that may include sensitive personal data. This data will be shared electronically with AGORED Cymru and uploaded through their secure site. (see: AGORED CYMRU DATA PROTECTION POLICY FOR THEIR HANDLING OF PERSONAL DATA)

## **LEARNER RIGHTS - REQUESTS FOR RIGHT OF ACCESS**

Learners will have right of access to their personal information normally within one month of written notice being received by the Training Unit.

## **DETAILS OF ACCESS**

That access will be by arrangement and viewing of the contents of the record will be at its kept location, in the presence of the training unit and/or another Manager. (The sole purpose of this provision is solely for the purposes of ensuring that no material is inappropriately removed or destroyed).

## **COPIES OF RECORDS**

A record will be made of any copies requested and where possible, provided, including date and place together with the name of the person providing them.

## **ACCURACY OF DATA**

A learner may challenge the accuracy of an entry in the record and where, on investigation, it is found to be inaccurate shall be entitled to have the entry corrected or removed, whichever is the most appropriate and to have this action confirmed in writing as having been done.

## **RETENTION OF RECORDS**

All Learners' Assessment records and IV documents including records of registrations and certificates rewarded should be kept for 3 years. These should be readily available upon reasonable request by External Verifiers, Agored Cymru and the Learner.

Samples of copied Learners work should be kept for 3 years.

The IV's provide a formal link between the Tutors/Assessors, the EV's and the Awarding Body.

The IV's will maintain the Learner Database and make all decisions regarding

Recommendations for the Award of Credit.

The Learner Database will retain learner information for 5 years

After that period, records shall be destroyed.

The aim is to achieve a continuous progression towards the standards of best practice that this policy prescribes. However, provision has to be made for repeated non-compliance by a person responsible for the proper establishment and maintenance of a record. Serious and/or repeated non-compliance will be regarded as misconduct and will render the person liable to disciplinary action.

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