



POLICY TITLE DATA PROTECTION POLICY

REVIEW CYCLE Annually

NEXT REVIEW DATE 21/05/2025

PERSON(S) RESPONSIBLE Quality Lead - Naomi Lawton

APPROVING BODY Director. P Stevens

PURPOSE The purpose of this policy is ensuring the Data Protection Act 1988 and the new GDPR of May 2018 is adhered to in all Agile systems and processes.

Document Title	QA12 v2	Version and date of issue	V2 25/10/2022
Review Date	21/05/2024	Next Review Date	21/05/25
Policy by	N Lawton Centre Lead		



1. Introduction

Agile Group are a private training company based in Chester. We have been operating for over 20-years, training Individuals, companies in the field of Leadership and Management at level 3 and 5 and Coaching and Mentoring a level 5 and 7, along with Supervision in Coaching level 7.

1.1. The Data Protection Act 1988 (the Act) is a piece of legislation that covers personal information. It aims to ensure personal privacy, through giving individuals rights with regards to information about themselves and putting responsibilities on organisations that process this information and with the addition of GDPR of May 2018.

1.2. The Act places certain obligations with which Agile Group must comply:

- To notify the Information Commissioner annually of the purposes for which it processes personal data.
- To allow individuals to find out what information is held about them, the purposes for which the information is kept, where Agile Group obtains the information and to whom we might disclose it.
- To process personal information in accordance with the Eight Principles of Data Processing as set out in the legislation (see section 1.5).

1.3. Agile Group is registered as a data controller with the Office of the Information Commissioner, registration number: **ZB600087**. The register entry describes, in very general terms, the personal data being processed by Agile Group for the following purposes:

List what the entry says such as:

- Staff, agent, and contractor administration
- Advertising, marketing, public relations, general advice services
- Accounts and records
- Education
- Student and staff support services

1.4. Agile Group must ensure that its notification remains up-to-date and personal data must not be processed unless the activity is covered by the current notification.

Document Title	QA12 v2	Version and date of issue	V2 25/10/2022
Review Date	21/05/2024	Next Review Date	21/05/25
Policy by	N Lawton Centre Lead		

1.5. Transparency and Communication:

Agile Group holds and processes information about employees, learners, and other data subjects for academic, administrative, and commercial purposes to allow it to monitor performance, achievements, and health and safety, for example. It is also necessary to process information so that staff can be recruited and paid, courses organised and legal obligations to funding bodies and government complied with. When managing such information Agile Group and all staff or others who process or use any personal information must comply with the Data Protection Principles which are set out in the Data Protection Act 1998 (the Act).

At Agile Group we pride ourselves with giving all individual learners the necessary information about how we use and handle their personal data. We carry out full inductions at commencement of any training course, when the documentation is being completed and explain, as to why, who and where the information is held and shared, and this comes under the Data Protection Act and the welfare of our learners.

2. What personal data do we collect?

Commercial:

All learners who wish to gain a qualification with Agile Group must complete a booking form or an Individual Learner Plan. This information contains personal data on the learner such as:

Full Name, full address including post code, contact numbers, National Insurance Numbers, Date of birth, email address.

We also collect company information on where the learner works.

Apprenticeship:

Learners who are wishing to gain a qualification with Agile Group via apprenticeship funding – this funding is gained via a subcontractor. Personal data kept on all signup paperwork by subcontractor & Agile retain copy of ILP for personal data such as:

Full name and full address and post code, contact number, DOB, email.

Address, to enable registration with awarding body for qualification to enable us to claim the individual learners overall Apprenticeship certificate.

Document Title	QA12 v2	Version and date of issue	V2 25/10/2022
Review Date	21/05/2024	Next Review Date	21/05/25
Policy by	N Lawton Centre Lead		

Together with the above information we also need to collect data in the following areas and retain for the length of your programme and then for a further 6 years in line with regulatory body requirements.

- **Completing of surveys**
- Reporting of a problem grievance.

In summary these state that personal data shall:

- Be processed fairly and lawfully,
- Be specified and lawful purpose.
- Be adequate and only for what is needed.
- Be accurate and up to date,
- Not be kept for longer than necessary for the purpose,
- Be processed in accordance with the data subject's rights,
- Be kept safe from unauthorised processing, and accidental loss, damage, or destruction,
- Not be transferred to a country outside the European Economic Area unless that country has.

2.1. How do we use your personal data?

When we ask you to supply us with personal data, we will make it clear at the start whether the personal data we are asking for is for internal process or if we are sharing this information with any third party connected to our services to you. We will use your personal data to fulfil a qualification contract with ourselves and the awarding body.

2.2. Agile Group and all staff or others who process or use any personal information must ensure that they always follow these principles. To ensure that this happens, Agile Group has developed the Data Protection Policy.

3. Definitions

- “Staff,” “learners” and “other data subjects” may include past, present, and potential members of those groups.
- “Other data subjects” and “third parties” may include contractors, suppliers, contacts, referees, friends, or family members.
- “Processing” refers to any action involving personal information, including obtaining, viewing, copying, amending, adding, deleting, extracting, storing, disclosing, or destroying information.

Document Title	QA12 v2	Version and date of issue	V2 25/10/2022
Review Date	21/05/2024	Next Review Date	21/05/25
Policy by	N Lawton Centre Lead		



4. Status of the Policy

- 4.1. This policy does not form part of the formal contract of employment, but it is a condition of employment that employees will abide by the rules and policies made by Agile Group from time to time. Any failures to follow the policy can therefore result in disciplinary proceedings.
- 4.2. Any member of staff, learner or contractor who considers that the policy has not been followed in respect of personal data about themselves, should raise the matter with the designated data controller initially, in writing and should expect a response within 30 days. If the matter is not resolved, it should be raised as a formal grievance.

5. Notification of Data Held

- 5.1. All staff, learner or contractors are entitled to:
Know what information Agile Group holds and processes about them, they also need to know how to get the following:

- Know how to gain access to it.
- Know how to keep it up to date.
- Know what Agile Group is doing to comply with its obligations under the Act.

- 5.2. Who do we share your personal data with?

Third party interests are: to provide the products/standards/services to you; to communicate with you in relation to the provision and gain feedback on the service. to provide you with administrative support such as certification, security, and responding to issues; and provide you with industry information, surveys, information about our training events days, offers and promotions, related to our services which may be of interest to you; communicating with you in relation to any issues, complaints, or disputes; improving the quality of experience when you interact with our services.

We will share your personal data with members of the ILM awarding body for your qualification. We take all reasonable steps to ensure that our staff protect your personal data and are aware of their information security obligations. We limit access to your personal data to those who have a genuine business need to know it, which include obligations in relation to the confidentiality, security, and lawful processing of any personal data shared with them.

We will share personal data with law enforcement or other authorities if required by applicable law.

Document Title	QA12 v2	Version and date of issue	V2 25/10/2022
Review Date	21/05/2024	Next Review Date	21/05/25
Policy by	N Lawton Centre Lead		



Agile Group will therefore provide all staff and students and other relevant users with a standard form of notification. This will state all the types of data the College/sub-contractor holds and processes about them, and the reasons for which it is processed.

- 5.3. Agile Group shall notify all staff and learners and other relevant data subjects of the types of data held and processed by Agile concerning them and the reasons for which it is processed. When processing for a new or different purpose is introduced, the individuals affected by that change will be informed.

6. Staff Responsibilities

- 6.1. All staff are responsible for:

- Checking that any information that they provide to Agile Group in connection with their employment is accurate and up to date.
- Informing Agile Group of any changes to information which they have provided. i.e., changes of address
- Checking the information that Agile Group will send out from time to time, giving details of information kept and processed about staff.
- Informing Agile Group of any errors or changes. Agile Group cannot be held responsible for any errors unless the staff member has informed Agile Group about them.
- Ensuring all personal information is kept securely.
- Ensuring personal information is not disclosed either orally or in writing, accidentally or otherwise to any unauthorised third party. Unauthorised disclosure may be a disciplinary matter and may be considered gross misconduct in some cases.

- 6.2. When staff hold or process information about learners, colleagues, or other data subjects (for example, learners' course work, references to other academic institutions, or details of personal circumstances), they should comply with the policy.

- 6.3. When staff supervises learners doing work which involves the processing of personal information, they must ensure that those students are aware of the Data Protection Principles and the requirement to obtain the data subject's consent where appropriate.

Document Title	QA12 v2	Version and date of issue	V2 25/10/2022
Review Date	21/05/2024	Next Review Date	21/05/25
Policy by	N Lawton Centre Lead		

7. Learner Responsibilities

7.1. All students shall

- ensure that all personal information which they provide to Agile Group is accurate and up to date.
- inform Agile Group of any changes to that information, for example, changes of address.
- check the information which Agile Group shall make available from time to time, in written or automated form and inform Agile Group of any errors or, where appropriate, follow procedures for up-dating entries. Agile Group shall not be held responsible for errors of which it has not been informed.

7.2. Learners who use Agile Group computer facilities may, from time to time, process personal information (for example, in course work or research). In those circumstances, they must notify the relevant department, who will provide further information about this requirement.

8. Rights to Access Information

Under the GDPR, you have various rights with respect to our use of your personal data.

- 8.1. Staff, learners and other data subjects in Agile Group have the right to access any personal data that is being kept about them either on computer or in structured and accessible manual files. Any person may exercise this right by submitting a request in writing to the appropriate designated person.
- 8.2. Agile Group will reserve the right to make a charge of £10 for each official Subject Access Request under the Act.
- 8.3. Agile Group aims to comply with requests for access to personal information as quickly as possible but will ensure that it is provided within 30 days unless there is good reason for delay. In such cases, the reason for the delay will be explained in writing by the designated data controller to the data subject making the request.

9. Right to rectification

At Agile we aim to keep your personal data accurate and complete. We encourage you to contact us using the contact details provided below or in person to let us know if any of your personal data is not accurate or changes are required, so that we can keep your personal data up to date.

Document Title	QA12 v2	Version and date of issue	V2 25/10/2022
Review Date	21/05/2024	Next Review Date	21/05/25
Policy by	N Lawton Centre Lead		

10. Right to erasure

You have the right to request the deletion of your personal data where, for example, the personal data are no longer necessary for the purposes for which they were collected, (you left the programme and no longer wishing to continue) If you would like to request that your personal data is erased, please contact us using the contact details provided below.

11. Right to object

In certain circumstances, you have the right to object to us processing/using your personal data where, for example, your personal data is being processed and you no longer wish to continue with a course, or you did not commence or if your data is being processed for direct marketing purposes. If you would like to object to the pressing of your personal data, please contact us using the contact details provided below.

12. Subject Consent

12.1. In some cases, such as the handling of sensitive information or the processing of research data, Agile Group is entitled to process personal data only with the consent of the individual. The agreement to Agile Group processing some specified classes of personal data is a condition of acceptance of a learner on to any course and a condition of employment for staff.

12.2. Agile Group may process sensitive information about a person's health, disabilities, criminal convictions, race or ethnic origin or trade union membership in pursuit of the legitimate interests of Agile Group. For example, some jobs or courses will bring the applicants into contact with young people aged 16 to 18 years and Agile Group has a duty under the Children's Act 1989 and other enactments to ensure that staffs are suitable for the job and learners for the courses offered. Agile Group also has a duty of care to all staff and students and must therefore make sure that employees and those who use Agile Group facilities do not pose a threat or danger to other users.

12.3. Agile Group also asks for information about health needs, such as allergies to forms of medication or conditions such as asthma or diabetes. Agile Group will only use such information to protect the health and safety of the individual, for example, in the event of a medical emergency. The consent of the data subject will always be sought prior to the collection of any sensitive data as defined by the Act.

Document Title	QA12 v2	Version and date of issue	V2 25/10/2022
Review Date	21/05/2024	Next Review Date	21/05/25
Policy by	N Lawton Centre Lead		

13. The Data Controller and the Designated Data Controllers

The Managing Directors are responsible for implementation. Responsibility for day-to-day matters will be delegated to the Quality Lead as the designated data controller where information and advice about the holding and processing of personal information is available.

13.1. Right to data portability

In certain circumstances, you have the right to request that some of your personal data is provided to you, or another person, in a commonly used, electronic format. Example: (you have moved out of the area but wish to continue your qualification) This right arises where you have provided your personal data to us, the processing is based on consent or the performance of a contract, and processing is carried out by automated means.

If you would like to request that your personal data is transferred, please contact us using the contact details provided below.

Please note that the GDPR sets out exceptions to these rights. If we are unable to comply with your request due to an exception, we will explain this to you in our response.

14. Assessment Marks

Learners shall be entitled to information about their marks for assessments. However, this may take longer than other information to provide. Agile Group may withhold enrolment, awards, certificates, accreditation, or references if monies are due to Agile Group.

15. Retention and storage of Data

Agile Group take reasonable steps to protect your personal data from loss or destruction. We also have procedures in place to deal with any suspected data security breach.

All information held at Agile Group is either Electronic or Paper based. For Electronic security we have password protection and in the case of information on portable electronic equipment (laptop) extra security is added with encrypted passwords to certain information files. With regards to paper based personal data, this will be kept in our head office and kept in a secure lockable cabinet with limited access.

We will notify you and any applicable regulator of a suspected data security breach where we are legally required to do so. Unfortunately, the transmission of information via the Internet is not completely secure and any transmission is at your own risk.

Document Title	QA12 v2	Version and date of issue	V2 25/10/2022
Review Date	21/05/2024	Next Review Date	21/05/25
Policy by	N Lawton Centre Lead		

Once we have received your personal data, we will use strict procedures and security features to try to prevent unauthorised access.

Agile Group will keep several types of information for differing lengths of time, depending on legal, academic, and operational requirements. The average is kept for 6 years. Once this time has lapsed all documentation will be destroyed, following GDPR guidelines.

16. Compliance

Compliance with the Act is the responsibility of all learners and members of staff. Any deliberate or reckless breach of this policy may lead to disciplinary and where appropriate, legal proceedings. Any questions or concerns about the interpretation or operation of this policy should be taken up with the Director.

Any individual who considers that the policy has not been followed in respect of personal data about him or herself having been breached, should raise the matter with the Quality Lead initially in writing. If the matter is not resolved, it should be referred to the staff grievance or learner complaints procedure.

17. Penalties

A failure on the part of the Agile Group to comply with the eight Data Protection Principles and the conditions for processing may result in a court order to correct, erase, or destroy inaccurate or out of date personal data or to change the way we process personal data. In addition, the court may award compensation arising from a breach of the Act in some circumstances.

Use or disclosure of personal data outside the terms as stated above and notified to the Information Commissioner is a criminal offence, as is the unlawful obtaining or disclosure of personal data. On conviction, both Agile Group and/or individuals responsible may be liable for a fine of up to £5,000. Where an individual suffers damage or loss because of unauthorised disclosure, inaccurate or missing data, or the loss or destruction of data in relation to him/her, may seek compensation from the courts.

Document Title	QA12 v2	Version and date of issue	V2 25/10/2022
Review Date	21/05/2024	Next Review Date	21/05/25
Policy by	N Lawton Centre Lead		



18. Data Protection Officer

Agile Group has designated Peter Stevens as the DPO.

Should you have any questions or concerns about Data Protection, please contact Pete Stevens on the details below:

Pete Stevens
Director

Agile Group Ltd
Email: pete@agilegroup.co.uk
Tel: 07940 855461

Document Title	QA12 v2	Version and date of issue	V2 25/10/2022
Review Date	21/05/2024	Next Review Date	21/05/25
Policy by	N Lawton Centre Lead		