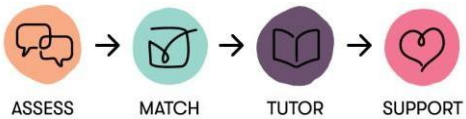
Data Protection Policy

Revision	Date	Revision Description
2.0	01-Sep-22	New Policy
1.0	01-Sep-21	New policy



Croy Education Services Ltd Trading as Tutor Doctor Birmingham & Solihull

This policy has been centrally produced by Tutor Doctor for UK operations delivered by Tutor Doctor UK franchisees. Throughout the document reference to "Tutor Doctor" refers to delivery by the local Tutor Doctor office, in this case Tutor Doctor Birmingham & Solihull.

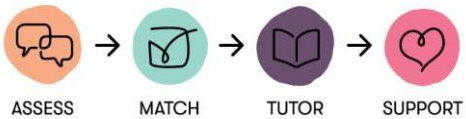
1. Policy

This policy aims to ensure that all personal data collected about tutors, students and their families is collected, stored and processed in accordance with the General Data Protection Regulation (EU) 2016/679 (GDPR) and the Data Protection Act 2018 (DPA 2018).

This policy applies to all personal data, regardless of whether it is in paper or electronic format.

2. Definitions

TERM	DEFINITION
Personal data	Any information relating to an identified, or identifiable, living individual. This may include the individuals: ➢ Name (including initials) ➢ Identification number ➢ Location data ➢ Online identifier, such as a username It may also include factors specific to the individual's physical, physiological, genetic, mental, economic, cultural or social identity.
Special categories of personal data	Personal data which is more sensitive and so needs more protection, including information about an individual's: ➢ Racial or ethnic origin ➢ Political opinions ➢ Religious or philosophical beliefs ➢ Trade union membership ➢ Genetics ➢ Biometrics (such as fingerprints, retina and iris patterns), where used for identification purposes ➢ Health – physical or mental ➢ Sex life or sexual orientation



TERM	DEFINITION
Processing	Anything done to personal data, such as collecting, recording, organising, structuring, storing, adapting, altering, retrieving, using, disseminating, erasing or destroying. Processing can be automated or manual.
Data subject	The identified or identifiable individual whose personal data is held or processed.
Data controller	A person or organisation that determines the purposes and the means of processing of personal data.
Data processor	A person or other body, other than an employee of the data controller, who processes personal data on behalf of the data controller.
Personal data breach	A breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data.

3. Data Control

Individual Tutor Doctor offices process personal data relating to tutors, students and their families and therefore are data controllers.

4. Roles and responsibilities

This policy applies to all individuals engaged by Tutor Doctor Solihull and Birmingham to provide services.

4.1. Data Protection

Each Tutor Doctor office is responsible for overseeing the implementation of this policy and monitoring compliance with data protection law.

4.2. All staff

Staff are responsible for:

- Collecting, storing and processing any personal data in accordance with this policy
- Following up:
  - With any questions about the operation of this policy, data protection law, retaining personal data or keeping personal data secure
  - If they have any concerns that this policy is not being followed
  - If they are unsure whether or not they have a lawful basis to use personal data in a particular way
  - If they need to rely on or capture consent, draft a privacy notice, deal with data protection rights invoked by an individual, or transfer personal data outside the European Economic Area
  - If there has been a data breach
  - Whenever they are engaging in a new activity that may affect the privacy rights of individuals
  - If they need help with any contracts or sharing personal data with third parties

5. Data protection principles

The GDPR is based on data protection principles that Tutor Doctor offices must comply with. The principles say that personal data must be:

- Processed lawfully, fairly and in a transparent manner Collected for specified, explicit and legitimate purposes
- Adequate, relevant and limited to what is necessary to fulfil the purposes for which it is processed
- Accurate and, where necessary, kept up to date
- Kept for no longer than is necessary for the purposes for which it is processed
- Processed in a way that ensures it is appropriately secure

This policy sets out how the Tutor Doctor offices aim to comply with these principles.

6. Collecting personal data

6.1. Lawfulness, fairness and transparency

We will only process personal data where we have one of 6 'lawful bases' (legal reasons) to do so under data protection law:

- The data needs to be processed so that the Tutor Doctor office can fulfil a contract with the individual, or the individual has asked the office to take specific steps before entering into a contract.
- The data needs to be processed so that the office can comply with a legal obligation.
- The data needs to be processed to ensure the vital interests of the individual or another person
- i.e. to protect someone's life
- The data needs to be processed for the legitimate interests of the Tutor Doctor office (where the processing is not for any tasks the school performs as a public authority) or a third party, provided the individual's rights and freedoms are not overridden
- The individual (or their parent/carer when appropriate in the case of a student has freely given clear consent)

For special categories of personal data, we will also meet one of the special category conditions for processing under data protection law:

- The individual (or their parent/carer when appropriate in the case of a student) has given explicit consent
- The data needs to be processed to perform or exercise obligations or rights in relation to employment, social security or social protection law
- The data needs to be processed to ensure the vital interests of the individual or another person, where the individual is physically or legally incapable of giving consent.
- The data has already been made manifestly public by the individual

The data needs to be processed for the establishment, exercise or defence of legal claims

- The data needs to be processed for reasons of substantial public interest as defined in legislation
- The data needs to be processed for health or social care purposes, and the processing is done by, or under the direction of, a health or social work professional or by any other person obliged to confidentiality under law
- The data needs to be processed for public health reasons, and the processing is done by, or under the direction of, a health professional or by any other person obliged to confidentiality under law

- The data needs to be processed for archiving purposes, scientific or historical research purposes, or statistical purposes, and the processing is in the public interest

For criminal offence data, we will meet both a lawful basis and a condition set out under data protection law. Conditions include:

- The individual (or their parent/carer when appropriate in the case of a student) has given consent
- The data needs to be processed to ensure the vital interests of the individual or another person, where the individual is physically or legally incapable of giving consent › The data has already been made manifestly public by the individual
- The data needs to be processed for or in connection with legal proceedings, to obtain legal advice, or for the establishment, exercise or defence of legal rights
- The data needs to be processed for reasons of substantial public interest as defined in legislation

Whenever we first collect personal data directly from individuals, we will provide them with the relevant information required by data protection law.

We will always consider the fairness of our data processing. We will ensure we do not handle personal data in ways that individuals would not reasonably expect, or use personal data in ways which have unjustified adverse effects on them.

6.2. Limitation, minimisation and accuracy

We will only collect personal data for specified, explicit and legitimate reasons. We will explain these reasons to the individuals when we first collect their data.

If we want to use personal data for reasons other than those given when we first obtained it, we will inform the individuals concerned before we do so, and seek consent where necessary.

Staff must only process personal data where it is necessary in order to do their jobs.

We will keep data accurate and, where necessary, up-to-date. Inaccurate data will be rectified or erased when appropriate.

In addition, when staff no longer need the personal data they hold, they must ensure it is deleted or anonymised.

7. Sharing personal data

We will not normally share personal data with anyone else without consent, but there are certain circumstances where we may be required to do so. These include, but are not limited to, situations where:

- There is an issue with a student or parent/carer that puts the safety of our staff at risk
- We need to liaise with other agencies – we will seek consent as necessary before doing this
- Our suppliers or contractors need data to enable us to provide services to our staff and students – for example, IT companies. When doing this, we will:
  - Only appoint suppliers or contractors which can provide sufficient guarantees that they comply with data protection law
  - Establish a contract with the supplier or contractor to ensure the fair and lawful processing of any personal data we share
  - Only share data that the supplier or contractor needs to carry out their service

We will also share personal data with law enforcement and government bodies where we are legally required to do so.

We may also share personal data with emergency services and local authorities to help them to

respond to an emergency situation that affects any of our students or staff.

Where we transfer personal data internationally, we will do so in accordance with data protection law.

8. Subject access requests and other rights of individuals

8.1. Subject access requests

Individuals have a right to make a 'subject access request' to gain access to personal information that Tutor Doctor holds about them. This includes:

- Confirmation that their personal data is being processed
- Access to a copy of the data
- The purposes of the data processing
- The categories of personal data concerned
- Who the data has been, or will be, shared with
- How long the data will be stored for, or if this isn't possible, the criteria used to determine this period
- Where relevant, the existence of the right to request rectification, erasure or restriction, or to object to such processing
- The right to lodge a complaint with the ICO or another supervisory authority
- The source of the data, if not the individual
- Whether any automated decision-making is being applied to their data, and what the significance and consequences of this might be for the individual
- The safeguards provided if the data is being transferred internationally

Subject access requests can be submitted in any form, but we may be able to respond to requests more quickly if they are made in writing and include:

- Name of individual
- Correspondence address
- Contact number and email address
- Details of the information requested

If staff receive a subject access request in any form they must immediately forward it to the Tutor Doctor office.

8.2. Children and subject access requests

Personal data about a child belongs to that child, and not the child's parents or carers. For a parent or carer to make a subject access request with respect to their child, the child must either be unable to understand their rights and the implications of a subject access request, or have given their consent.

Children below the age of 12 are generally not regarded to be mature enough to understand their rights and the implications of a subject access request. Therefore, most subject access requests from parents or carers of students may be granted without the express permission of the pupil. This is not a rule and a pupil's ability to understand their rights will always be judged on a case-by-case basis.

Children aged 12 and above are generally regarded to be mature enough to understand their rights and the implications of a subject access request. Therefore, most subject access requests from parents or carers of students may not be granted without the express permission of the pupil. This is not a rule and a pupil's ability to understand their rights will always be judged on a case-by-case basis.

8.3. Responding to subject access requests

When responding to requests, we:

- May ask the individual to provide 2 forms of identification
- May contact the individual via phone to confirm the request was made
- Will respond without delay and within 1 month of receipt of the request (or receipt of the additional information needed to confirm identity, where relevant)
- Will provide the information free of charge
- May tell the individual we will comply within 3 months of receipt of the request, where a request is complex or numerous. We will inform the individual of this within 1 month, and explain why the extension is necessary

We may not disclose information for a variety of reasons, such as if it:

- Might cause serious harm to the physical or mental health of the pupil or another individual
- Would reveal that the child is being or has been abused, or is at risk of abuse, where the disclosure of that information would not be in the child's best interests
- Would include another person's personal data that we can't reasonably anonymise, and we don't have the other person's consent and it would be unreasonable to proceed without it
- Is part of certain sensitive documents, such as those related to crime, immigration, legal proceedings or legal professional privilege, management forecasts, negotiations, confidential references, or exam scripts

If the request is unfounded or excessive, we may refuse to act on it, or charge a reasonable fee to cover administrative costs. We will take into account whether the request is repetitive in nature when making this decision.

When we refuse a request, we will tell the individual why, and tell them they have the right to complain to the ICO or they can seek to enforce their subject access right through the courts.

8.4. Other data protection rights of the individual

In addition to the right to make a subject access request (see above), and to receive information when we are collecting their data about how we use and process it (see section 7), individuals also have the right to:

- Withdraw their consent to processing at any time
- Ask us to rectify, erase or restrict processing of their personal data (in certain circumstances)
- Prevent use of their personal data for direct marketing
- Object to processing which has been justified on the basis of public interest, official authority or legitimate interests
- Challenge decisions based solely on automated decision making or profiling (i.e. making decisions or evaluating certain things about an individual based on their personal data with no human involvement)
- Be notified of a data breach (in certain circumstances)
- Make a complaint to the ICO
- Ask for their personal data to be transferred to a third party in a structured, commonly used and machine-readable format (in certain circumstances)

Individuals should submit any request to exercise these rights to the Tutor Doctor office. If staff receive such a request, they must immediately forward it to the Tutor Doctor office.

9. Parental requests to see the educational record

Parents, or those with parental responsibility, can request in writing access to their child's educational record. Tutor Doctor shall provide this within 15 school days of receipt of the request.

This right applies as long as the pupil concerned is aged under 18.

There are certain circumstances in which this right can be denied, such as if releasing the information might cause serious harm to the physical or mental health of the pupil or another individual.

10. Data protection by design and default

We will use BANG our customised CRM (Customer Relationship Management) system to store sensitive data. We will show that we have integrated data protection into all of our data processing activities, including:

- Only processing personal data that is necessary for each specific purpose of processing, and always in line with the data protection principles set out in relevant data protection law (see section 6)
- Regularly training members of staff on data protection law, this policy and any other data protection matters
- Regularly conducting reviews to make sure we are compliant
- Appropriate safeguards being put in place if we transfer any personal data outside of the European Economic Area (EEA), where different data protection laws will apply
- Maintaining records of our processing activities, including:
    - For the benefit of data subjects, making available the name and contact details of our office and all information we are required to share about how we use and process their personal data (via our privacy notices).

For all personal data that we hold, maintaining an internal record of the type of data, type of data subject, how and why we are using the data, any third-party recipients, any transfers outside of the EEA and the safeguards for those.

Data protection will also form part of continuing professional development, where changes to legislation, guidance or the school's processes make it necessary.

11. Data security and storage of records

We will protect personal data and keep it safe from unauthorised or unlawful access, alteration, processing or disclosure, and against accidental or unlawful loss, destruction or damage.
In particular:

- Paper-based records and portable electronic devices, such as laptops and hard drives that contain personal data, are kept under lock and key when not in use
- Papers containing confidential personal data must not be left on office or left anywhere else where there is general access
- Passwords containing letters and numbers are used to access electronic devices.
- Where we need to share personal data with a third party, we carry out due diligence and take reasonable steps to ensure it is stored securely and adequately protected.

12. Disposal of records

Personal data that is no longer needed will be disposed of securely. Personal data that has become inaccurate or out of date will also be disposed of securely, where we cannot or do not need to rectify or update it.

For example, we will shred or incinerate paper-based records, and overwrite or delete electronic files.

We may also use a third party to safely dispose of records on the school's behalf. If we do so, we will require the third party to provide sufficient guarantees that it complies with data protection law.

13.Personal data breaches

Tutor Doctor will make all reasonable endeavours to ensure that there are no personal data breaches. In the unlikely event of a suspected data breach, we will follow the procedure set out in appendix 1. When appropriate, we will report the data breach to the ICO within 72 hours after becoming aware of it. Such breaches may include, but are not limited to:

- Safeguarding information being made available to an unauthorised person
- The theft of a laptop containing non-encrypted personal data about students and their families.

14.Training

All staff should undergo data protection training.

15.Monitoring arrangements

Tutor Doctor is responsible for monitoring and reviewing this policy.

This policy will be reviewed every 2 years.

Appendix 1: Personal data breach procedure

This procedure is based on guidance on personal data breaches produced by the ICO.

- On finding or causing a breach, or potential breach, the staff member or data processor must immediately notify the relevant Tutor Doctor office
- They will investigate the report, and determine whether a breach has occurred. To decide, they will consider whether personal data has been accidentally or unlawfully:
  - Lost
  - Stolen
  - Destroyed
  - Altered
  - Disclosed or made available where it should not have been
  - Made available to unauthorised people
- They will make all reasonable efforts to contain and minimise the impact of the breach, assisted by relevant staff members or data processors where necessary (actions relevant to specific data types are set out at the end of this procedure)
- They will assess the potential consequences, based on how serious they are, and how likely they are to happen
- They will work out whether the breach must be reported to the ICO. This must be judged on a case-by-case basis. To decide, they will consider whether the breach is likely to negatively affect people's rights and freedoms, and cause them any physical, material or non-material damage (e.g. emotional distress), including through:
  - Loss of control over their data
  - Discrimination
  - Identify theft or fraud
  - Financial loss
  - Unauthorised reversal of pseudonymisation (for example, key-coding)
  - Damage to reputation
  - Loss of confidentiality
  - Any other significant economic or social disadvantage to the individual(s)

  concerned If it's likely that there will be a risk to people's rights and freedoms, they must notify the ICO.
- They will document the decision (either way), in case it is challenged at a later date by the ICO or an individual affected by the breach.
- Where the ICO must be notified, the Tutor Doctor office will do this via the 'report a breach' page of the ICO website, or through their breach report line (0303 123 1113), within 72 hours. As required, the office will set out:
  - A description of the nature of the personal data breach including, where possible:
    - The categories and approximate number of individuals concerned
    - The categories and approximate number of personal data records concerned
  - The name and contact details of the Tutor Doctor office
  - A description of the likely consequences of the personal data breach
  - A description of the measures that have been, or will be taken, to deal with the breach

and mitigate any possible adverse effects on the individual(s) concerned

- If all the above details are not yet known, the Tutor Doctor office will report as much as they can within 72 hours. The report will explain that there is a delay, the reasons why, and when the Tutor Doctor office expects to have further information. They will submit the remaining information as soon as possible
- The Tutor Doctor office will also assess the risk to individuals, again based on the severity and likelihood of potential or actual impact. If the risk is high, the office will promptly inform, in writing, all individuals whose personal data has been breached. This notification will set out:
  - A description, in clear and plain language, of the nature of the personal data breach
  - The name and contact details of the reporting officer
  - A description of the likely consequences of the personal data breach
  - A description of the measures that have been, or will be, taken to deal with the data breach and mitigate any possible adverse effects on the individual(s) concerned

As above, any decision on whether to contact individuals will be documented by the Tutor Doctor office.

- The Tutor Doctor office will notify any relevant third parties who can help mitigate the loss to individuals – for example, the police, insurers, banks or credit card companies
- They will document each breach, irrespective of whether it is reported to the ICO. For each breach, this record will include the:
  - Facts relating to the breach
  - Effects
  - Action taken to contain it and ensure it does not happen again (such as establishing more robust processes or providing further training for individuals)
  - Records of all breaches will be stored.
- A review will be carried out so that it can be stopped from happening again. This meeting will happen as soon as reasonably possible

Actions to minimise the impact of data breaches

We will take the actions set out below to mitigate the impact of different types of data breach, focusing especially on breaches involving particularly risky or sensitive information. We will review the effectiveness of these actions and amend them as necessary after any data breach.

Special category data (sensitive information) being disclosed via email (including safeguarding records)

- If special category data is accidentally made available via email to unauthorised individuals, the sender must attempt to recall the email as soon as they become aware of the error
- Members of staff who receive personal data sent in error must alert the sender and the Tutor Doctor office as soon as they become aware of the error
- If the sender is unavailable or cannot recall the email for any reason, the office will ask the ICT department to recall it
- In any cases where the recall is unsuccessful, the Tutor Doctor office will contact the relevant unauthorised individuals who received the email, explain that the information was sent in error, and request that those individuals delete the information and do not share, publish, save or replicate it in any way
- The Tutor Doctor office will ensure they receive a written response from all the individuals who received the data, confirming that they have complied with this request

- The Tutor Doctor office will carry out an internet search to check that the information has not been made public; if it has, we will contact the publisher/website owner or administrator to request that the information is removed from their website and deleted

Written and approved on behalf of Croy Education Services Ltd. (t/a Tutor Doctor Solihull & Birmingham) by:

Name (Printed): Andrew Croy, Company Director,

Signature:

Date: 7th September 2022

Policy to be reviewed on 1st September 2023