**General Data Protection Policy – Updated January 2024**

**Legal Obligations**

Under the Conduct of Employment Agencies and Employment Businesses Regulations 2003, Top Up Teachers Plus Ltd will not disclose confidential information to clients (such as details of the candidate's marital status, age or sexual orientation) without the consent of the candidate. Contracts between Top Up Teachers Plus Ltd and the candidate or client will provide warranties that information will be kept confidential. The Regulations also require that Top Up Teachers Plus Ltd keep all candidate and client records for at least 12 months, or for a year after the date when they last provide their services. If no work is undertaken, then through mutual discussion, all data will be securely erased through the Data Subject’s Right to be Erased.

Top Up Teachers Plus Ltd will also ensure that their Terms and Conditions provide for compliance with the Data Protection Act 2018 (DPA) in terms of dealing with personal information disclosed by candidates, warranties covering Top Up Teachers Plus Ltd data protection policies and measures used to prevent unauthorised or unlawful processing of candidates' and clients' private and confidential data or sensitive commercial information about the client's business affairs.

Top Up Teachers Plus Ltd processes, stores and shares personal and confidential information from both candidates and clients, and is therefore required to notify and register with the Information Commissioner's Office (ICO) as a data controller. Top Up Teachers Plus Ltd is registered with the ICO and registration is renewed yearly and the relevant fee paid.

Top Up Teachers Plus Ltd also has a Privacy policy which details clearly why and how data is collected and the purpose data is used for.

**Objectives**

By following and maintaining strict safeguards and controls, Top Up Teachers Plus Ltd will:

* Acknowledge the rights of individuals to whom personal data relate, and ensure that these rights may be exercised in accordance with the Act;
* Ensure that both the collection and use of personal data are done in a way that recognises the Fair Processing Code, i.e. that personal data is obtained fairly and lawfully.
* Ensure personal data will only be obtained and processed for the purposes specified in Top Up Teachers Plus Ltd Terms and Conditions of Business.
* Collect and process personal data on a “need to know” basis, ensuring that they are fit for the purpose, are not excessive, and are disposed of at a time appropriate to their purpose.
* Ensure that adequate steps are taken to ensure the accuracy and currency of data;
* Ensure that for all personal data, appropriate security measures are taken – both technically and organisationally – to protect against damage, loss or abuse;
* Ensure that the movement of personal data is done in a lawful way – both inside and outside the organisation and that suitable safeguards exist at all times.

**Achieved by:**

In order to support these objectives, Top Up Teachers Plus Ltd will:

* Have a “Designated Data Protection Officer” to ensure that there is accountability and that Information Risk is recognised at a Senior Level;
* Ensure that all activities that relate to the processing of personal data have appropriate safeguards and controls in place to ensure information security and compliance with the Act;
* Ensure that all contracts and service level agreements between Top Up Teachers Plus Ltd and external third parties make reference to the Data Protection Act and appropriate Organisational and Technological measures will be put in place to safeguard the data;
* Ensure that all staff acting on Top Up Teachers Plus Ltd behalf understand their responsibilities regarding information security under the Act, and that they receive the appropriate training/instruction and supervision so that they carry these duties out effectively and consistently and are given access to personal information that is appropriate to the duties they undertake;
* Ensure that all third parties acting on Top Up Teachers Plus Ltd behalf are given access to personal information that is appropriate to their specific requirements and no more;
* Ensure that any requests for access to personal data are handled courteously, promptly and appropriately, ensuring that either the data subject or their authorised representative have a legitimate right to access under the Act, that their request is valid, and that information provided is clear and unambiguous;
* Ensure that all staff are aware of the General Data Protection Policy and Guidance;
* Review this policy and the safeguards and controls that relate to it annually to ensure that they are still relevant, efficient and effective.
* This Policy and Procedure and the Subject Access Information material will be made available in other formats where necessary.

The kind of information we hold about you

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| Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).  There are "special categories" of more sensitive personal data which require a higher level of protection. |

We will collect, store, and use the following categories of personal information about you:

* Personal contact details such as name, title, addresses, telephone numbers, and personal email addresses
* Date of birth
* Gender
* Marital status and dependants
* Next of kin and emergency contact information
* National Insurance number
* Bank account details, payroll records and tax status information
* Start date
* Copy of driving licence
* Recruitment information (including copies of right to work documentation, references and other information included in a CV or cover letter or as part of the application process)
* Employment records (including job titles, work history, working hours, training records and professional memberships)
* Disciplinary and grievance information
* Photographs.

We may also collect, store and use the following "special categories" of more sensitive personal information:

* Information about your race or ethnicity, religious beliefs, sexual orientation and political opinions.
* Information about your health, including any medical condition, health and sickness records.
* Information about criminal convictions and offences.

How is your personal information collected?

We collect personal information about employees, workers and contactors through the application and recruitment process, either directly from candidates or sometimes from an employment agency or background check provider. We may sometimes collect additional information from third parties including former employers, credit reference agencies (where applicable) or other background check agencies.

We will collect additional personal information in the course of job-related activities throughout the period of you working for us.

How we will use information about you

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| We will only use your personal information when the law allows us to. Most commonly, we will use your personal information in the following circumstances:  1. Where we need to perform the contract we have entered into with you.  2. Where we need to comply with a legal obligation.  3. Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests.  We may also use your personal information in the following situations, which are likely to be rare:  1. Where we need to protect your interests (or someone else's interests).  2. Where it is needed in the public interest [or for official purposes]. |

**Situations in which we will use your personal information**

We need all the categories of information as listed primarily to allow us to perform our contract with you and to enable us to comply with legal obligations. In some cases we may use your personal information to pursue legitimate interests of our own or those of third parties, provided your interests and fundamental rights do not override those interests. The situations in which we will process your personal information are listed below.

* Making a decision about your recruitment or appointment
* Determining the terms on which you work for us
* Checking you are legally entitled to work in the UK
* Paying you and deducting tax and National Insurance contributions
* Liaising with your pension provider
* Administering the contract, we have entered into with you
* Business management and planning, including accounting and auditing
* Conducting performance reviews, managing performance and determining performance requirements
* Making decisions about salary reviews
* Assessing qualifications for a particular job or task, including decisions about promotions
* Gathering evidence for possible grievance or disciplinary hearings
* Making decisions about your continued employment or engagement
* Making arrangements for the termination of our working relationship
* Education, training and development requirements
* Dealing with legal disputes involving you, or other employees, workers and contractors, including accidents at work
* Ascertaining your fitness to work
* Managing sickness absence
* Complying with health and safety obligations
* To prevent fraud
* To monitor your use of our information and communication systems to ensure compliance with our IT policies
* To ensure network and information security, including preventing unauthorised access to our computer and electronic communications systems and preventing malicious software distribution
* Equal opportunities monitoring

Some of the above grounds for processing will overlap and there may be several grounds which justify our use of your personal information.

**If you fail to provide personal information**

If you fail to provide certain information when requested, we may not be able to perform the contract we have entered into with you (such as paying you), or we may be prevented from complying with our legal obligations (such as to ensure the health and safety of our workers).

**Change of purpose**

We will only use your personal information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use your personal information for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your personal information without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

How we use particularly sensitive personal information

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| "Special categories" of particularly sensitive personal information require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal information. We have in place an appropriate policy document and safeguards which we are required by law to maintain when processing such data. We may process special categories of personal information in the following circumstances:  1. Where we need to carry out our legal obligations or exercise rights in connection with employment.  2. Where it is needed in the public interest, such as for equal opportunities monitoring or in relation to our pension scheme.  Less commonly, we may process this type of information where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public. We may also process such information about members or former members in the course of legitimate business activities |

**Our obligations as an employer**

We will use your particularly sensitive personal information in the following ways:

* We will use information relating to leaves of absence, which may include sickness absence or family related leaves, to comply with employment and other laws.
* We will use information about your physical or mental health, or disability status, to ensure your health and safety in the workplace and to assess your fitness to work, to provide appropriate workplace adjustments, to monitor and manage sickness absence and to administer benefits.
* We will use information about your race or national or ethnic origin, religious, philosophical or moral beliefs, or your sexual life or sexual orientation, to ensure meaningful equal opportunity monitoring and reporting.

**Do we need your consent?**

We do not need your consent if we use special categories of your personal information in accordance with our written policy to carry out our legal obligations or exercise specific rights in the field of employment law. In limited circumstances, we may approach you for your written consent to allow us to process certain particularly sensitive data. If we do so, we will provide you with full details of the information that we would like and the reason we need it, so that you can carefully consider whether you wish to consent. You should be aware that it is not a condition of your contract with us that you agree to any request for consent from us.

Information about criminal convictions

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| We may only use information relating to criminal convictions where the law allows us to do so. This will usually be where such processing is necessary to carry out our obligations.  Less commonly, we may use information relating to criminal convictions where it is necessary in relation to legal claims, where it is necessary to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.  We may also process such information about members or former members in the course of legitimate business activities. |

We will only collect information about criminal convictions if it is appropriate given the nature of the role and where we are legally able to do so. Where appropriate, we will collect information about criminal convictions as part of the recruitment process or we may be notified of such information directly by you in the course of you working for us.

**Data sharing**

We may have to share your data with third parties, including third-party service providers and other entities in the group.

We require third parties to respect the security of your data and to treat it in accordance with the law.

**Why might you share my personal information with third parties?**

We will share your personal information with third parties where required by law, where it is necessary to administer the working relationship with you or where we have another legitimate interest in doing so.

**Which third-party service providers process my personal information?**

"Third parties" includes third-party service providers (including contractors and designated agents) and (where applicable) other entities within our group.

**How secure is my information with third-party service providers and other entities in our group?**

All our third-party service providers and other entities in the group are required to take appropriate security measures to protect your personal information in line with our policies. We do not allow our third-party service providers to use your personal data for their own purposes. We only permit them to process your personal data for specified purposes and in accordance with our instructions.

Data security

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| We have put in place measures to protect the security of your information. Third parties will only process your personal information on our instructions and where they have agreed to treat the information confidentially and to keep it secure. |

We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal information to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal information on our instructions and they are subject to a duty of confidentiality.

We have put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so.

Data retention

**How long will you use my information for?**

We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements. In order to determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

In some circumstances we may anonymise your personal information so that it can no longer be associated with you, in which case we may use such information without further notice to you. Once you are no longer an employee, worker or contractor of the company we will retain and securely destroy your personal information in accordance with applicable laws and regulations.

Rights of access, correction, erasure, and restriction

**Your duty to inform us of changes**

It is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal information changes during your working relationship with us.

**Your rights in connection with personal information**

Under certain circumstances, by law you have the right to:

* **Request access** to your personal information (commonly known as a "data subject access request"). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.
* **Request correction** of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.
* **Request erasure** of your personal information. This enables you to ask us to delete or remove personal information where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing (see below).
* **Object to processing** of your personal information where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground. You also have the right to object where we are processing your personal information for direct marketing purposes.
* **Request the restriction of processing** of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.
* **Request the transfer** of your personal information to another party.

If you want to review, verify, correct or request erasure of your personal information, object to the processing of your personal data, or request that we transfer a copy of your personal information to another party, please contact your Manager in writing.

**No fee usually required**

You will not have to pay a fee to access your personal information (or to exercise any of the other rights). However, we may charge a reasonable fee if your request for access is clearly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances.

**What we may need from you**

We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

Right to withdraw consent

In the limited circumstances where you may have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. In order to withdraw your consent, please contact your Manager in writing (including the legal basis for your belief that your consent can be withdrawn). Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

Please follow this link to the ICO’s website [www.ico.gov.uk](http://www.ico.gov.uk) which provides further detailed guidance on a range of topics including individual’s rights, exemptions from the Act, dealing with subject access requests, how to handle requests from third parties for personal data to be disclosed etc.