



Gateway Data Protection & Information Sharing Policy

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Policy Statement

Gateway will comply with all statutory requirements of The Data Protection Act 1998 (“the Act”) by taking all reasonable steps to ensure the accuracy and confidentiality of such information. *Gateway* needs to gather and use certain information about individuals. These can be parents, students, agents, homestays, suppliers, business contacts, employees and other people the guardianship organisation has a relationship with or may need to contact.

This policy describes how this personal data must be collected, handled, and stored to meet our data protection standards, and to comply with the legislation.

Policy

Why this policy exists:

This data protection policy ensures *Gateway*:

- Complies with data protection law and follows good practice;
- Protects the rights of staff, parents, students, homestays and partners (such as schools);
- Is open about how it stores and processes individual’s data;
- Protects itself from the risk of data breach.

The Information Commissioner’s Office

The Information Commissioner’s Office (ICO) is “the UK’s independent authority set up to uphold information rights in the public interest, promoting openness by public bodies and data privacy for individuals” (ICO website). It is responsible for administering the provisions of the Data Protection Act 1998; the Freedom of Information Act 2000; and the General Data Protection Regulation 2018.

The Act requires every data controller who is processing personal information to register with the ICO (unless exempt). *Gateway* is registered with the ICO as a data controller, and this is renewed annually (Registration reference: Z2124731).

The ICO publishes a Register of data controllers on their website, on which *Gateway* is listed.

The Data Protection Act 1998

Directives lay down certain results that must be achieved but each Member State is free to decide how to transpose directives into national laws. EU directives are addressed to the member states and are not legally binding for individuals in principle. The member states must transpose the directive into internal law – Acts. Directive 95/46/EC on the protection of personal data had to be transposed by the end of 1998, when it became now as The Data Protection Act 1998.

The Act protects individuals’ rights concerning information about them held on computer and in any *Gateway* personnel files and databases. These rules apply regardless of whether data is stored electronically, on paper or other materials.

To comply with the law, personal information must be collected and used fairly, stored safely and not disclosed unlawfully.

The Freedom of Information Act 2000

The Freedom of Information Act 2000 provides public access to information held by public authorities, in two ways:

- public authorities are obliged to publish certain information about their activities; and
- members of the public are entitled to request information from public authorities.

General Data Protection Regulation 2018

Regulations have binding legal force throughout every Member State and enter into force on a set date in all the Member States. The General Data Protection Regulation (GDPR) (EU) 2016/679 is a regulation in EU law on data protection and privacy for all individuals within the European Union.

GDPR replaces the 1995 Data Protection Directive (Directive 95/46/EC) -The Data Protection Act 1998. Although the key principles of data privacy still hold true to the previous directive, many changes have been proposed to the regulatory policies.

The GDPR places greater emphasis on the documentation that data controllers must keep to demonstrate their accountability. Compliance requires organisations to review their approach to governance and how they manage data protection as a corporate issue.

Gateway will handle and protect all information in line with data protection principles set out in the Act. Under the Act, anyone processing data must comply with the eight principles of good practice for data protection, as detailed below:

Data will be:

- Fairly and lawfully processed;
- Processed for limited purposes;
- Adequate, relevant and not excessive in relation to the purpose(s) for which they are processed;
- Accurate and kept up to date;
- Not kept longer than necessary;
- Processed in accordance with the data subject's rights under the Act;
- Secure and protected. Appropriate technical and organisational measures are in place to protect data from unauthorised or unlawful processing and from accidental loss, damage or destruction;
- Not be transferred to a country or territory outside of the European Economic Area (EEA) unless we can be assured there is an adequate level of protection for the rights and freedoms of the data subjects.

This Data Protection policy applies to personal data as defined by the Act – that is, data from which a living individual can be identified, either from data alone, or from that data and other information that is held by the data controller. This includes information held on computer, paper files, photographs etc.

Responsibilities

This policy applies to the main office of *Gateway*, all staff and volunteers of *Gateway*, and all homestays and other people working on behalf of the Company. The scope of the policy applies to all data held by us relating to identifiable individuals. Everyone who works for *Gateway* has responsibility for ensuring data is collected,

stored and handled appropriately – all must ensure personal data is handled and processed in line with this policy and data protection principles.

The data controller is responsible for:

- Keeping the *Proprietor* updated about data protection responsibilities, risks and issues
- Reviewing all data protection procedures and policies.
- Arranging data protection training as required.
- Handling data protection queries from those working for and with Gateway.
- Dealing with requests from individuals relating to the data we hold about them.
- Assisting with any agreements with third parties that may handle sensitive data.
- Working with Gateway's IT contractors to ensure that all systems, services and equipment used for storing data meet acceptable security standards, including ensuring regular checks, scans and updates to ensure security hardware and software are functioning properly.

The purpose of the Act is to make sure that personal data is used in a way that is fair to the individual and protects their rights, while enabling organisations to process personal data in pursuit of their legitimate aims.

Staff guidelines

- Personal data should not be shared informally via email
- All Personal data must be password protected before sending to the recipient.
- Employees should only share information that is necessary and for the purpose intended.
- Employees should not save copies of personal data to their own computers/laptops –personal data should always be accessed and updated via the central copy of any data
- Employees should keep all data secure, taking sensible precautions and following these guidelines;
- Strong passwords to protect computers, laptops and mobile phones must be used, and never shared;
- Personal data should not be disclosed to unauthorised people, either within Gateway or externally;
- Data should be regularly reviewed and updated if found to be out of date. If no longer required, it should be deleted and/or disposed of;
- When not in use, paper format data or files (for instance, DBS applications) should be kept in a locked drawer or filing cabinet;
- Employees should make sure paper and printouts are not left where unauthorised people could see them, for instance, on a printer;
- Data printouts should be shredded and disposed of securely when no longer required;
- When working with personal data, employees should ensure computer/laptop screens are always locked when left unattended;
- Where data is stored electronically, it must be protected from unauthorised access, accidental deletion and malicious hacking attempts;
- It is not permitted for data to be stored on removeable media such as a USB device.
- Data should only be stored on designated servers, and/or approved cloud computing services;
- Data should be backed up frequently, and backups should be tested regularly;
- All servers and computers containing data should be protected by approved security software and a firewall;

- Personal data should never be saved directly to laptops or other mobile devices like smart phones or tablets, unless encrypted.

Gateway may collect and process the following examples of data:

- Full name (including title, forename(s), family name);
- Job title;
- Contact information (for example, current home/business address, telephone numbers, email addresses, website address);
- Qualifications/experience;
- Date of birth;
- Information relevant to HR (for example: C.V.s, interview notes, referee details, ID);
- Student medical details;
- Copies of students' passport, Visa and BRP;
- DBS reference number;
- School name and personnel;
- School year group;
- Main language for correspondence;
- Level of guardianship service provided;
- Date of last visit for student (at homestay);
- Whether private fostering assessment has been undertaken by the Local Authority;
- Details of venues (name, location, address, contact details);
- Feedback forms;
- Photographs (for example, students, staff, homestays).

Gateway may use/process this information to:

- Carry out our obligations arising from any contracts/ agreements entered into by you and us;
- Contact parents, students, homestays and schools;
- Undertake administrative functions (for example, HR, contact referees);
- Process DBS applications;
- Compile marketing lists (e.g. for newsletter and conferences);
- Handle complaints;
- Conduct research;
- Share anonymous details with 3rd parties for the purpose of obtaining professional advice;
- Understand people's views and opinions (for example, via feedback forms);
- Send out information that *Gateway* thinks might be of interest to others;
- Improve our services;
- Comply with legal and regulatory obligations;
- As part of the accreditation process, *Gateway* is required to send the AEGIS office a copy of the contact details for all their homestays, partner schools and parents. We will also provide the names of the students. This data is held securely by AEGIS and is destroyed once the inspection process is finished.

Protecting your information

Gateway has appropriate technical and organisational measures in place to protect your information. Paper files are locked away securely and electronic files are protected by access rights set at a server level. All electronic files are backed up regularly.

Homestay guidelines

Homestays may have access to sensitive or personal information about the students they are hosting (such as medical information). This is to enable them to provide suitable care to the student.

Homestays should keep all data secure, taking sensible precautions and following these guidelines.

- Strong passwords must be used, and never shared;
- Personal data should not be disclosed to unauthorised people, either within *Gateway* or externally;
- If no longer required, data should be deleted and/or disposed of;
- When not in use, paper format data should be kept in a locked drawer or filing cabinet;
- Where data is stored electronically, it must be protected from unauthorised access, accidental deletion and malicious hacking attempts;
- If data is stored on removable media (for instance, a CD or USB), these should be kept locked away securely when not in use;
- Personal data should never be saved directly to laptops or other mobile devices like smart phones or tablets, unless encrypted.

Data accuracy

The law requires *Gateway* to take reasonable steps to ensure data is kept accurate and up to date. It is the responsibility of all employees and people working with the Company, who work with data, to take reasonable steps to ensure it is kept accurate and as up to date as possible.

- Data should be held in as few places as necessary. Staff should not create any unnecessary additional data sets;
- Staff should take every opportunity to ensure data is updated, for instance, details can be updated when a parent or host family calls;
- Any data inaccuracies should be corrected as soon as discovered, for instance if a member can no longer be reached on their stored telephone number, this should be removed from the database.

Data protection risks

This policy helps to protect *Gateway* from data security risks including:

- Breaches of confidentiality, for instance: information being given out inappropriately;
- Failing to offer choice, for instance: all individuals should be free to choose how the company uses data relating to them;
- Reputational damage, for instance: the company could suffer if hackers successfully gained access to sensitive data.

Accessing your information

Under the Act, an individual is entitled to ask *Gateway*:

- For a copy of the personal information held;
- For any inaccuracies to be corrected;
- How to gain access to such data;
- How they are meeting their data protection obligations.

Such requests are known as 'subject access requests'. Such requests should be made either via email or via post.

Email requests should be addressed to the data controller at Katie@gateway-education.com

Postal requests should be submitted to: *Katie Cross, Gateway Guardianship UK Ltd, 4 Darnell Way, Moulton Park, Northampton, NN3 6R*

There is no administration charge for any subject access request. The data controller will aim to provide the relevant data within 14 working days. The data controller will always verify the identity of anyone making a subject access request before handing over any information.

Sharing your personal information

In certain circumstances, the Data Protection Act allows personal data to be disclosed to law enforcement agencies without the consent of the data subject. Under these circumstances, Gateway will disclose requested data. However, the data controller will ensure the request is legitimate, seeking assistance from the Proprietor, and by taking legal advice where necessary. If on the rare occasion, we need to share data, we will only use data anonymously.

If personal information is shared, it will be done so in line with the Act. You are entitled to know why and how we are sharing your personal information and the organisation or individual receiving your personal information will be required to protect your information in line with the Act.

Logging and recording of communications with individuals

We may log communications with you for the purposes described earlier in this policy.

Links to other websites on Gateway's website

Our website includes links to other websites (for example: to schools). We are not responsible for the data protection and privacy practices of these organisations, including their website. This Data Protection Policy applies to Gateway's website only.

Cookies

Refer to Gateway's Privacy Notice on our website.

Providing information

Gateway aims to ensure that individuals are aware that their data is being processed and that they understand:

- How the data is being used;
- How to exercise their rights.

To these ends, a copy of this policy which sets out how data relating to individuals is used by Gateway can be available on request. This policy is also available on *our* website.

For further information

If you have any questions about this policy, please contact the Data Controller at Gateway via email at katie@gateway-education.com or by post at: Katie Cross, Gateway Guardianship UK Ltd, 4 Darnell Way, Moulton Park, Northampton, NN3 6RW