



## **PRIVACY POLICY**

### **About DiVA**

DiVA Apprenticeships is a recruitment and training organisation specialising in creative, business and administration apprenticeships.

### **INTRODUCTION**

DiVA Apprenticeships needs to collect, use, and share personal information about employees, workers, secondees, contractors, job applicants, learners, candidates, customers, and clients in order to deliver services, exercise its responsibilities and duties of care as an employer and provider of education and fulfil its legal and contractual obligations. In doing so DiVA Apprenticeships must comply with the UK Data Protection Act, 1998, GDPR, 2018, and equivalent legislation. These laws require DiVA Apprenticeships to protect personal information and control how it is used in accordance with the legal rights of the data subjects – the individuals whose personal data is held.

All employees, workers, secondees, contractors, job applicants, learners, candidates, customers and clients and other data subjects are entitled to know:

- What information DiVA Apprenticeships holds and processes about them and why.
- How to gain access to it.
- How to keep it up to date or request its deletion.
- What DiVA Apprenticeships is doing to comply with its legal obligations under privacy law.

### **2. PURPOSE**

This policy and its supporting procedures and guidance aim to ensure that DiVA Apprenticeships complies with its obligations as a Data Controller under the UK Data Protection Act, 1998 and GDPR, 2018, and processes all personal data in compliance with the Data Protection Principles which are set out in the Act.

In summary, these state that personal data shall:

1. Be obtained and processed fairly and lawfully and shall not be processed unless certain conditions are met.
2. Be obtained for a specified and lawful purpose and shall not be processed in any manner incompatible with that purpose.
3. Be adequate, relevant, and not excessive for those purposes.
4. Be accurate and kept up to date.
5. Not be kept for longer than is necessary for that purpose.
6. Be processed in accordance with the data subjects' rights.



7. Be kept safe from unauthorised access, accidental or deliberate loss or destruction.

Not be transferred to a country outside the European Economic Area, unless that country has equivalent levels of protection for personal data.

To manage these risks, this policy sets out responsibilities for all managers, staff and contractors and anyone else that can access or use personal data in their work for DiVA Apprenticeships.

The policy also sets out a framework of governance and accountability for data protection compliance across DiVA Apprenticeships. This incorporates all policies and procedures that are required to protect DiVA Apprenticeships information by maintaining:

- Confidentiality: protecting information from unauthorised access and disclosure
- Integrity: safeguarding the accuracy and completeness of information and preventing its unauthorised amendment or deletion.
- Availability: ensuring that information and associated services are available to authorised users whenever and wherever required.

### **3. OBJECTIVES**

DiVA Apprenticeships will apply the Data Protection Principles to the management of all personal data throughout the information life cycle by adopting the following policy objectives.

We will:

#### **3.1 APPLY “PRIVACY BY DESIGN” PRINCIPLES WHEN DEVELOPING AND MANAGING INFORMATION SYSTEMS CONTAINING PERSONAL DATA**

This means that we will:

- Use proportionate privacy impact assessment to identify and mitigate data protection risks at an early stage of project and process design for all new or updated systems and processes that present privacy concerns and in managing upgrades or enhancements to systems used to process personal data.
- Adopt data minimisation: we will collect, disclose, and retain the minimum personal data for the minimum time necessary for the purpose.
- Anonymise personal data wherever necessary and appropriate, for instance when using it for statistical purposes.

#### **3.2 PROCESS PERSONAL DATA FAIRLY AND LAWFULLY**

This means that we will:

- Only collect and use personal data in accordance with the conditions set down under the Data Protection Act and GDPR legislation.



- Ensure that if we collect someone's personal data for one purpose, we will not reuse their data for a different purpose that the individual did not agree to or expect.
- Treat people fairly by using their personal data for purposes and in a way that they would reasonably expect.

### **3.3 SEEK INFORMED CONSENT WHEN IT IS APPROPRIATE TO DO SO**

This means that we will seek the consent of individuals to collect and use their personal data

- Whenever the law requires us to do so, or
- Where their consent will be specific, informed and freely given

In some circumstances, it is not appropriate to seek an individual's consent to process their data. For instance:

- Where we are required to process personal data by law, for instance to comply with Home Office immigration rules, or
- Where we disclose personal data to the police to assist a criminal investigation and seeking the individual's consent would frustrate the purpose of the investigation by tipping off a suspect.
- Where we need to process someone's personal data to fulfil a contract or our legitimate purposes, such as conducting examinations and assessments, and the individual cannot reasonably refuse or withdraw consent.

We will explain:

- What personal data collection is voluntary and why and the consequences of not providing it.
- What personal data collection is mandatory and why we are entitled or obliged to process their data, for instance as a condition of employment or enrolment on a programme of study.

### **3.4 INFORM DATA SUBJECTS WHAT WE ARE DOING WITH THEIR PERSONAL DATA**

This means that, at the point that we directly collect personal data (i.e. not through a 3<sup>rd</sup> party data provider), we will explain in a clear and accessible way;

1. What personal data we collect.
2. For what purposes.
3. Why we need it.
4. How we use it.
5. How we will protect their personal data.
6. To whom we may disclose it and why.
7. Where relevant, what personal data we publish and why.
8. How data subjects can update their personal data that we hold.
9. How long we intend to retain it.



We will publish this information, tailored for employees, workers, secondees, contractors, job applicants, learners, candidates, customers, clients, and other groups of people on our website and where appropriate in printed formats. We will review the content of these Privacy Notices regularly to ensure they comply with the latest legislation and expectations. We will provide simple and secure ways for our students, staff, and other data subjects to update the information that we hold about them such as home addresses. Where we process personal data to keep people informed about DiVA Apprenticeships activities and events we will provide in each communication a simple way of opting out of further marketing communications.

In this way we will provide accountability for our use of personal data and demonstrate that we will manage people's data in accordance with their rights and expectations.

### **3.5 UPHOLD INDIVIDUAL'S RIGHTS AS DATA SUBJECTS**

This means that we will uphold their rights to:

- Access a copy of the information comprising their personal data, responding to requests for their own personal data (subject access requests) in a fair, friendly and timely manner.
- Request that their data is deleted, responding to this request in a fair, friendly and timely manner.
- Object to processing that is likely to cause or is causing unwarranted and substantial damage or distress.
- Prevent processing for direct marketing.
- Object to decisions being taken by automated means.
- Have inaccurate personal data rectified, blocked, erased, or destroyed in certain circumstances.

Claim compensation for damages caused by a breach of the UK Data Protection Act.

### **3.6 PROTECT PERSONAL DATA**

This means that we will:

- Control access to personal data so that staff, contractors, and other people working on DiVA Apprenticeships business can only see such personal data as is necessary for them to fulfil their duties.
- Require DiVA Apprenticeships employees and others who have access to personal data during their work to complete basic data protection training, supplemented as appropriate by procedures and guidance relevant to their specific roles.
- Set and monitor compliance with security standards for the management of personal data as part of our wider framework of information security policies and procedures
- Provide appropriate tools for employees, workers, secondees, contractors and others to use and communicate personal data securely and when working away from DiVA



Apprenticeships when their duties require this, for instance through provision of secure cloud based solutions.

- Take all reasonable steps to ensure that all suppliers, contractors, agents and other external bodies and individuals who process personal data for DiVA Apprenticeships comply with auditable security controls to protect the data, in compliance with our Procedures for approving, monitoring, and reviewing personal data processing agreements.
- Maintain Data Sharing Agreements with partners and other external bodies with whom we may need to share employees, workers, secondees, contractors, learners, candidates, and others personal data to deliver shared services or joint projects to ensure proper governance, accountability, and control over the use of such data.
- Ensure that our learners and candidates are aware of how privacy law applies to their use of personal data during their studies and how they can take appropriate steps to protect their own personal data and respect the privacy of others.
- Manage all subject access and third-party requests for personal information about employees, workers, secondees, contractors, learners and other data subjects in accordance with our Procedures for responding to requests for personal data.
- Make appropriate and timeous arrangements to ensure the confidential destruction of personal data in all media and formats when it is no longer required for DiVA Apprenticeships business.

### **3.7 RETAIN PERSONAL DATA ONLY AS LONG AS REQUIRED**

This means that we will:

- Apply the DiVA Apprenticeships records retention policies relevant to each professional service function.
- Keep records locally only as long as required in accordance with these policies and then;
- Destroy them securely in a manner appropriate to their format, or
- Transfer them by arrangement for longer term storage or archival preservation.

Some DiVA Apprenticeships records containing personal data are designated for permanent retention as archives for historical and statistical purposes. When managing access to archives containing personal data we will:

- Apply exemptions to public rights of access to information as appropriate in accordance with the data subjects' rights to privacy.
- Redact personal data, or
- Withhold specific categories of record, such as employee records, for the lifetime of the employee and their identifiable next of kin.

## **4. SCOPE**



## **4.1 WHAT INFORMATION IS INCLUDED IN THE POLICY**

This policy applies to all personal data created or received during DiVA Apprenticeships business in all formats, of any age. Personal data may be held or transmitted in paper and electronic formats or communicated verbally in conversation or over the telephone.

## **4.2 WHO IS AFFECTED BY THE POLICY DATA SUBJECTS**

These include, but are not confined to: prospective applicants, applicants to programmes and posts, current and former learners, current and former employees, family members where emergency or next of kin contacts are held, workers employed through temping agencies, research subjects, external researchers, visitors, and volunteers, customers, conference delegates, people making requests for information or enquiries, complainants, professional contacts and representatives of funders, partners and contractors.

## **USERS OF PERSONAL DATA**

The policy applies to anyone who obtains, records, can access, store, or use personal data during their work for DiVA Apprenticeships.

Users of personal data include employees, workers, secondees, contractors, learners and candidates of DiVA Apprenticeships, contractors, suppliers, agents, DiVA Apprenticeships partners and external researchers and visitors.

## **4.3 WHERE THE POLICY APPLIES**

This policy applies to all locations from which DiVA Apprenticeships personal data is accessed including home use.

## **5. LINES OF RESPONSIBILITY**

All users of DiVA Apprenticeships information are responsible for:

- Undertaking relevant training and awareness activities provided by DiVA Apprenticeships to support compliance with this policy.
- Taking all necessary steps to ensure that no breaches of information security result from their actions.
- Reporting all suspected information security breaches or incidents promptly so that appropriate action can be taken to minimise harm.
- Informing DiVA Apprenticeships of any changes to the information that they have provided to DiVA Apprenticeships in connection with their employment or studies, for instance, changes of address.

**5.1** The Director of DiVA Apprenticeships, has ultimate accountability for the DiVA Apprenticeships' compliance with data protection law.



**5.2** The Operations Manager is the designated Data Protection Officer, who is responsible for ensuring staff and contractors implement the policy within their business areas.

**5.3** The Director is responsible for reviewing relevant human resources policies and procedures, to support managers in understanding and discharging their responsibilities for data protection through the recruitment, induction, training, promotion, discipline and leaver management processes.

**5.4** The Operations Manager is responsible for reviewing relevant learner administration policies and procedures to integrate with the information security management system and for oversight of the management of student records and associated personal data across DiVA Apprenticeships.

**5.5** The Director is responsible for ensuring that data protection and wider Information Security controls are integrated within the risk, business continuity management and audit programmes and for liaising with insurers to ensure that the systems in place meet insurance requirements.

**5.6** The Director is responsible for ensuring that controls to manage the physical security of DiVA Apprenticeships take account of relevant data protection risks and are integrated into the information security management system.

**5.7** The Director and Operations Manager are responsible for reviewing the effectiveness of data protection policies and procedures as part of its wider oversight of information security management.

## **6. IMPLEMENTATION**

This policy is implemented through the development, implementation, monitoring and review of the component parts of DiVA Apprenticeship's information security management systems.

These include:

- Regular assessments to identify and protect confidential and business critical information assets and IT systems.
- Review and refresh of all relevant policies and procedures
- Generic and role specific training and awareness.
- Information security incident management policies and procedures.
- Business continuity management.
- Monitoring compliance and reviewing controls to meet business needs.

## **7. SUBJECT ACCESS REQUESTS**





To request access to the data held by DiVA Apprenticeships, under the UK Data Protection Act, 1998 and GDPR, 2018, individuals should submit their request in writing to the Data Protection Officer at [hello@divaapprenticeships.com](mailto:hello@divaapprenticeships.com)

Where the request is deemed to be unfounded or excessive DiVA Apprenticeships may charge a “reasonable fee” for the administrative costs of complying with the request.

DiVA Apprenticeships will also charge a reasonable fee if an individual requests further copies of their data following a request.

All fees are based on the administrative costs of providing further copies or fulfilling the request.

If DiVA Apprenticeships have doubts about the identity of the person making the request, they will ask for more information. However, this information will only be necessary to confirm the identity of the person making the request.

DiVA Apprenticeships will respond to Subject Access Requests within one month from receipt.

## **8. DEFINITIONS**

### **Information**

The definition of information includes, but is not confined to, paper and electronic documents and records, email, voicemail, still and moving images and sound recordings, the spoken word, data stored on computers or tapes, transmitted across networks, printed out or written on paper, carried on portable devices, sent by post, courier or fax, posted onto intranet or internet sites or communicated using social media.

### **PERSONAL DATA**

Information in any format that relates to a living person who can be identified from that information or other information held by DiVA Apprenticeships, its contractors, agents and partners or other third parties.

Although the Data Protection Act applies only to living people, the scope of this policy also includes information about deceased individuals. This is because disclosure of information about the deceased may still be in breach of confidence or otherwise cause damage and distress to be living relatives and loved ones.

### **SENSITIVE PERSONAL DATA**

Sensitive personal data (as defined in Section 2 of the Data Protection Act Data 1998) is personal data relating to an identifiable individual’s a) racial or ethnic origin; b)







political opinions; c) religious or other beliefs; d) membership of a trade union; e) physical or mental health or condition; f) sexual life; g) proven or alleged offences, including any legal proceedings and their outcome In addition, DiVA Apprenticeships definition of High Risk Confidential Information includes the following personal data: Any other information that would cause significant damage or distress to an individual it was disclosed without their consent, such as bank account and financial information, marks or grades.

#### **DATA CONTROLLER**

An organisation which determines the purposes for which personal data is processed and is legally accountable for the personal data that it collects and uses or contracts with others to process on its behalf.

#### **DATA PROCESSOR**

In relation to personal data, any person (other than an employee of the data controller) who processes the data on behalf of the data controller.

#### **DATA SUBJECT**

A person whose personal data is held by DiVA Apprenticeships or any other organisation. Processing Creating, storing, accessing, using, sharing, disclosing, altering, updating, destroying or deleting personal data.

#### **CONFIDENTIAL**

The definition of confidential information can be summarised as:  
Information

- Any personal information that would cause damage or distress to individuals if disclosed without their consent.
- Any other Information that would prejudice DiVA Apprenticeships or another party's interests if it were disclosed without authorisation.

#### **9. FURTHER HELP AND ADVICE**

For further information and advice about this policy and any aspect of information security contact:

Operations Manager: [hello@divaapprenticeships.com](mailto:hello@divaapprenticeships.com)

