



## **DATA PROTECTION POLICY AND PROCEDURES**

**(Amended to account of the General Data Protection Regulation)**

**To be read in conjunction with our Privacy Notice**

### **HA Tutors Limited**

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HA Tutors Ltd t/a Harrison Allen (Harrison Allen throughout this document) is committed to protecting the privacy of our staff, clients, students (and their parents/carers) and tutors.

We safeguard any information that we collect and we make every reasonable effort to only use this information lawfully, fairly and in a transparent manner in relation to the data subject, for legitimate purposes, collecting only what is necessary, managing information securely and only holding information and data for as long as is necessary or requested.

Harrison Allen is registered with the Information Commissioner's Office and a copy of our entry can be found on the register of data controllers at [www.ico.gov.uk](http://www.ico.gov.uk).

We hold and use client, student (and their parents/carers) and tutor data for the purposes of the services that we provide and to comply with contractual obligations.

Clients and tutors providing personal data to Harrison Allen are doing so for the purpose of Harrison Allen effecting introductions for clients to Tutors (who are registered with Harrison Allen following our recruitment process) to enable the tutors to provide tuition services, for billing and fee collecting purposes and to enable Harrison Allen to contact the clients and/or students (and their parents/carers) from time to time.

We hold personal data on our staff for the purposes of being able to contact them, pay them, obtain EDBS certificates and manage them.

Where required, in connection with the operation of Harrison Allen's business and subject to suitable safeguards, that data may be shared with others and we may use third party providers as part of dealing with our usual business operations (eg third party providers such as accountants or bookkeepers).

**We do not sell, trade, rent to others or use any personal data or information to market in any way.**

The new GDPR applies to our business and full guidance is available online at [ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/](http://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/)

Harrison Allen believes in the data protection principles as laid down by the General Data Protection Regulation (and reflected in the Information Commissioner's Office guidance) namely:

**Core principles:**

**Definitions:**

'Personal data' means any information relating to an identifiable person who can be directly or indirectly identified in particular by reference to an identifier.

This definition provides for a wide range of personal identifiers to constitute personal data, including name, identification number, location data or online identifier, reflecting changes in technology and the way organisations collect information about people.

The GDPR applies to both automated personal data and to manual filing systems where personal data are accessible according to specific criteria. This could include chronologically ordered sets of manual records containing personal data.

Personal data that has been pseudonymised – eg key-coded – can fall within the scope of the GDPR depending on how difficult it is to attribute the pseudonym to a particular individual.

There are also rules on processing special categories of personal data - this is personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation.

Generally processing such special categories of personal information is prohibited but there are exceptions which apply eg

the data subject has given explicit consent to the processing of those personal data for one or more specified purposes

processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law

processing is necessary to protect the vital interests of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent

Personal data shall be:

- (a) processed lawfully, fairly and in a transparent manner in relation to the data subject ('lawfulness, fairness and transparency');
- (b) collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes;
- (c) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed ('data minimisation');
- (d) accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay ('accuracy');
- (e) kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; ('storage limitation');
- (f) processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures ('integrity and confidentiality').

Processing shall be lawful only if and to the extent that at least one of the following applies:

- (a) the data subject has given consent to the processing of his or her personal data for one or more specific purposes;
- (b) processing is necessary for the performance of a contract to which the data is subject is party or in order to take steps at the request of the data subject prior to entering into a contract;
- (c) processing is necessary for compliance with a legal obligation to which the controller is subject;
- (d) processing is necessary in order to protect the vital interests of the data subject or of another natural person;
- (e) processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller;
- (f) processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the

interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child.

Point (f) shall not apply to processing carried out by public authorities in the performance of their tasks.

It is important to highlight that **rights in relation to personal data** include:

- the right to be notified of a data breach
- the right to ensure that the data is accurate and in certain circumstances to amend that data if incorrect
- the right to know how their data will be used
- the right to transfer their personal data to another provider
- the “right to be forgotten”, i.e., for all their personal details to be deleted.

#### **Issues specific to Harrison Allen**

##### **The types of data we may have:**

We process personal data about our:

- clients
- tutors/teachers
- students and their parents/carers/foster parents/care homes
- staff

##### **Type/classes of information processed/categories of personal data**

Personal data may include:

- personal details such as name, date of birth, addresses, e-mail addresses and telephone numbers
- family, lifestyle and social circumstances
- financial details including bank account information
- criminal record history or details (eg EDBS applications or information on EHCPs)
- education details
- employment details

We also process **sensitive classes of information** that may include:

- physical or mental health details including EHCP documentation and medical information for students

- racial or ethnic origin
- religious or other beliefs of a similar nature
- data concerning a natural person's sex life or sexual orientation.

#### **Who information may be shared with**

We sometimes need to share the personal information we process with the individual themselves and also with other organisations. Where this is necessary we are required to comply with all aspects of the GDPR. What follows is a description of the types of organisations we may need to share some of the personal information we process with for one or more reasons.

Where necessary or required, we share information for the purposes of the provision of tutors or tuition services and/or to comply with regulatory/statutory requirements. We therefore may need to share data with:

- Specific tutors and specific clients, students and their parents/carers/foster or care homes
- Educators/schools and examining bodies or exam centres
- Current, past and prospective employers
- As appropriate, with Family, associates, representatives of the person (including foster carers and/or Children's homes) whose personal data we are processing
- Central and local government or regulatory bodies
- Service providers including those providing our Information Management System, IT support, payment/debt collection services and/or legal, accountancy and pay roll services
- Agencies to assist with obtaining EDBS for tutors

**We do not sell, trade or rent any such data to others nor do we use the data to sell our services or market to third parties.**

#### **Retention of personal data/information**

We have specific procedures (see below) in place for the deletion of personal data and information which are different depending on the type of person whose data we hold:

##### **Private clients:**

Our policy is that data/information on private clients will be deleted **within 10 years** from the date that they have ceased working with our tutors unless we are asked to delete the data sooner.

##### **Local Authority/school clients:**

Our policy is that data/information on Local Authority clients and their students will not be deleted **until the student in question has reached 25 years of age** unless we are asked to delete the data sooner.

**Data in relation to students:**

Our policy is that data/information on Local Authority clients and their students will not be deleted **until the student in question has reached 25 years of age** unless we are asked to delete the data sooner.

**Data in relation to self-employed tutors:**

Our policy is that personal data on tutors is retained for **a period of up to 5 years** after the tutor has ceased to work with the agency unless the tutor requests that we delete the data sooner.

**Data in relation to staff:**

Our policy is that data/information on staff will be deleted **within 2 years** from the date that they have ceased to be employed unless we are asked to delete the data sooner.

However, any person whose data/information we hold may request deletion but making a written request to us in the following terms:

I,....., withdraw my consent to process my personal data from HA Tutors Ltd t/a Harrison Allen. HA Tutors Ltd t/a Harrison Allen no longer has my consent to process my personal data for the purpose which was previously granted. [Signature: Print name: Date: ]

**Complaints policy - Details of our Voluntary Data Protection Officer and what to do if you have any concerns on the way we handle your personal data**

We have designated Julie Harrison, as the Director of HA Tutors Ltd t/a Harrison Allen, to be a Voluntary Data Protection Officer (VDPO). Any questions or concerns in relation to Data Protection matters should be directed to her either by telephone (020 8874 0233) or by e-mail to [julie@harrisonallen.co.uk](mailto:julie@harrisonallen.co.uk).

If you have a concern about the way we are collecting or using your personal data, you should raise your concern with us in the first instance or directly with the Information Commissioner's Office at <https://ico.org.uk/concerns/>. HA Tutors Ltd t/a Harrison Allen's ICO registration number is Z2677295.

**Data breaches**

A data breach means an individual is likely to suffer damage in the form of identity theft or a confidentiality breach.

All staff have been made aware of the GDPR and its' implications. The VDPO (Julie Harrison) will collate the information relevant to a potential or actual breach including if needed conducting an investigation and if a breach has occurred, the VDPO will compile the necessary report, notify the ICO and the relevant individual affected without delay.

If our system is breached in any way, we will inform anyone affected within 72 hours.

### **Security of the Office**

The office is situated in a building with double locked doors and a security system that is enabled whenever the building is empty. Personal information held in hard copy is locked in filing cabinets. Visitors are accompanied in an out of the building and required to sign in and out.

### **Security of Computers**

All computers have a firewall and virus-checking software. All updates are regularly received and installed. All computers have anti-spyware software installed. All computers are password protected. All information is securely removed from the hard disk before disposing of old computers. Computers are backed up to a remote location on a daily basis.

### **Security of E-mails**

Harrison Allen takes the security of e-mails very seriously. Harrison Allen uses an email security service which filters email for spam and viruses. Our e-mails are encrypted. Where attachments are sent with password protection the protocol is always followed. Emails sent to multiple recipients who have no relationship are Blind Carbon Copied. Tutors receiving e-mail including personal details of clients are required to have robust computer protection.

### **Security of database and Information Management System (TutorCruncher)**

Our database and IMS are password protected and personal details are only visible to the staff in the Harrison Allen office. Tutors cannot see the personal details of the clients and Clients cannot see the personal details of tutors.

### **Security of Printed Information**

Personal information held in hard copy is held in locked filing cabinets. Confidential information is shredded when it is no longer required to be held by us. Relevant information is scanned onto our IMS and key data (eg EDBS details of tutors). Tutors holding printed information about their students are required to shred that information when it is no longer needed.



Tutors are required to keep any confidential information regarding clients secure. Tutors provided with confidential information about students (and/or their parents/carers) electronically are prohibited from removing passwords, transmitting such documents onwards, saving them to their computers and from printing off such documents.

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## DATA PROTECTION PROCEDURES

### Training

All staff have been trained on the GDPR regulation and Data Protection issues relevant to the business. As and when updates are required the staff will be briefed.

### Documentation held:

We maintain an internal record of processing activities and record the following information:

- a. Name and details of our organisation (and where applicable, of other controllers, your representative and data protection officer);
- b. purposes of the processing;
- c. description of the categories of individuals and categories of personal data;
- d. categories of recipients of personal data;
- e. details of transfers to third countries including documentation of the transfer mechanism safeguards in place;
- f. retention schedules; and
- g. description of technical and organisational security measures.

We may be required to make these records available to the relevant supervisory authority for purposes of an investigation.

The VDPO undertakes an annual review of all Data Protection issues and records the outcome of the review. Notes in respect of the annual review will be maintained as part of the Company's Policies and Procedures Electronic records and in hard copy on the Policies and Procedures files.

### Procedures during the recruitment of Tutors process

If a tutor does not get asked to interview then their status is either changed to 'rejected' or 'pending'. In both cases the data remains on our IMS unless and until we delete it.

At interview we require the tutor to sign a statement that they have read and agree to our Policies, including our Data Protection Policy and we ask them also to sign a consent form.

At the interview we collect identification information and see original documents such as EDBS and qualification certificates. We retain copies of some of these documents on a hard copy file kept in locked filing cabinets.

We seek references and if the tutor is approved, we request bank account details from the tutors which are entered onto our bank account payees list in order to pay them.

With time we will move to storing information and data on tutors predominantly on our IMS rather than in hard copy files.

Data on tutors is stored as long as the tutor is registered with us and interested in accepting work through the agency.

### **Retention schedules**

Our retention procedures are as follows:

#### **Data in relation to clients:**

##### **Private clients:**

Our policy is that data/information on private clients will be deleted **within 10 years** from the date that they have ceased working with our tutors unless we are asked to delete the data sooner.

**The procedure** for deletion of personal data is for an annual check to be made of client lists to establish which have ceased to use our tutors for 10 years or more. These clients will be moved to 'Dormant' status.

##### **Local Authority/school clients:**

Our policy is that data/information on Local Authority clients and their students will not be deleted **until the student in question has reached 25 years of age** unless we are asked to delete the data sooner.

**The procedure** for deletion of personal data is for an annual check to be made of students' dates of birth to establish which have reached the age of 25. The personal data of such students will be reclassified as 'Dormant'.

#### **Data in relation to students:**

Our policy is that data/information on Local Authority clients and their students will not be deleted **until the student in question has reached 25 years of age** unless we are asked to delete the data sooner.

**The procedure** for deletion of personal data is for an annual check to be made of students' dates of birth to establish which have reached the age of majority. The client profiles and the personal data of such students will be reclassified as 'Dormant'.

#### **Data in relation to self-employed tutors:**

Our policy is that personal data on tutors is retained for **a period of up to 5 years** after the tutor has ceased to work with the agency unless the tutor requests that we delete the data sooner.

**The procedure** for deletion of personal data is for an annual check to be made of tutors to establish which have ceased working with us 5 years or more. These tutors will be moved to 'Dormant' status.

#### **Data in relation to staff:**

Our policy is that data/information on staff will be deleted **within 2 years** from the date that they have ceased to be employed unless we are asked to delete the data sooner.

As there are few staff, the **procedure** for deletion of this data is on an ad hoc basis by diarising the 3 year period from departure in an electronic calendar and then all hard copy information will be shredded and any electronic data deleted..

#### **Complaints procedures**

All internal issues on Data Protection shall be directed to Julie Harrison as VDPO. If the concern is in relation to the VDPO, then matters shall be passed to Karen Abbott. Any individual can also report concerns directly to the ICO.

#### **Procedure on concerns regarding data protection and possible data protection breaches**

Any security incident or possible data protection breach will be investigated within 24 hours by the VDPO with a written report which will include steps taken to address the issue (including reporting to the ICO if required within 72 hours of becoming aware of any breach).

The VDPO will also inform without any undue delay, any individual where a breach is likely to result in a high risk of adversely affecting the individual's rights and freedoms.

A complete record of any personal data breaches will be maintained (whether or not such breach requires a report to the ICO or any other body) with the following information:

- a description of the nature of the personal data breach including, where possible:
- the categories and approximate number of individuals concerned; and

- the categories and approximate number of personal data records concerned;
- the name and contact details of the data protection officer (if your organisation has one) or other contact point where more information can be obtained;
- a description of the likely consequences of the personal data breach; and
- a description of the measures taken, or proposed to be taken, to deal with the personal data breach, including, where appropriate, the measures taken to mitigate any possible adverse effects.

The record will be maintained as part of the Company's Policies and Procedures Electronic records and in hard copy on the Policies and Procedures files.