




Originator: Policy & Partnerships Director  
Reviewer: A. Butcher  
Version: 8.0/ January 2024  
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## Data Protection Policy – UK GDPR

	Date/ Version	Board of Directors Name	Board of Directors Role	Board of Directors Signature	Date	Reasons for change
<b>Publication</b>	18/01/23 V7.0	Caroline Fox	CEO		01/23	
<b>Last Review</b>	10/01/24 V8.0	Caroline Fox	CEO		01/24	Updates on Electronic storage, International Transfers, Data Retention and Data Breaches
<b>Next Review</b>	10-01-2025					



## **RATIONALE**

Twin Group is committed to a policy of protecting the rights and privacy of natural persons, including learners, staff and others, in accordance with UK General Data Protection Regulation (UK GDPR), tailored by the Data Protection Act 2018.

The new regulatory environment demands higher transparency and accountability in how businesses manage and use personal data. It also accords new and stronger rights for individuals to understand and control that use.

The UK GDPR contains provisions that Twin Group will need to be aware of as data controllers, including provisions intended to enhance the protection of natural person's personal data. For example, the UK GDPR requires that:

We must ensure that our Twin Group privacy notices are written in a clear, plain language.

Twin Group needs to process certain information about its staff, students, parents and guardians and other individuals with whom it has a relationship for various purposes such as, but not limited to:

1. The recruitment and payment of staff.
2. The administration of programmes of study and courses.
3. Student enrolment.
4. Examinations and external accreditation.
5. Recording student progress, attendance and conduct.
6. Collecting fees.
7. Complying with legal obligations to funding bodies and government including local government.

To comply with various legal obligations, including the obligations imposed on it by the UK GDPR, Twin Group must ensure that all this information about natural persons is collected and used fairly, stored safely and securely, kept for only as long is necessary and not disclosed to any third party unlawfully.



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## **COMPLIANCE**

This policy applies to all natural persons working for or with Twin Group. Any breach of this policy or of the Regulation itself will be considered an offence and Twin's disciplinary procedures will be invoked.

As a matter of best practice, other agencies and individuals working with Twin Group and who have access to personal data, will be expected to read and comply with this policy. It is expected that departments who are responsible for dealing with external bodies will take the responsibility for ensuring that such bodies sign a contract which among other things will include an agreement to abide by this policy.

This policy will be updated as necessary to reflect best practice in data management, security and control and to ensure compliance with any changes or amendments to the UK GDPR and other relevant legislation.

The Code of Practice on UK GDPR for Twin Group gives further detailed guidance and Twin Group undertakes to adopt and comply with this Code of Practice.

## **UK GDPR**

The provisions of the EU GDPR have been incorporated directly into UK law as the UK GDPR, tailored by DPA 18. The UK GDPR regulates the processing of personal data and protects the rights and privacy of natural persons (including children), for example by giving all natural persons who are the subject of personal data a general right of access to the personal data which relates to them. Individuals can exercise the right to gain access to their information by means of a 'subject access request'. Personal data is information relating to a natural person and may be in hard or soft copy (paper/manual files; electronic records; photographs; CCTV images) and may include facts or opinions about a person.

The UK GDPR also sets out specific rights for natural persons in relation to educational records held within Twin's system. These rights are set out in separate education regulations 'The Education (Pupil Information) (England) Regulations 2000'. For more detailed information on these Regulations see the Data Protection Data Sharing Code of Practice (DPCoP) from the Information Commissioner's Office (ICO). Please follow this link to the ICO's website ([www.ico.gov.uk](http://www.ico.gov.uk)).



## Responsibilities under the UK GDPR

Twin Group will be the ‘data controller’ under the terms of the legislation – this means it is ultimately responsible for controlling the use and processing of the personal data. Twin Group appoints a Data Protection Officer (DPO), currently Adrian Butcher who is available to address any concerns regarding the data held by Twin Group and how it is processed.

The Senior Leadership Team is responsible for all day-to-day data protection matters and will be responsible for ensuring that all members of staff and relevant individuals abide by this policy, and for developing and encouraging good information handling within Twin Group.

The Senior Leadership Team is also responsible for ensuring that Twin Group’s notification is kept accurate.

Details of Twin Group’s notification can be found on the Office of the Information Commissioner’s website.

Twin Group has a number of businesses registered with the information Commissioner’s Office:

Twin Employment and Training Limited	Registration	ZA236128
Twin Training International	Registration	ZA236103
WAVA Limited	Registration	ZB544544
Third Sector Consortia Management Llp	Registration	ZB136051

## E-Training

Compliance with the legislation is the personal responsibility of all members of Twin Group who process personal information. Individuals who provide personal data to Twin Group are responsible for ensuring that the information is accurate and up to date.

Where Twin needs to delegate some processing to a third-party Data Processor, e.g., a sub-contractor, training provider or employer, it will be necessary to conduct reasonable due diligence to ensure compliant processing of the data involved, to the standards that Twin itself applies – such processors need to provide written compliance with the policy or evidence suitable policy and capability of its own.

## Data Protection Principles

The legislation places a responsibility on every data controller to process any personal data in accordance with the eight principles. More detailed guidance on how to comply with these principles can be found in the ICO’s website ([www.ico.gov.uk](http://www.ico.gov.uk)) In order to comply with its obligations, Twin Group undertakes to adhere to the following principles:



### **1. Lawfulness, fairness and transparency**

Twin Group will make all reasonable efforts to ensure that natural persons who are the focus of the personal data (data subjects) are informed of the identity of the data controller, the purposes of the processing, any disclosures to third parties that are envisaged; given an indication of the period for which the data will be kept, and any other information which may be relevant.

### **2. Limitation of purpose.**

Twin Group will ensure that the reason for which it collected the data originally is the only reason for which it processes those data, unless the individual is informed of any additional processing before it takes place.

### **3. Minimization of data**

Twin Group will not seek to collect any personal data which is not strictly necessary for the purpose for which it was obtained. Forms for collecting data will always be drafted with this mind. If any irrelevant data are given by individuals, they will be destroyed immediately.

### **4. Data accuracy**

Twin Group will review and update all data on a regular basis. It is the responsibility of the natural persons giving their personal data to ensure that this is accurate, and each individual should notify Twin Group if, for example, a change in circumstances mean that the data needs to be updated. It is the responsibility of Twin Group to ensure that any notification regarding the change is noted and acted on.

### **5. Limitations of storage**

Twin Group undertakes not to retain personal data for longer than is necessary to ensure compliance with the legislation, and any other statutory requirements. This means Twin Group will undertake a regular review of the information held and implement a weeding process.

Twin Group will dispose of any personal data in a way that protects the rights and privacy of the individual concerned (e.g., secure electronic deletion, shredding and disposal of hard copy files as confidential waste). A log will be kept of the records destroyed.



## 6. Confidentiality and integrity of data

All members of staff are responsible for ensuring that any personal data which they hold is kept securely and not disclosed to any unauthorised third parties.

Twin Group will ensure that all personal data is accessible only to those who have a valid reason for using it.

## 7. Accountability

Twin is committed to putting in place the following appropriate technical and organizational measures that are fully compliant with UK GDPR:

- adopting and implementing a data protection policy
- taking a 'data protection by design and default' approach
- putting written contracts in place with organisations that process personal data on our behalf
- implementing appropriate security measures
- recording and, where necessary, reporting personal data breaches
- appointing a data protection officer
- adhering to relevant codes of conduct

Twin Group will have in place appropriate security measures for personal data:

- Electronic security: where data is held electronically, it will be in system compliant with contemporary electronic security standard with controlled access rights, hence capabilities
- Electronically held Data will be stored on Twin-provided or approved cloud systems, not on Twin-owned personal terminals or non-Twin-owned devices like laptops and smartphones
- Where data is held physically or processed in open office, adherence is required to relevant codes of conduct, e.g., but not limited to
  - keeping all personal data in a lockable cabinet with key-controlled access.
  - password protecting personal data held electronically.
  - archiving personal data which are then kept securely (lockable cabinet).
  - placing any PCs or terminals, CCTV camera screens etc. that show personal data so that they are not visible except to authorised staff.



- ensuring that PC screens are not left unattended without a password protected screen saver being used.

In addition, Twin Group will put in place appropriate measures for the deletion of personal data in accordance with our Data Retention Policy, either electronically or physically.

Manual records will be shredded or disposed of as 'confidential waste' and appropriate contract terms will be put in place with any third parties undertaking this work. Hard drives of redundant PCs will be wiped clean before disposal or if that is not possible destroyed physically. A log will be kept of the records destroyed.

This policy also applies to staff and students who process personal data 'off-site', e.g., when working at home, and in circumstances additional care must be taken regarding the security of the data.

### **Territory outside the European Economic Area (EEA)**

Twin Group will not transfer data to such territories without the explicit consent of the individual.

This also applies to publishing information on the Internet - because transfer of data can include placing data on a website that can be accessed from outside the EEA - so Twin Group will always seek the consent of individuals before placing any personal data (including photographs) on its website.

Where Twin needs to transfer personal data outside the EEA in pursuance of an obligation to a data subject (e.g., overseas works experience), a Data Transfer Risk Assessment and International Data Transfer Agreement, agreed and with the nominated Data Processor, will be required

If Twin Group collects personal data in any form via its website, it will provide a clear and detailed privacy statement prominently on the website, and wherever else personal data is collected.

### **CONSENT AS A BASIS FOR PROCESSING**

Although it is not always necessary to gain consent from individuals before processing their data, it is often the best way to ensure that data is collected and processed in an open and transparent manner.

Consent is especially important when Twin Group is processing any special category data (sensitive data), as defined by the legislation.

Twin Group understands consent to mean that the natural person has been fully informed of the intended processing and has signified their agreement (e.g., via an enrolment form) whilst being of a sound mind and without having any undue influence exerted upon them. Consent obtained on the basis of misleading information will not be a valid basis for processing. Consent cannot be inferred from the non-response to a communication.



“Personal Data, for the purposes of the General Data Protection Regulation (GDPR) (Regulation (EU) 2016/679 you consent to Twin Group holding and processing personal data including sensitive personal data of which you are the subject, details of which are specified in Twin Group’s data protection policy. This will include marketing images and Twin Group CCTV.”

Twin Group will ensure that any forms used to gather personal data on a data subject will contain a statement (fair collection statement) explaining the use of that data, how the data may be disclosed and also indicate whether or not the individual needs to consent to the processing.

Twin Group will ensure that if the data subject does not give his/her consent for the processing, and there is no other lawful basis on which to process the data, then steps will be taken to ensure that processing of that data does not take place.

#### **DATA BREACHES**

Twin takes data breaches very seriously. Any suspected breaches must be reported without delay to the Data Protection Officer in accordance with Twin’s Data Breach Policy and accompanying Data Breach Procedure. In the even the DPO is not available, notification can be made to the Twin Chief People Officer

#### **INDIVIDUAL RIGHTS**

The UK GDPR provides the following rights for individuals:

1. **The right to be informed** - Individuals have the right to be informed about the collection and use of their personal data. This is a key transparency requirement under the UK GDPR.
2. **The right of access** - Individuals have a right to access any personal data relating to them which is held by Twin Group. This is commonly referred to as a **subject access request or ‘SAR’**. Any data subject wishing to exercise this right should apply in writing to the DPO. Any member of staff receiving a SAR should forward this to the DPO. Twin Group reserves the right to charge a fee for repeated data subject access requests. Under the terms of the legislation, any such requests must be complied with within one month.



3. **The right to rectification** - The UK GDPR includes a right for individuals to have inaccurate personal data rectified, or completed if it is incomplete. An individual can make a request for rectification verbally or in writing. Twin Group has one calendar month to respond to a request. In certain circumstances Twin Group can refuse a request for rectification. The Twin DPO should be consulted where there is any doubt whether this applies.
4. **The right to erasure** - The UK GDPR introduces a right for individuals to have personal data erased. The right to erasure is also known as 'the right to be forgotten'. The right is not absolute and only applies in certain circumstances. Individuals can make a request for erasure verbally or in writing. Twin Group has one month to respond to a request.
5. **The right to restrict processing** - Individuals have the right to request the restriction or suppression of their personal data. This is not an absolute right and only applies in certain circumstances. When processing is restricted, Twin Group is permitted to store the personal data, but not use it. An individual can make a request for restriction verbally or in writing. Twin Group has one calendar month to respond to a request.
6. **The right to data portability** - The right to data portability allows individuals to obtain and reuse their personal data for their own purposes across different services. It allows them to move, copy or transfer personal data easily from one IT environment to another in a safe and secure way, without affecting its usability. Doing this enables individuals to take advantage of applications and services that can use this data to find them a better deal or help them understand their spending habits. The right only applies to information an individual has provided to a controller.
7. **The right to object** - The UK GDPR gives individuals the right to object to the processing of their personal data in certain circumstances. Individuals have an absolute right to stop their data being used for direct marketing. In other cases where the right to object applies, Twin Group may be able to continue processing if it can show that there is a compelling reason for doing so. Twin Group must tell individuals about their right to object. An individual can make an objection verbally or in writing. Twin Group has one calendar month to respond to an objection.

## DISCLOSURE OF DATA

Only disclosures which have been notified under Twin Group's data protection notification must be made and therefore staff and students should exercise caution when asked to disclose personal data held on another natural person or third party.

Twin Group undertakes not to disclose personal data to unauthorised third parties, including family members, friends, government bodies and in some circumstances, the police.

Legitimate disclosures may occur in the following instances:

- the data subject has given their consent to the disclosure.
- the disclosure has been notified to the ICO and is in the legitimate interests of Twin Group.
- the disclosure is required for the performance of a contract.

There are other instances when the legislation permits disclosure without the consent of the individual.



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For detailed guidance on disclosures see the Code of Practice (CoP).

In no circumstances will Twin Group sell any of its databases to a third party.

## **PUBLICATION OF TWIN GROUP INFORMATION**

### **Email**

It is the policy of Twin Group to ensure that senders and recipients of email are made aware that under UK GDPR and Freedom of Information Legislation, the contents of email may have to be disclosed in response to a request for information. One means by which this will be communicated will be by a disclaimer on Twin Group's email.

Under the Regulation of Investigatory Powers Act 2000, Lawful Business Practice Regulations, any email sent to or from Twin Group may be accessed by someone other than the recipient for system management and security purposes.

### **CCTV**

There are some CCTV systems operating within Twin Group for the purpose of protecting Twin Group members and property. Twin Group will only process personal data obtained by the CCTV system in a manner which ensures compliance with the legislation.

## **PROCEDURE FOR REVIEW**

This policy will be updated as necessary to reflect best practice or future amendments made to the UK GDPR.

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 individuals' rights, exemptions from the Act, dealing with subject access requests, how to handle requests from third parties for personal data to be disclosed etc. In particular, you may find it helpful to read the Guide to Data Protection which is available from the website.

For help or advice on any data protection or freedom of information issues, please do not hesitate to contact:

The Data Protection Officer (DPO): **Adrian Butcher**, email: [AButcher@twinuk.com](mailto:AButcher@twinuk.com)