

# **Lynher Training Ltd Information Disposal & Data Protection Policy, as required by the General Data Protection Regulations (GDPR)**

Lynher Training Ltd is registered with the ICO (Information Commissioners' Office) under the Data Protection Act – Registration Z4849497. The Data Protection Act (1998) relates to the collection and retention of personal information from which an individual can be identified.

## **General Statement of Lynher Training Ltd Duties and Scope**

Lynher Training Ltd is required to process relevant personal data regarding students, applicants, apprentices, trainees, members of staff, and in some instances their next of kin, relatives and employers as part of its operation and shall take all reasonable steps to do so in accordance with this Policy.

## **Data Protection Controller**

Lynher Training Ltd has appointed the Company Directors as the Data Protection Controllers (DPC) who will endeavour to ensure that all personal data is processed in compliance with this Policy and the Principles of the Data Protection Act 1998. The Freedom of Information Act 2000 and the Protection of Freedoms Act 2012 which are also relevant to parts of this policy. Lynher Training Ltd recognises the General Data Protection Regulation (GDPR) (Regulation (EU) 2016/679), which was adopted 27 April 2016, the two-year transition period and the application date of 25 May 2018 and is actively working towards compliance with that directive.

## **The Principles**

Lynher Training Ltd shall, so far as is reasonably practicable, comply with the Data Protection Principles contained in the Data Protection Act to ensure all data is:

- Fairly and lawfully processed
- Processed for a lawful purpose
- Adequate, relevant and not excessive
- Accurate and up to date
- Not kept for longer than necessary
- Processed in accordance with the data subject's rights
- Secure
- Not transferred to other countries without adequate protection

## **Personal Data**

Personal data may also include sensitive personal data as defined in the Act. Consent may be required for the processing of personal data unless processing is necessary for the performance of a contract of employment. Any information which falls under the definition of personal data and is not otherwise exempt, will remain confidential and will only be disclosed to third parties with appropriate consent.

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## **Sensitive Personal Data**

Lynher Training Ltd may be required to process sensitive personal data. Sensitive personal data includes data relating to medical information, gender, religion, race, sexual orientation, criminal records and proceedings.

## **Rights of Access to Information**

Data subjects have the right of access to their personal information held by Lynher Training Ltd, subject to the provisions of the Data Protection Act 1998 and the Freedom of Information Act 2000. Any data subject wishing to access their personal data should put their request in writing to Lynher Training Ltd, who will endeavour to respond to any such written requests as soon as is reasonably practicable and, in any event, within 40 days for access to records and 21 days to provide a reply to an access to information request. The information will be imparted to the data subject as soon as is reasonably practical after it has come Lynher Training Ltd's attention and in compliance with the relevant Acts.

## **Exemptions**

Certain data are exempted from the provisions of the Data Protection Act, which includes the following:

- National security and the prevention or detection of crime
- The assessment of any tax or duty
- Where the processing is necessary to exercise a right or obligation conferred or imposed by law upon Lynher Training Ltd, including Safeguarding and prevention of terrorism or radicalization.

## **Accuracy**

Lynher Training Ltd will endeavour to ensure that all personal data held in relation to all data subjects are accurate. Data subjects must notify the data processor of any changes to information held about them. Data subjects have the right in some circumstances to request that inaccurate information about them is erased. This does not apply in all cases, for example, where records of mistakes or corrections are kept, or records which must be kept in the interests of all parties to which they apply.

## **Enforcement**

If an individual believes that Lynher Training Ltd. has not complied with this Policy or acted otherwise than in accordance with the Data Protection Act, the individual should utilise the Lynher Training Ltd. grievance procedure and should also notify the Directors.

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## Data Security

Lynher Training Ltd will take appropriate technical and organisational steps to ensure the security of personal data. All staff will be made aware of this policy and their duties under the Act. Lynher Training Ltd and all staff and students are required to respect the personal data and privacy of others and must ensure that appropriate protection and security are maintained at all times.

## External Processors

Lynher Training Ltd must ensure that data processed by external processors, for example, auditing purposes, awarding organisations or funding purposes, Cloud services including storage, websites etc. are compliant with this policy and the relevant legislation.

## Course Documentation

- **Booking Forms** – kept for one year from the first of the month in which the course took place.
- **Evaluations / Feedback** – kept for three years from the first of the month in which the course took place
- **Assessment Reports for Qualifications with a Time Limit** - kept for the lifetime of the qualification to a maximum of 6 years.
- **Assessment Reports for Qualifications without a Time Limit** - kept for a maximum of 6 years.
- **Risk Assessments and Attendance Sheets** - kept for the life-time of the qualification or, if the qualification does not have a time limit, for 6 years.
- **Photographs** - kept for a maximum of 12 months and returned to the trainee or securely destroyed. Electronic copies will be held on file for as long as the Company operates. These photographs will only be shared with recognised Awarding Organisations for the purpose of issuing Photographic identity cards at the individuals request and as such are not compulsory.

## Disposal of Paper Records

Information held on paper is disposed of in the following ways:

- Paperwork (or parts thereof) containing personal details which are not in the public domain and could allow identity theft containing any personal details will be either securely shredded and disposed of via Cornwall Council's roadside collection and recycling scheme, or securely burnt on site.
- Other Paperwork - non-sensitive paperwork will be disposed of via Cornwall Council's roadside collection and recycling scheme.

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- Archive Storage – Lynher Training Ltd may store some data such as registers, photographs, exam results, achievements, books and works etc. indefinitely in its archive.
- Electronic Records - Electronic Training records will be held on our internal system as long as the company operates. As part of everyday computer use, other electronic records are 'destroyed' by 'deleting securely'. If any computer is disposed of or recycled, then the information on that computer is destroyed using recommended techniques.

Certificates relating to courses will be retained by Lynher Training Ltd. until accounts have been settled in full and Lynher Training Ltd receives all relevant paperwork. Documentation will only be sent to the person or company having paid the invoice, unless we are otherwise instructed. In the event that a candidate has left the employ of the paying company, then it is the individual's responsibility to make suitable arrangements direct with that company. Copies of certificates may be sent to funding organisations or employers if these are requested. Physical copies are not necessarily kept on file and any charges made by the relevant awarding bodies for replacements (if available) will be passed on to the client. Scanned copies of certificates will be kept for the lifetime of the qualification.

All attendees are deemed to agree with the terms of this policy by signing either the booking form containing Lynher Training Ltd. standard Terms & Conditions or an Enrolment Form at the start of any training.

Lynher Training Ltd accepts no responsibility for alterations to this Policy brought about by circumstances beyond our control.