



FORMISSION

## Data Protection Policy 2023-24

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List of Related Policies:				

# Data Protection Policy 2023

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## **1. Duties**

- 1.1. ForMission Ltd, as the Data Controller, is committed to protecting the rights and freedoms of all individuals in relation to the control and processing of their personal data, in accordance with the General Data Protection Regulation 2018 (GDPR).
- 1.2. This policy has been approved by the Trustees of ForMission CIO It will be managed by Data Protection Officer, and administered by the professional services manager.

## **2. Scope**

- 2.1. This policy sets out the duties and obligations of all who process data on behalf of ForMission Ltd, whether staff (including contractors and volunteers) or students.
- 2.2. It applies to all personal data handled by ForMission, whether that data is held in paper files or electronically. So long as the processing of the data is carried out for ForMission purposes, it also applies regardless of where data is held. It covers data held at Head Office and at Hubs, and applies to all data stored on any devices (including electronic notebooks or laptops), regardless of who owns the PC/device.
- 2.3. 'Processing' data includes any and every form of action taken in relation to the data such as obtaining, recording, keeping, or using it in any way; sharing or disclosing it; erasing and destroying it.

## **3. Definitions**

- 3.1. The key terms which are used in the GDPR, and in this Data Protection Policy, can be found at *Appendix 1*.

## **4. Principles for Data Processing**

- 4.1. Under the GDPR, the handling of personal data must be:
  - Fair, legal and transparent
  - Collected for a specific purpose and only used for that purpose
  - Adequate, relevant, and limited to what is needed for the purpose of the collection
  - Accurate and up-to-date
  - Kept in a format where individuals can be identified only for as long as it is necessary
  - Kept secure and confidential
- 4.2. More information about these principles can be found at *Appendix 2*.

## **5. ForMission's Legal Basis for Processing Data**

- 5.1. Any person or organisation who handles personal data must have a valid legal basis for doing so. To be able to function as a charity and a provider of higher education, ForMission needs to collect and keep certain types of information about the people with whom it deals.
- 5.2. Since 2010, ForMission has had an entry on the Information Commissioner's Office (ICO) Register of Data Controllers. This registration, which is reviewed annually, contains full details of the basis on which ForMission processes data, what type of information is included, and who it might be shared with.
- 5.3. A copy of ForMission's registration is at *Appendix 3*.

## **6. ForMission's Data Handling**

- 6.1. As a higher education college, ForMission must collect and process personal data so that educational courses can be offered and delivered. This includes information relating to its applicants, students, staff, and volunteers. Where someone refuses to allow ForMission to process their data for the purposes of this legitimate business, it will not be possible for that person to participate in the educational activities at ForMission.
- 6.2. As a charity, ForMission collects and processes personal data to further its legitimate business aims and to run events. This includes information relating to supporters, those who attend events, staff and volunteers.
- 6.3. *Appendix 4* gives a summary of ForMission's data collection, data storage and deletion practice.

## **7. Data Security**

- 7.1. Keeping personal data secure is key in complying with the GDPR. All staff and students are responsible for ensuring that any personal data they have access to is kept securely and is not disclosed to any unauthorised third party, whether deliberately or accidentally, either orally or in writing.
- 7.2. Data protection training will form part of the Induction Programme for new staff, and refresher training will be carried out periodically.
- 7.3. A description of staff and student data security responsibilities can be found at *Appendix 5*.

## **8. Data Collection for Research Purposes**

- 8.1. ForMission staff and students may be involved in research data which comprises materials collected or created for the purposes of analysis to generate original research

results. Some research data will contain personal data and/or sensitive personal data and in all such cases the provisions of this policy apply.

8.2. Personal data obtained or used for research must be limited to the minimum amount which is reasonably required to achieve the desired academic objectives and wherever possible any such personal data should be made anonymous so that the data subjects cannot be identified.

8.3. All students who are going to undertake research which involves personal data will be given guidance on data protection as part of the module preparation.

## **9. Personal Data in the Public Domain**

9.1. ForMission holds certain information about staff and students in the public domain. Personal data classified as being in the 'public domain' refers to information which will be publicly available world-wide and may be disclosed to third parties without recourse to the data subject.

9.2. The following items of data will be available:

- staff work place email addresses and telephone numbers
- student college email addresses
- academic staff biographies where supplied
- names and academic qualifications of academic and support staff where appropriate
- any additional information relating to data subjects which they have agreed to be placed in the public domain and which may be in automated and/or manual form.

9.3. Similarly, as part of its regular business activities ForMission may process personal information about third parties which is already in the public domain. Such processing is carried out in accordance with the GDPR principles set out in this policy and is unlikely to cause any damage or distress to the data subject.

## **10. Individual Rights**

10.1. In compliance with the GDPR, ForMission recognises that individuals have certain rights regarding their data. These are the right to:

- be informed about the collection and use of their personal data
- request access to the personal data which is held about them
- request rectification should an individual find that the data which ForMission holds regarding them is inaccurate, misleading, or incomplete
- request erasure (also known as the right to be forgotten) should an individual wish to be removed from data records
- request restriction on processing
- data portability, allowing individuals to obtain their personal data so that they can reuse it for their own purposes

- object to their data being processed for direct marketing or for research and statistics.

10.2. All requests made under these rights must be referred to the Professional service manager.

10.3. ForMission will keep a log of requests which are made, and this will be used to inform future improvements in how data is processed or held.

10.4. When a request is made:

- proof of identity will be required before personal data is released or erased
- the Professional service manager will review all the relevant data which ForMission holds, against the requirements of the GDPR for the grounds of the request and recommend a course of action to the Principal
- once a course of action is agreed, the individual will be notified of the outcome, and informed of their rights of appeal
- in most cases, ForMission will fulfil the request within one month. However, in some circumstances (e.g., where requests are complex or numerous) this period may be extended by up to two more months, and ForMission will let the individual know why the extension is necessary within one month of the request
- in most cases, ForMission will fulfil the request free of charge. However, in some circumstances (e.g., excessive or repetitive requests) there may be a charge
- where a request is unfounded, excessive, or repetitive, ForMission may refuse the request.

10.5. Further details of these rights and how to exercise them may be found at *Appendix 6*.

## **11. Data Breaches**

11.1. A personal data breach is defined as a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data. Therefore, it covers breaches which are the result of both accidental and deliberate causes. It also means that a breach is about more than the loss of personal data.

11.2. If anyone believes that there has been a data breach, they should contact the Professional service manager immediately. If the Professional service manager is not available, they should contact the Principal.

11.3. The Professional service manager and the Principal will investigate the source and nature of the breach and, if the security of personal data has been compromised, will establish what the likely impact will be on the individual(s) whose data it is.

11.4. If the likely impact is small, the Professional service manager and the Principal will take steps to correct the situation which made the breach possible. If appropriate, the data subject(s) affected will be informed, and action will also be taken against the originator or the breach.

- 11.5. If the impact is of a severity that will put the rights and freedoms of those affected at risk, then the Principal will notify the ICO in writing within the 72-hour statutory window, and will also notify the data subject(s) affected.

## **12. Prohibited Activities**

12.1. The following activities are strictly prohibited:

- using data obtained for one purpose for another supplemental purpose (for example, using contact details provided for HR-related purposes for marketing purposes)
- disclosing personal data to a third person outside of ForMission without the consent of the data subject, except as required or permitted by statute
- retaining data past the point allowed by this policy 'just in case it might be needed.'

## **13. Compliance with this Policy**

13.1. Compliance with the General Data Protection Regulation 2018 is without exception the responsibility of all students, staff and volunteers at ForMission Ltd.

13.2. It is a condition of employment in the case of staff and enrolment in the case of students, that every individual abides by this policy, and any breach may lead to disciplinary action. A serious breach of the GDPR may also result in ForMission and/or the individual being held liable in law.

## Appendix 1: GDPR Key terms

**Data Controller** is the organisation who determines the purpose and way in which data is being processed.

**Data Processor** is any person or organisation who processes data on behalf of the Data Controller.

**Personal Data:** is any information relating to an identified or identifiable natural person ('data subject').

An identifiable natural person is one who can be identified, directly or indirectly, from the that data and any other information which is in the possession of, or likely to come into the possession of, ForMission Ltd as the Data Controller.

It includes, but is not limited to:

- factual (eg, name, address or date of birth)
- Student ID number
- opinion (eg, performance appraisal)
- statement of intention about them
- 'online identifiers' such as computer IP addresses
- Info held in both electronic and paper format is covered

**'Special Category Data'**, previously known as 'Sensitive Personal Data'.

This includes, but is not limited to, data regarding:

- racial or ethnic origin
- political opinions
- religious or philosophical beliefs
- trade union membership
- genetic data
- biometric data
- data concerning health
- data concerning a natural person's sex life or sexual orientation.

**Confidential data** is data given in confidence or data agreed to be kept confidential between two parties, and that is not in the public domain. Some confidential data will also be personal data and/or sensitive personal data and will therefore come within the terms of this policy.

**Processing** means any operation performed on the data, for example: collecting, using, disclosing, retaining or disposing of personal data.

**Personal data breach** is defined as a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data. Therefore, it covers breaches which are the result of both accidental and deliberate causes. It also means that a breach is about more than the loss of personal data.

## Appendix 2: 6 KEY PRINCIPLES

The GDPR sets out the principles which data controllers must abide by when they are handling data about individuals, and they are as follows.

***Lawfulness, fairness and transparency:*** personal data must be processed lawfully, fairly and in a transparent manner.

***Purpose limitation:*** personal data must be collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes (with exceptions for public interest, scientific, historical or statistical purposes).

***Data minimisation:*** personal data must be adequate, relevant and limited to what is necessary in relation to purposes for which they are processed.

***Accuracy:*** personal data must be accurate and, where necessary, kept up to date. Inaccurate personal data should be corrected or deleted.

***Retention:*** personal data should be kept in an identifiable format for no longer than is necessary (with exceptions for public interest, scientific, historical or statistical purposes).

***Integrity and confidentiality:*** personal data must be kept securely.

### **Appendix 3: Basis for Data Processing**

Please see ForMission's entry on the Information Commissioner's Office (ICO) Register of Data Controllers (attached).

This registration, which is reviewed annually, contains full details of the basis on which ForMission processes data, what type of information is included, and who it might be shared with.

## Appendix 4: Data Handling

In accordance with the entry to the ICO Register of Data Controllers, operating as a charity and a higher education college, ForMission collects and processes data in the following ways.

### Staff:

Data is collected at recruitment and then again at appointment.

- **At recruitment**, the data will be supplied by applicants, in the form of application forms, or CVs and covering letters. This data will usually be collected and stored electronically. If the candidate has sent hard copies, these will be kept in a secure office.

Candidate information for unsuccessful applicants will be deleted once an appointee has taken up the post, unless ForMission has the candidate's specific permission to retain their details for a defined period in case another suitable vacancy comes up.

For the candidate who is appointed, further details will be requested:

- ID to prove legal right to work in the UK. An electronic copy will be kept for the duration of the employment/contract
- Bank details to enable payment. These will be kept for the duration of the employment or contract and deleted when the employment/contract ends
- CV from staff, a copy of which may be sent to the validating university. This will be kept for the duration of the employment/contract

- **Appraisals:** annual staff appraisals will be carried out using the appraisal forms in the staff handbook. Appraisal forms which are agreed and signed off will be kept electronically for 7 years

Contractors are appraised via module feedback forms, which are stored electronically for 7 years.

Staff data is stored electronically, and is processed by the:

- Human Resources Lead
- The recruiting and interviewing manager
- Professional Services Manager
- External data processor who manages the staff and student database

The Human Resources Lead is responsible for ensuring that data is deleted in the correct timescale.

## **Applicants**

Those who wish to study at ForMission apply online, by registering their contact details and then completing an electronic application form. After they submit their form, their data is uploaded to the applicant database.

They are then asked to supply:

- photo ID, to prove their right to study in the UK, and for DBS checks
- certificates, to prove their eligibility to enrol to the course
- details of at least 1 referee
- documents to support an enhanced DBS application for undergraduate course applicants
- passport-style photo for the purposes of an ID card. The card is supplied at enrolment if a place is offered.

This information is held electronically, and is uploaded to the applicant database during the admissions process.

Where a place is not offered, the information remains in the applicant database for 7 years in case of renewed application.

Where a place is offered and accepted, the data is moved from the applicant database to the student database. Any applicants who plans to make payments direct to ForMission must also supply bank details.

Applicant Data is stored electronically, and is processed by the:

- Admissions Officer
- Admissions staff
- MA Programme Leader
- BA Programme Leader
- Admissions Board members
- Professional Services Manager
- Financial Controller
- External data processor who manages the student database.

The Admissions Officer is responsible for ensuring that data is deleted in the correct timescale.

## **Students**

Where a place is offered and accepted, for BA and Foundation Year students, an enhanced DBS check is carried out using the data and documents they have provided during the application process.

At enrolment, students are asked to complete a student data form gathering data required by HESA, and are given a data collection notice explaining why their data is collected and what will be done with it.

They are also asked to provide details of who ForMission should contact in case of emergency.

During their course, data is kept regarding their studies, both assessments and any supporting data, and academic assessment information will be shared with the validating university.

The personal data is stored electronically and is kept for the duration of their course. For those who give their consent, their contact details are added to the alumni database, where they will be retained unless the individual asks for them to be removed.

Data is stored electronically, and is processed by the:

- MA Programme Leader
- BA Programme Leader
- Programme Support Staff
- Professional Services manager
- External data processor who manages the student database
- External Examiners and Course Tutors can see assessment data
- Grade and Assessment information continues to be stored in perpetuity, available to the programme staff, the individual and anyone authorised by the individual.

The MA and BA Programme Leaders are responsible for ensuring that personal data which is no longer relevant is deleted in the correct timescale.

### **ForMission Events**

ForMission as a charity collects contact details for those who register for events, or otherwise express an interest in ForMission events and services.

Data collection/privacy notices are provided, so that individuals can confirm if and how they would like to be contacted in future.

Data is stored electronically, and is processed by the:

- Marketing Officer
- Professional services manager
- Head office support staff and volunteers

The Marketing Officer is responsible for ensuring that data is deleted according to erasure requests.

### **Historical Data**

Historical data has been archived in separate, password-protected storage and will be reviewed as part of the ongoing administrative housekeeping process, so that previous data is only stored for as long as it is unavoidable to do so.

The Professional services manager is responsible for this process.

## **Appendix 5: Data Security**

As a minimum, keeping personal data secure includes ensuring that:

- if any personal data is recorded in paper form or hard copy, the documents are kept in locked filing cabinets or locked drawers or in locked offices
- if any personal data is recorded to discs, memory sticks or electronic devices, these are kept in a secure and locked location
- if any personal data is held on a Mobile Device such as a laptop, the device is properly password protected and where appropriate encrypted

### **Responsibilities of staff, students**

All staff and students must ensure that they only ever process or hold personal data in accordance with requirements of the GDPR and this Data Protection Policy. Everyone who processes any personal data for any purpose related to ForMission must abide by the principles below.

1. Remain mindful that individuals have the right to see their 'personal data' (this may include, for example, any comments written about them in emails). Staff and students should not therefore record comments or other data about individuals which they would not be comfortable for the individual to see, either in emails or elsewhere.
2. Ensure that that passwords and logins are not shared with unauthorised users
3. Remain mindful that data which is held on remote devices is covered by this policy, regardless of who owns the device or where it is stored.
4. Ensure that if their laptop/mobile device has more than one users, each user must have a separate, password-protected login.
5. Take special care when data is transferred from one place to another (for example, take care not to misplace laptop or memory sticks in transit).
6. Immediately notify the Professional Services Manager, if they find any lost or discarded data which they believe contains personal data, (eg. on a memory stick).
7. Immediately notify their line manager and the Professional Services Manager, if they become aware that personal data has been accidentally lost or stolen or inadvertently disclosed (eg. if their laptop or other device is lost or stolen and has personal data stored on it).
8. Hold the contents of any personal data which comes into their possession securely.
9. Ensure that any personal data they provide to ForMission (eg, their contact details) is accurate
10. Notify the relevant contact at ForMission promptly if there are any changes to their personal data (eg. change of address or emergency contact details).
11. Only ever obtain or use personal data relating to third parties for approved work or study-related purposes.
12. Seek advice from the Professional Services Manager if any data protection related concerns arise.

## Appendix 6: Individual Rights

In compliance with the GDPR, ForMission recognises that individuals have certain rights regarding their data, detailed below.

**Requests under these rights should be made to The Professional service manager.**  
**Tel: 0121 458 5240**  
**Email: [victoriarichards@formission.org.uk](mailto:victoriarichards@formission.org.uk)**  
**Address: ForMission College, Rowheath Pavilion, Heath Road, Birmingham B30 1HH**

*If any member of staff receives a request under these rights, whether in writing or verbally, they must notify the Professional Services Manager immediately, so that ForMission can meet statutory deadlines in processing the request.*

### The Individual rights are as follows:

- **Right to Be Informed** about the collection and use of their personal data. Where ForMission has or may collect personal data, notices are provided at the point of collection to ensure that they are aware of the data which is being collected, the purpose it is being collected for, and how long it will be kept.

These notices are:

- Privacy Statement on the website
- Student Data Collection Notice for the collection of HESA data
- Research data privacy notice
- Events & Direct Marketing consent forms
- Job applicants: link to Data Protection Policy on the job advert
- Data Protection Policy available on the website for all staff and other users.

- **Right of Access** to the personal data which is held about them.
  - Individuals may exercise this right by completing the Subject Access Request form (see below) and sending it to the Admissions and Professional Services Manager.
  - Some data may be exempt from this right, for example, where the legal right of confidentiality applies
  - Documents will normally be produced electronically, in PDF format. If this is not possible, a file of documents in hard copy will be produced, and sent through the post.
- **Right of Rectification:** should an individual feel that the data which ForMission holds regarding them is inaccurate, misleading, or incomplete, they may ask for it to be revised
  - The request may be made verbally or in writing
  - ForMission will take reasonable steps to verify whether revision is justified, and notify the individual of the decision and any subsequent action

- If the decision is taken not to amend the data, the individual will receive an explanation of the reason, and of their right to appeal.
- Where it is practical to do so, ForMission will notify other organisations to whom they have supplied data which is rectified under this right.
- **Right of Erasure** (also known as the 'right to be forgotten'): an individual may apply to have their data removed.
  - This is not an absolute right and only applies in certain circumstances within the definition of the GDPR
  - The request may be made verbally or in writing
  - Should the right to erasure be agreed, ForMission will notify the individual of the decision and any subsequent action
  - If ForMission does not agree the request, the individual will be informed of the reason, and of their right to appeal
  - Where it is practical to do so, ForMission will notify other organisations to whom they have supplied data.
- **Right to restrict processing:** an individual may request the restriction or suppression of their personal data, where ForMission will keep the data but not make use of it
  - This is not an absolute right and only applies in certain circumstances within the definition of the GDPR, and the restriction may be time-limited
  - The request may be made verbally or in writing
  - ForMission will not process the data in question while the request for restriction is being processed
  - The data will be held in a separate file, electronic or paper copy, so that it is not accessible to users
  - Should the right to restriction be agreed, ForMission will notify the individual of the decision and any subsequent action
  - The restriction on processing may be for a limited time, in which case the individual will be notified before it is lifted
  - If ForMission does not agree the request, the individual will be informed of the reason, and of their right to appeal
  - Where it is practical to do so, ForMission will notify other organisations to whom they have supplied data
- **Right of Data Portability:** allowing individuals to obtain their personal data so that they can reuse it for their own purposes.
- **Right to Object:** to their data being processed for direct marketing or for research and statistics.



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### Subject Access Request Form

*Please provide the following information to help us give a timely and accurate response to your enquiry. Please send the completed form and any other documents to the Professional Services Manager, either by email to [HR@formission.org.uk](mailto:HR@formission.org.uk) or by post to: ForMission College, Rowheath Pavilion, Heath Road, Birmingham B30 1HH.*

**PART A** Please enter your details in **block capitals**:

Surname:	Title
Forename(s):	College ID number (if current student/staff):
Address:	Telephone No(s):
Postcode:	Email address:
Relationship to ForMission: Student / Member of Staff / Graduate / Other (please specify)	
Please include photocopies of two forms of identification documentation, such as a birth certificate, Passport, Driving Licence or ID card, along with this request. Failure to provide photocopies of such documentation may delay the progress of your request, as ForMission will not release personal data to you unless we are fully satisfied as to your identity.	
<b>REQUEST:</b>  Please provide a clear description of the information that you are requesting, including, where possible, dates and/or any additional information which will enable us to locate it.	

**PART B Declaration**

*I am the data subject named in Part A of this document and hereby request, ForMission College provide me with a copy of personal information held about me under the provisions of the General Data Protection Regulation 2018*

Signed

Date