

Data Policy, Controls and Management Processes

Introduction

Summit Qualifications UK is committed to safeguarding personal data. Its Privacy Policy explains the data collected and how it is treated in compliance with Data Protection Law and the General Data Protection Regulation (GDPR).

As a responsible Awarding Organisation, EPAO and employer Summit Qualifications UK aims to comply with the General Data Protection Regulation (GDPR) requirements. In doing this Summit Qualifications UK aims to process all personal data lawfully, fairly and in a transparent manner.

This document is provided to Summit Qualifications UK staff and contractors, where relevant, to guide them on GDPR and Summit Qualifications UK processes.

GDPR provides the following rights for individuals:

- The right to be informed
- The right of access
- The right to rectification
- The right to erasure
- The right to restrict processing
- The right to data portability
- The right to object
- Rights in relation to automated decision making and profiling.

Summit Qualifications UK staff responsibilities

Summit Qualifications UK, its staff and where applicable its contractors must comply with the GDPR and to support this:

- Individuals must be trained and understand their responsibilities.
- Summit Qualifications UK must respond to data access requests.
- Summit Qualifications UK must act to prevent any breach and protect data. Deliberate, or negligent actions that lead to breach will be taken seriously and can lead to disciplinary action.



- Summit Qualifications UK will provide guidance on data security. This includes BYOD (bring your own device) guidance where staff or third parties use personal smart phones, tablets or laptops to store data.
- Summit Qualifications UK will make sure data is retained only for the timescale specified.

Summit Qualifications UK Centre responsibilities

Summit Qualifications UK Centres have responsibilities under GDPR too. Centres specifically agree to:

- Have a Privacy Policy that outlines the data collected and for what purpose, and the protection afforded to that personal data; also, a data access process, data breach policy and named data compliance officer.
- Respond to any data access requests.
- Make sure Learners know what data will be passed to Summit Qualifications UK, including:
 - To identify an individual Learner.
 - For administration purposes relating to the qualification the Learner has registered for.
 - To provide a certificate on successful completion of the qualification.
 - For administering or advising on Special Considerations, Reasonable Adjustments, Appeals or Complaints.
- To allow Summit Qualifications UK to contact the Learner on relevant matters including their training and certification.
- To allow the Centre to meet its contractual requirements to Summit Qualifications UK and Learners.
- To allow Summit Qualifications UK to monitor the quality of the Centre's operations.
- To allow Summit Qualifications UK to inform Learners about relevant products or services.
- To allow Summit Qualifications UK to report to regulators, funding agencies or relevant bodies as required in law.
- To allow relevant statistical analysis.
- Any legitimate interest that Summit Qualifications UK will advise the Centre about.

Dealing with a Subject Access Request

If an individual wants to see what personal data Summit Qualifications UK may hold on them they should contact the AO Manager. They must provide evidence to enable Summit Qualifications UK to verify their identity. We have a duty to respond within 30 days of a request. Summit Qualifications UK's AO Manager will arrange for all data to be collated so that it is made available to the person requesting it.

Summit Qualifications UK may choose not to respond to requests to data access where they are manifestly unfounded or excessive, and in particular where they are repetitive, in these cases Summit Qualifications UK will be within its rights to:

- Charge a reasonable fee considering the administrative costs of providing the information; or
- Refuse to respond.

Where Summit Qualifications UK refuse to respond to a request, it will explain why this is the case and inform them of their right to complain to the ICO and to a judicial remedy. Summit Qualifications UK's AO Manager will take any decisions around data access requests and manage the process.

Dealing with incomplete or incorrect personal data

The GDPR allows a right for individuals to have inaccurate personal data rectified or completed if it is incomplete. Summit Qualifications UK must respond to any such request:

- Where an individual makes a request for rectification, verbally or in writing, and
- Do this within 30 days.

Summit Qualifications UK's AO Manager will manage this process.

Right to data erasure

Individuals have the right to have their data erased. Summit Qualifications UK must respond to any such request:

- If an individual makes this verbally, or in writing and
- Do this within 30 days.

However, this right is not absolute and only applies in certain circumstances. Summit Qualifications UK's AO Manager will manage this process and be responsible for taking any decisions on non-erasure of data.

Security

The GDPR requires the Summit Qualifications UK to take suitable security measures, at a level appropriate to the risk.

Summit Qualifications UK requires personal data to be held:

- Securely on its systems by requiring secure access logins;
- On encrypted files, where transferred by email; or
- In locked, secure cabinets in the case of hard copy data.



All staff and contractors where relevant must follow these requirements for data security. Advice or guidance on data security should be sought from the AO Manager.

Data retention periods

Personal data must only be kept where it is legitimate to do so. Summit Qualifications UK has in place time frames within which data may be kept, please see the table in Appended to this document. Where personal data falls outside of these requirements it must be deleted. Summit Qualifications UK's AO Manager will regularly remind staff and where relevant contractors of this obligation and ask them to clean down records, as appropriate.

Data Breach

Please refer to the Summit Qualifications UK's separate policy and process on this matter.

Data Compliance Officer (DCO)

Summit Qualifications UK's DCO is its Legal Adviser. The DCO role will include providing advice on the GDPR, monitoring compliance and training staff. These duties may be done in collaboration with third-parties or delegated to professional advisers and experts.

Summit Qualifications UK's DCO reports to the Managing Director on these matters.

Minimum Retention Periods for Records Containing Personal Data

Type of Record	Retention Period	Reason for Length of Period
Learner registration	3 years after the qualification is completed	Processing any queries; requirement to contact in the case of any legacy malpractice
Learner achievements/certification record	In perpetuity	Replacement certificates; authenticating achievement
Centre staff records	3 years after data subject ceases to be on staff 5 years for data relating to proven malpractice Data may be held in perpetuity in cases of proven serious malpractice	May be required for professional reference Potential litigation Potential litigation
Personnel files, including training records, notes of disciplinary and grievance hearings, and appraisal forms	6 years from end of employment Some data relating to proven serious malpractice may be held in perpetuity	References and potential litigation Selected material may form part of the Institute Archive
Letters of reference	6 years from end of employment, by the author of the reference letter	References and potential litigation
Application forms/interview notes	At least 6 months from the date of the interviews	Time limits on litigation
Facts relating to redundancies where fewer than 20 redundancies	6 years from the date of redundancy	As above
Facts relating to redundancies where more than 20 redundancies	12 years from the date of redundancies	Limitation Act 1980
Income Tax and NI returns including correspondence with tax office	At least 3 years after the end of the financial year the records relate to	Income Tax Employment Regulations 1993

Type of Record	Retention Period Record	Reason for Length of Period
Statutory Maternity pay records and calculations	At least 3 years after the end of the financial year the records relate to	Statutory Maternity Pay (General) Regulations 1986
Statutory sick pay records and calculations	As above	Statutory Sick Pay (General) Regulations 1982
Wages and salary records	6 years from end of employment	Taxes Management Act 1970
Accident books and records and reports of accidents	3 years after the date of the last entry	Social Security (Claims and Payments) Regulations 1979, RIDDOR 1985
Health Records	During period of employment	Management of Health and Safety at Work Regulations
Health records where reason of termination of employment is connected with health including stress related illnesses	3 years	Limitation Period for personal injury claims
Medical records kept by reasons of the Substances Hazardous to Health Regulations 1999	40 years	The Control of Substances Hazardous to Health Regulations 1999