



NMITE Data Protection Policy 2021/22

(incorporating General Data Protection Regulations 2018)

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Introduction

- 1.1 NMITE aims to create trust and commitment with our employees and all colleagues within the new organisation and is committed to being transparent about how it collects and uses the personal data of its workforce, and to meeting its data protection obligations. This policy sets out the organisation's commitment to data protection, and individual rights and obligations in relation to personal data.
- 1.2 This policy applies to the personal data of NMITE employees, job applicants, workers, contractors, volunteers, interns, apprentices and former employees, (referred to as HR-related personal data), and all personal data relating to any of NMITE's supporters, donors, enquirers, visitors and prospective applicants.
- 1.3 NMITE has appointed James Newby, Chief Operating Officer as the person with responsibility for Data Protection/GDPR compliance within the organisation. He can be contacted at DPO@nmite.ac.uk. Questions about this policy, or requests for further information, should be directed to him.



Definitions

"Personal data" is any information that relates to an individual who can be identified from that information. Processing is any use that is made of data, including collecting, storing, amending, disclosing, or destroying it.

"Special categories of personal data" means information about an individual's racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, health, sex life or sexual orientation and biometric data.

"Criminal records data" means information about an individual's criminal convictions and offences, and information relating to criminal allegations and proceedings.

Data Protection Principles

- 3.1 NMITE processes HR-related personal data in accordance with the following data protection principles:
 - i. NMITE processes personal data lawfully, fairly and in a transparent manner.
 - ii. NMITE collects personal data only for specified, explicit and legitimate purposes.
 - iii. NMITE processes personal data only where it is adequate, relevant, and limited to what is necessary for the purposes of processing.
 - iv. NMITE keeps accurate personal data and takes all reasonable steps to ensure that inaccurate personal data is rectified or deleted without delay.
 - v. NMITE keeps personal data only for the period necessary for processing.
 - vi. NMITE adopts appropriate measures to make sure that personal data is secure and protected against unauthorised or unlawful processing, and accidental loss, destruction, or damage.
- 3.2 NMITE tells all categories of individuals the reasons for processing their personal data, how it uses such data and the legal basis for processing in its respective Privacy Notices. It will not process personal data of individuals for other reasons.
- 3.3 Where NMITE processes special categories of personal data or criminal records data to perform obligations or to exercise rights in employment law, this is done in accordance with a policy on special categories of data and criminal records data.
- 3.4 NMITE will update all personal data promptly if an individual advises that their information has changed or is inaccurate.
- 3.5 Personal data gathered during any interaction with NMITE is held in the individual's personnel file (in hard copy and/or electronic format and/or HR systems in relation to HR-related personal data), The periods for which NMITE holds any types of personal data are contained in its privacy notices to individuals.
- 3.6 NMITE keeps a record of its processing activities in respect of personal data in accordance with the requirements of the General Data Protection Regulations (GDPR).



Individual rights

As a data subject, individuals have a number of rights in relation to their personal data.

4.1 Subject Access Requests

- 4.1.1 Individuals have the right to make a subject access request. If an individual makes a subject access request, NMITE will tell them:
- i. whether or not their data is processed and if so why, the categories of personal data concerned and the source of the data if it is not collected from the individual;
 - ii. to whom their data is or may be disclosed, and the safeguards that apply to such transfers;
 - iii. for how long their personal data is stored (or how that period is decided);
 - iv. their rights to rectification or erasure of data, or to restrict or object to processing;
 - v. their right to complain to the Information Commissioner if they think NMITE has failed to comply with their data protection rights; and
 - vi. whether or not NMITE carries out automated decision-making and the logic involved in any such decision-making.
- 4.1.2 NMITE will also provide the individual with a copy of the personal data undergoing processing. This will normally be in electronic form if the individual has made a request electronically unless they agree otherwise.
- 4.1.3 To make a Subject Access Request, the individual should send the request, providing as much information as possible, and ideally via the pro forma provided as Appendix 1 to this Policy, to DPO@nmite.ac.uk
- 4.1.4 In all cases, NMITE will ask for proof of identification before the request can be processed. NMITE will inform the individual what is required to verify their identity and the documents it requires.
- 4.1.5 NMITE must provide the information requested without delay and at the latest within one calendar month, from the first day after the request was received. In exceptional cases, such as where NMITE processes large amounts of the individual's data, it may respond within three months of the date the request is received. In this situation NMITE must write to the individual within one month of receiving the original request to tell them if this is the case.
- 4.1.6 If a Subject Access Request is manifestly unfounded or excessive, NMITE is not obliged to comply with it. Alternatively, NMITE can agree to respond but will charge a fee, which will be based on the administrative cost of responding to the request. A subject access request is likely to be manifestly unfounded or excessive where it repeats a request to which NMITE has already responded.

4.2 Other rights

- 4.2.1 Individuals have a number of other rights in relation to their personal data. They can require NMITE to:



- i. rectify inaccurate data;
 - ii. stop processing or erase data that is no longer necessary for the purposes of processing;
 - iii. stop processing or erase data if the individual's interests override the organisation's legitimate grounds for processing data (where NMITE relies on its legitimate interests as a reason for processing data);
 - iv. stop processing or erase data if processing is unlawful;
 - v. and,
 - vi. stop processing data for a period if data is inaccurate or if there is a dispute about whether or not the individual's interests override the organisation's legitimate grounds for processing data.
- 4.2.2 To ask NMITE to take any of these steps, the individual should send their request to DPO@nmite.ac.uk

Data Security

- 5.1 NMITE takes the security of all personal data very seriously. NMITE has internal practices in place to protect personal data against loss, accidental destruction, misuse, or disclosure, and to ensure that data is not accessed, except by appropriate employees in the proper performance of their duties.
- 5.2 Where NMITE engages third parties to process personal data on its behalf, such parties do so on the basis of written instructions, are under a duty of confidentiality and are obliged to implement appropriate technical and organisational measures to ensure the security of data.

Impact Assessments

Some of the processing that NMITE carries out may result in risks to privacy. Where processing would result in a high risk to individual's rights and freedoms, NMITE will carry out a Data Protection Impact Assessment to determine the necessity and proportionality of processing. This will include considering the purposes for which the activity is carried out, the risks for individuals and the measures that can be put in place to mitigate those risks.

Data Breaches

- 7.1 If NMITE discovers that there has been a breach regarding any personal data that poses a risk to the rights of individuals, it will report it to the Information Commissioner (ICO) within 72 hours of discovery. NMITE will tell affected individuals that there has been a breach and provide them with information about its likely consequences and the mitigation measures it has taken. The Academic Registrar is the registered contact with the ICO for NMITE.
- 7.2 Any individual associated with NMITE in any capacity who believes there may have been a Data Breach must contact the Data Protection Officer immediately, DPO@nmite.ac.uk



7.3 Further details about NMITE's security procedures can be found in its IT and Data Security Policy.

Individual Responsibilities

- 8.1 Individuals are responsible for helping NMITE keep their personal data up to date. Individuals should let NMITE know as soon as practicable if data provided to NMITE changes, for example if an individual moves house or changes their bank details.
- 8.2 Individuals may have access to the personal data of other individuals in the course of their employment, contract, volunteer period, internship, or apprenticeship, and they are instructed to comply with all of the following requirements:
- i. to access only data that, they have authority to access and only for authorised purposes;
 - ii. not to disclose data except to individuals (whether inside or outside the organisation) who have appropriate authorisation;
 - iii. to keep data secure (for example by complying with rules on access to premises, computer access, including password protection, and secure file storage and destruction);
 - iv. not to remove personal data, or devices containing or that can be used to access personal data, from the organisation's premises without adopting appropriate security measures (such as encryption or password protection) to secure the data and the device;
 - v. to report any concerns regarding data security to the Academic Registrar immediately; and,
 - vi. not to store personal data on local drives or on personal devices that are used for work purposes.
- 8.3 Please note: Failure to observe these requirements may amount to a disciplinary offence, which will be dealt with under NMITE's disciplinary procedures. Significant or deliberate breaches of this policy, such as accessing data without authorisation or a legitimate reason to do so, may constitute gross misconduct and could lead to dismissal without notice.

Freedom of Information

For details regarding making a Freedom of Information Request to NMITE please refer to NMITE's Freedom of Information Policy.



Appendix 1 - Subject Access Request Pro Forma

[Your full address]

[Phone number]

[The date]

Data Protection Lead

NMITE

To whom it may concern

Subject Access Request

[Your full name and address and any other details to help identify you and the data you want.]

Please supply the data about me that I am entitled to under data protection law relating to: [give specific details of the data you want]

For example:

- my personnel file
- emails between 'person A' and 'person B' (eg; from 1 June 2017 to 1 Sept 2017)
- my records (between xxxx and xxxx) held by NMITE
- CCTV camera situated at ('location E') on (insert date) between (insert times)

If you need any more data from me, please let me know as soon as possible.

Yours faithfully

[Signature]



Appendix 2 - SAR Response Letter Template

[Recipient's name]

[Recipient's address]

[Recipient's town]

[Recipient's postcode]

[Date]

Dear [Individual's Name]

Thank you for your email on [date], making a request for your personal data. We confirm that we process the following information about you:

[List categories of personal data.]

We process this information to *[specify the purposes for processing]*.

This data was obtained from *[specify any third party from whom data was obtained, e.g. external benefit provider]*.

Your information is shared internally with *[WHO HAS ACCESS]* and we do not transfer your data to countries outside the United Kingdom.

We will hold your personal data for *[set out various retention schedule]*.

As a data subject, you have a number of additional rights in relation to your data. You can:

- require us to change incorrect or incomplete data;
- require us to delete or stop processing your data in certain circumstances, for example where the data is no longer necessary for the purposes of processing; and
- object to the processing of your data where the organisation relies on its legitimate interests as the legal ground for processing.

If you would like to exercise any of these rights, please contact our Data Protection Officer at DPO@nmite.ac.uk or telephone 01432 371111

If you believe that the organisation has not complied with your data protection rights, you can complain to the Information Commissioner (www.ico.org.uk).

We enclose a copy of the information requested *[provide information on format and any security features]*.



Please note that, as the information that you have requested includes personal information relating to third parties, we have redacted this to protect their identities.

To confirm, the files included are:

[List files.]

We trust that this responds sufficiently to your subject access request.

Yours sincerely

Name

Position