

Tutor Aim Data Protection Policy

Statement of intent

Tutor Aim is required to keep and process certain information about its tutees, parents/carers of tutees and other third parties in accordance with its legal obligations under the EU General Data Protection Regulation (GDPR). Tutor Aim is a sole trader education business with its owner David Caddies the only employee.

The “legitimate interests” lawful basis is the basis for Tutor Aim processing data under GDPR for tutees and parents /carers / representatives.

- We collect and use your personal data only for the legitimate reasons that we are entitled to by the nature of our business, so that we can communicate with tutees, parents/carers/representatives to give the best possible tutoring and educational services.
- If there is any other reason why it is in our legitimate interest to share your information, we are entitled to do so. This includes circumstances where we have a signed contract or agreement with you or if it is our legal duty to pass on the information, such as child protection and safeguarding.

This policy is in place to ensure any staff are aware of their responsibilities and outlines how Tutor Aim complies with the following core principles of the EU GDPR.

1. GDPR Definitions:

1.1. Data Controller

Like the existing Data Protection Act 1998 (DPA), the GDPR applies to Data Controllers who process personal data. So first, who is the Data Controller? This is a person who decides the purpose for which any personal data is to be processed and the way in which it is to be processed. This can be decided by one person alone or jointly with other people. David Caddies is the Data Controller.

1.2. Data Processor

Unlike the DPA, the GDPR introduces specific responsibilities for the Data Processor. These are third parties that process data on behalf of the Data Controller and includes IT service providers.

(An employee of a company that decides what and how personal data is to be processed is a Data Controller, not a Data Processor.)

1.3. Personal Data

The GDPR has a broader definition of what constitutes personal data than the DPA, by incorporating reference to identifiers such as name, identification numbers, IP address and location. Each person to which the personal data refers is known as a **Data Subject**.

1.4. Sensitive Personal Data

Again, the GDPR definition of sensitive personal data is slightly broader than under the DPA. The main addition is biometric data, for the purposes of uniquely identifying a person. Actually, the GDPR talks about a special category of personal data rather than sensitive personal data but the definition is almost the same. The table below illustrates what is sensitive and what isn't, and what isn't personal data:

Not Personal Data	Personal Data	Sensitive Personal Data
Address without a name	Name and address	Racial or ethnic origin
A generic email address such as info@helpIT.com	Personal email address	Political opinions
A receipt with date, time, last 4 digits of credit card number but no name or email address	Name and last 4 digits of credit card number	Religious beliefs
Corporate accounts with summary payroll data	Pay records with gender and age even if without a name	Sexual preferences
Company name and website	A web cookie	Biometric information

Tutor Aim collects the names of tutees, their parents/carers/designated adult, all parties addressed and email addresses and telephone numbers. Tutor Aim does not ordinarily hold sensitive personal data unless this is exceptionally required to meet legal requirements. David Caddies is registered as a person of interest with the Information Commissioner's Office to comply with GDPR requirements.

2. Legal framework

2.1. This policy has due regard to legislation, including, but not limited to the following:

The General Data Protection Regulation (GDPR), The Freedom of Information Act 2000, The Education (Pupil Information) (England) Regulations 2005 (as amended in 2016), The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004

2.2. This policy will also have regard to the following guidance:

Information Commissioner's Office (2018) 'Overview of the General Data Protection Regulation (GDPR)', Information Commissioner's Office (2018) 'Preparing for the General Data Protection Regulation (GDPR) 12 steps to take now'

2.3. This policy will be implemented in conjunction with the following Tutor Aim policies/document - Tutor Aim Privacy Notice.

3. Sources

For the purposes of Tutor Aim's business, personal or sensitive information may derive from various sources, such as:

- ☐ Potential and prospective employees.
- ☐ Referees.
- ☐ Tutee records
- ☐ professional partners.

2. Principles

2.1. In accordance with the requirements outlined in the GDPR, personal data will be:

- Processed lawfully, fairly and in a transparent manner in relation to individuals.
- Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes.
- Processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

2.2. The GDPR also requires that "the controller shall be responsible for, and able to demonstrate, compliance with the principles".

3. Data protection officer (DPO)

3.1. Given this is a sole trader business with the owner as the only employee after careful assessment of the Data Protection Officer criteria, there is no requirement to appoint a DPO.

4. Lawful processing

4.1. The legal basis for processing data will be identified and documented prior to data being processed.

4.2. Under the GDPR, data will be lawfully processed under the following conditions:

- The "legitimate interests" lawful basis for processing data for tutees and parents/carers/representatives.
- Processing is necessary for Tutor Aim to contact and communicate with tutees and parents/carers/representatives and where we have a legal duty to pass on information such as to ensure child protection and safeguarding.

5. Data breaches

- 5.1. The term 'personal data breach' refers to a breach of security which has led to the destruction, loss, alteration, unauthorised disclosure of, or access to, personal data.
- 5.2. Where a breach is likely to result in a risk to the rights and freedoms of individuals, the relevant supervisory authority will be informed.
- 5.3. All notifiable breaches will be reported to the trustee responsible for Data Protection and the relevant supervisory authority within 72 hours of Tutor Aim becoming aware of it.
- 5.4. The risk of the breach having a detrimental effect on the individual, and the need to notify the relevant supervisory authority, will be assessed on a case-by-case basis.

6. Data security

- 6.1. Confidential paper records will be kept in a locked filing cabinet, drawer or safe, with restricted access.
- 6.2. Confidential paper records will not be left unattended or in clear view anywhere with general access.
- 6.3. Digital data is coded, encrypted or password-protected, both on a local hard drive and on a network drive that is regularly backed up off-site.
- 6.4. Where data is saved on removable storage or a portable device, the device will be kept in a locked filing cabinet, drawer or safe when not in use.
- 6.5. Memory sticks will not be used to hold personal information unless they are password-protected and fully encrypted.
- 6.6. All electronic devices are password-protected to protect the information on the device in case of theft.
- 6.7. Under no circumstances are visitors allowed access to confidential or personal information. Visitors to areas of Tutor Aim containing sensitive information are supervised at all times.
- 6.8. The physical security of Tutor Aim's building and storage systems, and access to them, is reviewed on a yearly basis. If an increased risk in vandalism/burglary/theft is identified, extra measures to secure data storage will be put in place.
- 6.9. Tutor Aim takes its duties under the GDPR seriously and any unauthorised disclosure may result in disciplinary action.

7. Publication of information

- 7.1. Tutor Aim publishes a publication scheme on its website outlining classes of information that will be made routinely available, including:
 - Policies and procedures.
- 7.2. Classes of information specified in the publication scheme are made available quickly and

easily on request.

7.3. Tutor Aim will not publish any personal information, including photos, on its website without the permission of the affected individual.

7.4. When uploading information to Tutor Aim website, staff are considerate of any metadata or deletions which could be accessed in documents and images on the site.

8. Videos and photography

8.1. Tutor Aim understands that recording images of identifiable individuals constitutes as processing personal information, so it is done in line with data protection principles.

8.2. Tutor Aim will always indicate its intentions for taking photographs of pupils and tutors and will retrieve permission before publishing them.

8.3. If Tutor Aim wishes to use images/video footage of pupils in a publication, such as Tutor Aim website, written permission will be sought for the particular usage from the parent of the pupil.

9. Online Classroom Recording

9.1. Tutor Aim understands that recording images of identifiable individuals constitutes processing personal information, and requires written consent from the parents of under 18 student and the student / the student if aged 18 or above. Please see Appendix 1 – Written Consent Form.

9.2. From 17th January 2022 it is assumed that online classroom recording does not occur unless written permission is provided as required in 9.1

10. Data retention

10.1. Data will not be kept for longer than is necessary and in-line with relevant legislation. All data retained will be reviewed annually.

10.2. Unrequired data will be deleted as soon as practicable.

10.3. Paper documents will be shredded or pulped, and electronic memories scrubbed clean or destroyed, once the data should no longer be retained.

11. Policy review

11.1. This policy is reviewed annually by the owner

11.2. The next scheduled review date for this policy is December 2022.

For further information on the GDPR Act, please contact:

Tel: 07896 049844

Email: enquiries@tutoraim.co.uk

David Caddies

24/01/2024

Online Classroom Recording Consent Form

Tutor Aim requires written consent for online classroom recording.

Mutually agreed lesson recordings are made available upon request to the client subject to the following conditions:

- a) The recording is viewed and used only by the client and not shared with others, and the recordings are not sold on to others
- b) David Caddies retains the Intellectual Property Rights for the recording
- c) Unless otherwise agreed in writing, the recordings are only retained for three months.

Student Name _____

Student Date of Birth _____

Student signature _____

Date _____

Parent / Carer Name _____

Parent signature (if the student is under 18) _____

Date _____