

Data Protection Policy

Date of issue:	January 2020
-----------------------	---------------------

Introduction and Scope

1. Berkshire Maestros ("Maestros") is required to process relevant personal data of staff, pupils and their parents /carers as part of its operation and shall take all reasonable steps to do so in accordance with this policy. In this policy any reference to staff or pupils includes current, past or prospective staff or pupils. The Director of Business Operations is the Data Protection Officer who will try to ensure that all personal data is processed in compliance with this policy and the principles of data protection legislation.
2. Maestros collects and processes personal data relating to our current, past and prospective workforce. We recognise the need to treat that information in an appropriate and lawful manner and are committed to protecting the privacy and security of individuals' personal data. This policy sets out how Maestros handles our staff's personal data and complies with our data protection obligations. It also sets out individuals' rights and obligations in relation to the processing of personal data whilst working for or on behalf of Maestros. Therefore you must read, understand and comply with this policy and any related policies, operating procedures or processes and attend any required training on its requirements.
3. This policy applies to the personal data of current and former employees, workers and contractors and job applicants. This policy does not apply to the personal data of customers, clients or suppliers or other personal data processed for business purposes.
4. This policy does not form part of any employee's contract of employment and may be amended at any time. It applies to all staff, including employees, workers and contractors. Any breach of this policy will be taken seriously and may result in disciplinary action.
5. The Director of Business Operations has overall responsibility for the effective operation of this policy and for ensuring that Maestros implements appropriate practices, processes, controls and training to ensure such compliance. All staff operating at management level have a responsibility to set an appropriate standard of behaviour and to lead by example. They should ensure those they manage adhere to this policy and receive appropriate training to ensure such compliance. Maestros has appointed the Director of Business Operations as the person with responsibility for overseeing this policy. Questions about this policy, or requests for further information, should be directed to Human Resources in the first instance.

Definitions

6. "Personal data" is any information that relates to a living individual who can be identified from that data (or from that data and other information in our possession). It accordingly excludes anonymous data. Personal data can be factual or it can be an opinion.
7. "Processing" is any activity that involves use of personal data whether or not by automated means, including collecting, storing, amending, disclosing or destroying it.
8. "Special categories of personal data" means information about an individual's racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, physical or mental health, sex life or sexual orientation, genetic data and biometric data.
9. "Criminal records data" means information about an individual's criminal convictions and offences, and information relating to criminal allegations and proceedings.

Data Protection Principles

10. When processing personal data Maestros will comply with the following data protection principles:
 - a. Maestros processes personal data lawfully, fairly and in a transparent manner;
 - b. Maestros collects personal data only for specified, explicit and legitimate purposes and will not further process that data in a manner incompatible with those purposes;
 - c. personal data processed by Maestros will be adequate, relevant and limited to what is necessary for the purposes for which it is processed;
 - d. Maestros keeps accurate personal data that, where necessary, is kept up to date and takes all reasonable steps to ensure that inaccurate personal data is rectified or deleted without delay;
 - e. Maestros ensures personal data is not kept in a form which permits identification of the individual for any longer than is necessary for the purposes for which it is processed; and
 - f. Maestros ensures personal data is processed in a manner that ensures appropriate security of the data. It adopts appropriate measures to make sure that personal data is protected against unauthorised or unlawful processing, and accidental loss, destruction or damage.
11. Where Maestros processes special categories of personal data or criminal records data. This is done in accordance with our separate Safeguarding policy on processing this type of data and ensures appropriate additional safeguards are in place in compliance with Maestros' data protection obligations
12. Maestros has a privacy notice in place to relevant individuals informing them about their rights, how it complies with its data protection obligations, how it collects and uses personal data, the reasons for processing personal data and the legal basis for any such processing. Maestros will only use personal information for the purposes for which it was collected, unless it reasonably considers that it needs to use it for another reason and that reason is compatible with the original purpose. If Maestros needs to use personal information for an unrelated purpose, it will notify the relevant individuals and explain the legal basis which allows it to do so.

13. Maestros holds personal data gathered during the employment, worker or contractor relationship in an employee's personnel file (employees only) in hard copy and/or electronic format, in Maestros' HR management systems and in other IT systems, including Pegasus and Speedadmin. The periods for which Maestros holds personal data are contained in our privacy notice which are available from the Maestros website.
14. Maestros shall maintain appropriate records of the processing activities for which it is responsible in accordance with the requirements of the General Data Protection Regulation (GDPR).
15. Maestros will provide appropriate training to all individuals about their data protection responsibilities. The level of training will reflect their role's access to personal data and responsibility for implementing this policy.

Data Security

16. Maestros has appropriate technical and organisational measures and safeguards in place to prevent unauthorised or unlawful processing, to prevent personal data from being lost, accidentally destroyed, misused or disclosed, and to ensure that it is not accessed except by our Maestros' employees and other staff when necessary in the proper performance of their duties. We will regularly evaluate and test the effectiveness of these measures and safeguards.

Third Parties

17. Where Maestros engages third parties to process personal data on its behalf, Maestros will ensure the third party provides adequate guarantees in terms of data security standards, policies, procedures, security measures in place, reliability and resources to implement appropriate technical and organisational measures to ensure personal data is processed in accordance with both companies' data protection obligations. It will have in place a contract or other legal arrangement with the third party setting out the type of personal data that will be processed, the duration of the processing, the nature and purposes of the processing, the categories of data subjects, the obligations and rights of Maestros, the specific tasks and responsibilities of the third party and the requirements around returning or deleting the personal data after completion of the contract.

Impact Assessments

18. When appropriate, including where processing is likely to result in a high risk to an individual's rights and freedoms and in the event of all major system or business change programs involving the processing of personal data, Maestros will carry out a data protection impact assessment to determine the necessity and proportionality of processing. This will include a description of the processing, its purposes, Maestros' legitimate interests if appropriate, an assessment of the risks for individuals and the measures put in place to mitigate those risks. Where the impact assessment indicates the processing involves a high risk that cannot be mitigated by appropriate measures in terms of available technology and costs of implementation we shall consult the supervisory authority prior to the processing.

Data Breaches

19. If Maestros discovers that there has been a personal data breach that poses a risk to the rights and freedoms of individuals, we shall report it to the Information Commissioner's Office without undue delay and, where feasible, within 72 hours of discovery. This will

include any act or omission that compromises the security, confidentiality, integrity or availability of personal data or the safeguards that Maestros or a third party has put in place to protect it that poses a risk to the rights and freedoms of individuals. Maestros will record all data breaches.

20. Where appropriate and if the breach is likely to result in a high risk to the rights and freedoms of individuals, we will tell affected individuals without undue delay that there has been a breach and provide them with information about its likely consequences and the mitigation measures we have taken.

Data Subjects' Rights

21. Individuals have a number of rights in relation to their personal data. They have the right to:
- a. access and obtain a copy of the personal data we hold about them on request (also known as a subject access request);
 - b. require Maestros to correct inaccurate or incomplete personal data;
 - c. require Maestros to delete or stop processing their personal data where there is no good reason for Maestros continuing to process it or where they have exercised their right to object to processing (see below);
 - d. object to the processing of their personal data where Maestros is relying on its legitimate interests (or those of a third party) as the legal ground for processing; and
 - e. request the restriction of processing of their personal data. This enables them to ask Maestros to suspend the processing of their personal data, for example if they want Maestros to establish its accuracy or the reason for processing it.
 - f. require Maestros to not use automated processing with personal data.
22. To ask Maestros to take any of these steps, the individual should send the request to the Director of Business Operations on 0118 901 2372
23. In some cases, Maestros may need to ask for proof of identification and/or require the individual to specify the information or processing activities to which the request relates before a request can be processed.
24. Maestros will normally respond to a request within one month from the date the request is received. However, in some cases, such as where Maestros processes large amounts of the individual's personal data, it may respond within three months of the date the request is received. Maestros will write to the individual within one month of receiving the original request to tell him/her if this is the case.
25. If Maestros receives a subject access request it will provide the individual with a copy of the personal data requested. This will normally be in electronic form if the individual has made a request electronically, unless he/she agrees otherwise. If the individual wants additional copies, Maestros may charge a reasonable fee.
26. If a subject access request is manifestly unfounded or excessive, Maestros is not obliged to comply with it. An individual will not normally have to pay a fee to access their personal information or to exercise any of the other rights listed above. However Maestros may charge a reasonable fee if a subject access request is clearly unfounded or excessive. A subject access request is likely to be manifestly unfounded or excessive

where it repeats a request to which Maestros has already responded. If an individual submits a request that is unfounded or excessive, Maestros will notify him/her that this is the case and whether or not it will respond to it.

27. Maestros will update personal data promptly if an individual advises that his/her information has changed or is inaccurate.
28. If an individual believes that Maestros has not complied with their data protection rights, they have the right to complain at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues.

Obligations on Staff

29. When working for or on behalf of Maestros all employees, workers and contractors must:
- a. comply with Maestros' commitments set out in this policy when processing personal data;
 - b. promptly attend training sessions regarding data protection and data security as requested by Maestros and ensure any team members for which you have management responsibility have attended appropriate training dependent on their role;
 - c. process personal data on a need to know basis and for authorised and lawful purposes in accordance with the relevant privacy notices only;
 - d. ensure that prior to transferring data to a third party or outside the European Economic Area there are adequate security measures in place in compliance with the relevant restrictions set out in this policy.
 - e. ensure that when personal data is no longer needed for specified purposes it is deleted or anonymised in accordance with Maestros' privacy notice.
 - f. comply with your obligations of confidentiality and Maestros' information security measures, policies and procedures as put in place from time to time, including those relating to data security, password protection and encryption, use of and access to Maestros' IT and communications systems, access to premises, use of personal devices for work purposes and use of removable storage devices;
 - g. notify the Director of Business Operations or the Chief Executive immediately in the event you become aware of or suspect there has been a personal data breach such as data being shared with parties who should not have access to confidential data.
 - h. notify the Director of Business Operations or the Chief Executive immediately in the event you receive a request from an individual exercising their data subjects' rights detailed above. You must not disclose personal data requested without having first verified that person's identity.
30. Employees, workers and contractors are responsible for helping Maestros keep their personal data up to date. You should let Maestros know if personal data you have provided changes, for example if you move house or change your bank account details.

https://www.berkshiremaestros.org.uk/downloads/BM_Privacy_Policy_May2018.pdf