

1.1 Introduction

This policy explains how Xact collects, manages and shares personal data i.e. how we process personal data.

We only process personal data where one of the following conditions has been met:

- a) The individual (Data Subject) has given their consent
- b) It is necessary for the performance of a contract with the Data Subject
- c) It is in the Data Subject's interest
- d) It is necessary for administration of justice
- e) A legal obligation exists
- f) The benefits are for the legitimate interests of the company and do not outweigh any detriment to the individual

1.2 Definitions

Data Controller: Determines why and how we will process personal data

Data Processing: Act of lawfully collecting personal data for our business activities e.g. types of data we collect; purpose we collect; from whom we collect; what, when and who to share data collected; responding to requests; when to amend data; how long to retain data; etc.

Data Processor: Responsible for processing personal data on behalf of the Data Controller

Data Protection Officer: Responsible for this policy and compliance with Data Protection Act

Data Subject: Living individual about whom we collect personal data

ICO: Information Commissioner's Office, the Regulator of personal data

Individual: Those receiving our services e.g. apprenticeship training, end point assessment, courses, assessment, RPL, mentoring, learning support, qualifications, CPD activities etc.

Ofqual: The Office of Qualifications and Examinations Regulation (Ofqual) regulates qualifications, examinations and assessments in England. Ofqual is a non-ministerial department.

Ofsted: Office for Standards in Education, Children's Services and Skills, a non-ministerial department of the UK government

Personal Data: Information that relates to an identified or identifiable individual directly or indirectly e.g. name, email, telephone number

Personal Data Breach: A confirmed incident in which sensitive, confidential or otherwise protected data has been accessed and/or disclosed in an unauthorised manner

Sensitive Personal Data: Information regarding racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, genetic data, biometric data, health data or data concerning a natural person's sex life or sexual orientation

Note: Also referred to as: Special Category Personal Data

Staff: Employee, agency worker, contractor, sole trader, volunteer e.g. manager, supervisor, administrator, tutor, assessor, mentor, internal quality assurer, end point assessor, work experience etc.

Xact: Xact Consultancy & Training Limited and Xact Training Limited trading as Xact Assessment

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XLE: Xact Learning Environment, a secure area of our website for learning support e.g. guidance documents, pre-course and course material, portfolio submissions, assessments etc

1.3 Scope

This policy applies to all staff, Data Controllers, Data Processors, Managers, individuals and others who process personal and sensitive personal data as part of Xact's business activities.

1.4 General Principles

Xact complies with the principles of good information handling, including:

- a) Processing personal data fairly and lawfully
- b) Only processing personal data necessary to conduct our business activities
- c) Taking reasonable steps to ensure personal data is accurate and current
- d) Taking reasonable steps to ensure personal data is processed and stored securely
- e) Keeping personal data only for as long as appropriate
- f) Not transferring personal data outside Xact without adequate protection and just cause

1.5 Compliance

Xact complies with the Data Protection Act 2018 (DPA 2018) and the General Data Protection Regulation (GDPR) which is regulated by the ICO.

Xact is registered with the Information Commissioner for the types of information it holds and the purposes for which it processes personal data. Our registration numbers are:

- a) Xact Consultancy and Training Limited: Z9001396
- b) Xact Assessment: ZB357215

1.6 Staff Training

To insure we process data appropriately, all staff receive training on data protection and security awareness.

1.7 Data Subject: Complaints and Requests

Data subjects have a number of rights with regards to personal data we process about them. See Section 6. Data Subject Requests and 7. Data Subject Complaints.

1.8 DPIA: Data Protection Impact Assessment

We conduct Data Protection Impact Assessments to identify and minimise the data protection risks of our activities.

1.9 ADM: Automated Decision Making

Xact does not use any automated methods in the decision-making or processing of personal data.

Note: In this context, automated means without any human involvement.

1.10 Data Breach

Any member of staff, Data Controller, Data Processor, Manager, individual or other party who is aware or suspects an actual or potential personal data breach must immediately notify the applicable Data Protection Officer by email at:

- c) Xact Consultancy and Training Limited: dpo@xact.org.uk
- d) Xact Assessment: dpo@xact-assessment.org.uk

All individuals are responsible for fully engaging and cooperating with the Data Protection Officer in relation to an investigation of a data breach.

1.10.1 Response

Xact will respond promptly to any identified personal data breach and thoroughly investigate to ascertain whether:

- a) Breach should be reported to ICO
- b) Data Subjects should be made aware of breach; *and*
- c) If is necessary to amend processes or introduce new measures to mitigate against any further breaches.

1.11 Policy Communication

This policy is communicated via:

- a) Staff induction, updates and at other appropriate instances.
- b) Current copies are available:
 - i) Xact databases - internal
 - ii) Website - external
 - iii) XLE – All users

1.12 Associated Policies and Procedures

Associated procedure:

- a) Data Management Procedure

Associated policies:

- b) Website Privacy Policy

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- c) Record Retention Policy
- d) Complaints Policy
- e) Identity Confirmation Policy
- f) Reasonable Adjustment and Special Considerations Policy
- g) Registration and Certification Policy
- h) Submission Policy
- i) Appeals Policy
- j) Malpractice and Maladministration Policy
- k) Whistleblowing Policy
- l) Prevent and British Values Policy
- m) Safeguarding Policy

2. Data Collection

Only personal data necessary to enable us to conduct our business activities is collected along with the consent of the Data Subject.

Withholding personal data may prevent Xact from conducting its business activities e.g. qualification registration which requires confirmation of identity and address.

2.1 Data Checks

We conduct reasonable checks to ensure the personal data we hold is accurate.

2.2 Personal Data

Personal data is collected for:

- a) Employment requirements
- b) Receiving our services e.g. apprenticeships, courses, qualifications e.g. record keeping, courses attended, dietary requirements, reasonable adjustments, qualification registration, assessment results, re-submission requirements, posting course material and qualification registration and certificates etc.
- c) Marketing activities
- d) Invoicing for our services, including credit and debit card payments
- e) Service providers

2.3 Sensitive Personal Data

We only collect Sensitive Personal Data when there is a clear requirement e.g.

- a) Employee health

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- b) Reasonable adjustments. Ofqual, Ofsted and Awarding Body requirement
- c) Appeals, Submission Deadline Extensions. Ofqual, Ofsted and Awarding Body requirement

3. Data Security

The following measures ensure we store and process personal data securely:

- a) Limiting access to personnel who require the personal data to conduct their role
- b) Taking reasonable steps to ensure personal data is processed securely
- c) Keeping personal data for as long as appropriate only

3.1 Document Security Classification

Our documents have three classifications of security located in document header:

Public: Available to all, some will be available on our website

Restricted¹: Available to Xact staff e.g. for internal circulation only

Confidential: Available to restricted staff members e.g. employee and line manager

Note¹: Some restricted documents are also available to those outside Xact e.g. Apprentices and their Employer

3.2 Paper Records

Where possible, personal data is stored electronically. When paper records are necessary, the following actions occur:

- a) Paper records with personal information are kept in a locked store
- b) Access is only available to authorised personnel
- c) Personal information will only be disclosed to those who require access to carry out their roles and for the purposes for which it was provided e.g. employment, investigation etc.
- d) Paper records no longer required will be returned to individual concerned, shredded or archived in a secure area

3.3 Electronic Records

Measures taken to secure electronic records include:

- a) Comply with business IT best practice
- b) Store in a secure area on Xact server
- c) Reducing potential for data loss, deletion, corruption and malicious activity
- d) Limiting access to authorised personnel e.g. those who require data to undertake their role
- e) Password protection access with a eight digit 4-level password
- f) Encrypting data, as appropriate
- g) Use of Virtual Private Network (VPN) for remote working

- h) Ensuring data is not stored outside of the EU

3.4 PCI DSS Compliance

Xact accepts debit and credit card payments and complies with Payment Card Industry Data Security Standard (PCI DSS).

3.5 Retention and Disposal of Data

Xact maintains retention policies and procedures to ensure Personal Data is destroyed after a reasonable time for the purposes for which it was being held, unless law requires otherwise.

Note 1: See Document Retention Policy regarding how long records are retained

Note 2: See Environmental Policy regarding disposal of electronic equipment and paper records

4. Principles of Disclosing and Sharing Personal Data

Disclosure and sharing of personal data require a legal basis and compliance with data protection principles, in particular the first principle which requires that the disclosure is fair and lawful.

Sharing of personal data will only be carried out where one of the following conditions applies:

- a) Data Subject has given consent
- b) It is necessary for the performance of a contract with person concerned
- c) A legal obligation exists
- d) It is in the individual's interest
- e) It is necessary for administration of justice
- f) Benefits are for the legitimate interests of the company and do not outweigh any detriment to the person concerned

4.1 Data Sharing

- a) Personal data is only shared internally with those who require the data to conduct their role
- b) Personal data is not transferred externally without adequate protection and just cause e.g.
 - i) entering personal data into an Awarding Body secure portal for qualification registration
 - ii) sharing an individuals course results with their employer
 - iii) exchanging personal data with the apprentices employer

4.2 Confidentiality

- a) Any information provided to Xact will remain confidential and only be used for the purposes for which it has been disclosed.

- b) Unless Xact has permission, we will not sell, distribute or lease personal and confidential information to third parties, unless required by law to do so.

4.3 Internal Data Sharing: Conflict of Interest

Xact will not internally share personal data between Xact Consultancy and Training Limited¹ and Xact Assessment which could lead to a conflict of interest and contravention of Ofsted or Ofqual requirements.

Note¹: Business Support Services will only share personal data with Xact Assessment for business functional requirements and any conflicts of interest have been mitigated.

5. Roles and Responsibilities

5.1 Directors

Directors are responsible for the implementation of this policy

5.2 Data Protection Officer

Xact's Data Protection Officer (DPO) is responsible for:

- a) Compliance with the Data Protection Act
- b) Monitoring compliance with this policy
- c) Security of electronic and hard copies of personal data.
- d) Advising on queries and obligations
- e) Detecting, investigating and reporting breaches of personal data
- f) Acting as a primary contact for data subjects and ICO
- g) Conducting Data Protection Impact Assessments

5.3 Data Controller

The Data Controller is responsible for deciding the way in which personal data is collected, stored, used and shared in compliance with Data Protection Legislation, guidance and best practice.

5.4 Managers

Managers are responsible for the day-to-day management of personal data and compliance with this policy and for identifying the level of access for each staff member they manage.

5.5 Data Processors

Data Processors e.g. administrators, managers, tutors, assessors, etc, are responsible to:

- a) Managing personal information to which they have access e.g. each Data Processor is responsible for information they access, receive, store, use, disclose and process

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- b) Ensuring that personal information is kept secure at all times and is not disclosed to unauthorised persons
- c) Ensuring that any locked stores remain locked and keys kept secure
- d) Keeping IT password/s secure. See password policy detailed in IT Systems Policy

5.6 Individuals and their Employers

Are responsible for compliance with this policy when collecting and processing personal data as part of their educational process e.g. course, studies, evidence submissions etc.

6. Data Subject Requests

Data Subjects have a right to request the following with regards to their personal data we process:

- a) be informed about collection and use of their personal data
- b) access personal data and supplementary information
- c) amendment to inaccurate personal data, or completion required
- d) erasure (to be forgotten) in certain circumstances
- e) restrict processing in certain circumstances
- f) obtaining and reusing personal data for their own purposes across different services (data portability)
- g) raise objection to processing in certain circumstances
- h) raise objection to automated decision making and profiling
- i) complain to the Information Commissioner

Data Subjects wishing to request details of the personal data we collect and process about them, should contact the applicable Data Protection Officer via email:

- i) Xact Consultancy and Training Limited: dpo@xact.org.uk
- ii) Xact Assessment: dpo@xact-assessment.org.uk

This will normally be completed free of charge and be dealt with within one month of request.

Should personal data requests be unfounded, excessive or repetitive, then we may refuse or charge for responding. If we refuse a request, we give reason. If this occurs, Data Subjects have a right to complain to Information Commissioner.

7. Data Subject Complaints

Data Subjects who wish to complain about the personal data we collect and process about them, should contact the applicable Data Protection Officer via email:

Public

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- a) Xact Consultancy and Training Limited: dpo@xact.org.uk
- b) Xact Assessment: dpo@xact-assessment.org.uk