



**Southport**  
**Education**  
**Group**

# Data Protection Policy

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## 1. INTRODUCTION

Southport Education Group's reputation and future growth are, in part, dependent on the way that it manages and protects Personal Data. Protecting the confidentiality, integrity and availability of Personal Data is a key responsibility of everyone within the College.

Southport Education Group collects, uses, and stores Personal Data about its employees, suppliers (sole traders, partnerships, or individuals within companies), students, governors, parents and visitors; the College recognises that having controls around the collection, use, retention and destruction of Personal Data is essential.

The College has implemented this Data Protection Policy so that all College staff know what they must do to ensure the correct and lawful treatment of Personal Data. This will maintain confidence in the College and provide a thriving working and learning environment for all.

College staff have access to this policy, along with other related policies on the College's website. A copy of the policy and training on its implementation form part of the staff induction, and all staff will receive information following any significant revisions to the policy. Whilst, this policy is not part of the staff contract of employment and the College reserves the right to change the policy at any time and all members of staff obliged to comply with it at all times.

If you have any queries concerning this policy, please contact our Data Protection Officer, responsible for ensuring the College's compliance with this policy.

## 2. ABOUT THIS POLICY

This policy (and the other policies and documents referred to in it) ensures the College complies with its obligations under data protection legislation, including UK GDPR, the Data Protection Act (2018) and Data (Use and Access) Act (2025). Personal data must be handled in line with the requirements of all data protection laws that protect the fundamental rights and freedoms of individuals.

It applies to all Personal Data stored electronically, in paper form, or otherwise.

## 3. DEFINITIONS

**College** – Southport Education Group. This includes all campuses and brands within the college group

3.1. **College staff** – Any College employee, worker or contractor who accesses any of the College's Personal Data and will include employees, consultants, contractors, and temporary staff hired to work on behalf of the College.

3.2. **Controller** – Any entity (e.g. company, organisation or person) that determines the purposes and means of collecting and processing personal data.

3.3. **Data Protection Laws** – The UK GDPR (United Kingdom General Data Protection Regulation) and all applicable laws relating to the collection and use of Personal Data and privacy and any relevant codes of practice issued by a regulator included in the UK, the Data Protection Act 2018 and Data (Use and Access) Act 2025.

- 3.4. **Data Protection Officer**- The Data Protection Officer (DPO) monitors internal compliance, informs, and advises on the college's data protection obligations and acts as a contact point for data subjects and the Information Commissioner's Office (ICO). They can be contact by emailing: [dataprotection@southport.ac.uk](mailto:dataprotection@southport.ac.uk)
- 3.5. **ICO** – the Information Commissioner's Office, the UK's data protection regulator.
- 3.6. **Individuals** – Living individuals who can be identified, *directly or indirectly*, from information that the College has. For example, an individual could be identified directly by name or indirectly by gender, job role and office location if you can use this information to work out who they are. Individuals include employees, students, parents, visitors and potential students.
- 3.7. **Personal Data** – Any information about an Individual (see definition above) which identifies them or allows them to be identified in conjunction with other information that is held. Personal data is defined broadly and covers things such as name, address, email address (including in a business context, email addresses of Individuals in companies such as [firstname.surname@organisation.com](mailto:firstname.surname@organisation.com)), IP address and also more sensitive types of data such as trade union membership, genetic data and religious beliefs. These more sensitive types of data are called "Special Categories of Personal Data" and are defined below. Special Categories of Personal Data are given extra protection by Data Protection Laws.
- 3.8. **Processor** – Any entity (e.g., company, organisation, or person) responsible for processing personal data on behalf of a controller. A Processor is a third party that processes Personal Data on behalf of a Controller. This is usually as a result of the outsourcing of a service by the Controller or the provision of services by the Processor which involve access to or use of Personal Data. Examples include: where software support for a system, which contains Personal Data, is provided by someone outside the business; cloud arrangements; and mail fulfilment services.
- 3.9. **Special Categories of Personal Data** – Personal Data that reveals a person's racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic data (i.e., information about their inherited or acquired genetic characteristics), biometric data (i.e. information about their physical, physiological or behavioural characteristics such as facial images and fingerprints), physical or mental health, sexual life or sexual orientation and criminal record. Special Categories of Personal Data are subject to additional controls in comparison to ordinary Personal Data.

## 4. COLLEGE STAFF'S GENERAL OBLIGATIONS

- 4.1. All College staff must comply with this policy.
- 4.2. College staff must ensure that they keep confidential all Personal Data that they collect, store, use and come into contact with during the performance of their duties.
- 4.3. College Staff must not release or disclose any Personal Data:
- 4.3.1. outside the College; or
  - 4.3.2. inside the College, to College Staff not authorised to access the Personal Data, without specific authorisation from their manager or the Data Protection Officer; this includes phone calls or emails.

- 4.4. College Staff must take all steps to ensure there is no unauthorised access to Personal Data, whether by other College Staff who are not authorised to see such Personal Data or by people outside the College.

## **5. DATA PROTECTION PRINCIPLES**

- 5.1. When using Personal Data, Data Protection Laws require that the College complies with the following principles. These principles require Personal Data to be:
- 5.1.1. processed lawfully, fairly and in a transparent manner;
  - 5.1.2. collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes;
  - 5.1.3. adequate, relevant and limited to what is necessary for the purposes for which it is being processed;
  - 5.1.4. accurate and kept up to date, meaning that every reasonable step must be taken to ensure that Personal Data that is inaccurate is erased or rectified as soon as possible;
  - 5.1.5. kept for no longer than is necessary for the purposes for which it is being processed; and
  - 5.1.6. 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.
- 5.2. These principles are considered in more detail in the remainder of this policy.
- 5.3. In addition to complying with the above requirements, the College also must demonstrate that it complies with them through documented evidence. The College has several policies and procedures in place, including this policy and the documentation referred to ensure that it can demonstrate its compliance.

## **6. LAWFUL USE OF PERSONAL DATA**

- 6.1. To collect and/or use Personal Data lawfully, the College needs to show that its use meets one of several legal grounds. These are:
- 6.1.1 Consent: the individual has given clear consent for you to process their personal data for a specific purpose.
  - 6.1.2 Contract: the processing is necessary for a contract you have with the individual, or because they have asked you to take specific steps before entering into a contract.
  - 6.1.3 Legal obligation: the processing is necessary for you to comply with the law (not including contractual obligations).
  - 6.1.4 Vital interests: the processing is necessary to protect someone's life.
  - 6.1.5 Public task: the processing is necessary for you to perform a task in the public interest or for your official functions, and the task or function has a clear basis in law.

6.1.6 Legitimate interests: the processing is necessary for your legitimate interests or the legitimate interests of a third party, unless there is a good reason to protect the individual's personal data which overrides those legitimate interests. (This cannot apply if you are a public authority processing data to perform your official tasks.)

6.1.7 Recognised legitimate interests (RLI): processing is necessary for certain specified public-interest purposes set out in law. Where RLI applies, no balancing test is required; however, its scope is narrow and public authorities should usually rely on "public task" for official functions. Document necessity and keep an audit trail.

6.2. Please click here for more detailed information about the lawful basis for processing data: <https://ico.org.uk/for-organisations/uk-gdpr-guidance-and-resources/lawful-basis/a-guide-to-lawful-basis/> When the College collects and/or uses Special Categories of Personal Data, the College must show that one of several additional conditions is met. These are the following:

6.3.1 Explicit consent

6.3.2 Employment, social security and social protection (if authorised by law)

6.3.3 Vital interests

6.3.4 Not-for-profit bodies

6.3.5 Made public by the data subject

6.3.6 Legal claims or judicial acts

6.3.7 Reasons of substantial public interest (with a basis in law)

6.3.8 Health or social care (with a basis in law)

6.3.9 Public health (with a basis in law)

6.3.10 Archiving, research and statistics (with a basis in law)

6.3. Where our processing could reveal or be used to infer a special category characteristic (such as health, ethnicity or religious belief), we will treat the output as special category data and ensure we have both a lawful basis and an appropriate Article 9 condition before proceeding, in line with ICO guidance on inferences and special category data. Please click here to see the additional information about special category data: <https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/lawful-basis-for-processing/special-category-data/>

6.4. The College has carefully assessed how it uses Personal Data and how it complies with the obligations set out in paragraphs 6.1 and 6.2. If the College changes how it uses Personal Data, the College needs to update this record and may also need to notify Individuals about the change. If staff, therefore, intend to change how they use Personal Data, they must notify the Data Protection Officer, who will decide whether their intended use requires amendments to be made and any other controls that need to apply.

## **7. TRANSPARENT PROCESSING – PRIVACY NOTICES**

7.1. Where the College collects Personal Data directly from Individuals, the College will inform them about how the College uses Personal Data in the form of a privacy notice made available on the College website.

7.2. If the College receives Personal Data about an Individual from other sources, the College can provide the Individual with a privacy notice about how the College will use their Personal Data upon request.

7.3. If the College changes how it uses Personal Data, the College may notify Individuals about the change. If a member of College Staff intends to change how they use Personal Data, please notify the Data Protection Officer who will decide whether the intended use requires amendments to be made to the privacy notices and any other controls that need to apply.

## **8. DATA QUALITY- ENSURING THE USE OF ACCURATE, UP TO DATE AND RELEVANT PERSONAL DATA**

- 8.1. Data Protection Laws require that the College only collects and processes Personal Data to the extent that it is required for the specific purpose(s) notified to the Individual in a privacy notice (see paragraph 7 above) and as set out in the College's record of how it uses Personal Data. The College is also required to ensure that the Personal Data the College holds is accurate and kept up to date.
- 8.2. All College Staff that collect and record Personal Data must ensure that the Personal Data is recorded accurately and is kept up to date. College Staff should ensure that they limit the collection and recording of Personal Data to that which is adequate, relevant and limited to that which is necessary for the purpose for which it is collected and used.
- 8.3. All College Staff that obtain Personal Data from sources outside the College must take reasonable steps to ensure that the Personal Data is recorded accurately, is up to date, and limited to that which is adequate, relevant and limited to data necessary in relation to the purpose for which it is collected and used.
- 8.4. To maintain the quality of Personal Data, all College Staff that access Personal Data must ensure that they review, maintain and update it to ensure that it remains accurate, up to date, adequate, relevant and limited to what is necessary in relation to the purpose for which it is collected and used. Please note that this does not apply to Personal Data which the College must keep in its original form (e.g., for legal reasons or relevant to an investigation).
- 8.5. The College recognises the importance of ensuring that Personal Data is amended, rectified, erased, or its use restricted where this is appropriate under Data Protection Laws. Any request from an Individual for the amendment, rectification, erasure, or restriction of the use of their Personal Data should be dealt with in accordance with those college processes and procedures relating to Individual rights.

## **9. PERSONAL DATA MUST NOT BE KEPT FOR LONGER THAN NEEDED**

- 9.1. Data Protection Laws require that the College not keep Personal Data longer than is necessary for the purpose or purposes for which the College collected it.
- 9.2. The College has assessed the types of Personal Data that it holds and the purposes it uses it for and has set retention periods for the different types of Personal Data processed by the College, the reasons for those retention periods and how the College securely deletes Personal Data at the end of those periods are contained in the Colleges Retention Policy.
- 9.3. If College Staff consider that a particular item of Personal Data needs to be kept for more or less time than the retention period set out in the Data Retention Schedule, for example because there is a requirement of law, or if College Staff have any questions about the College's Personal Data retention practices, they should contact the Data Protection Officer for guidance.

## **10. DATA SECURITY**

- 10.1. The College takes information security very seriously. The College has security measures against unlawful or unauthorised processing of Personal Data and against the accidental loss of, or damage to, Personal Data.

The College has in place procedures and technologies to maintain the security of all Personal Data from the point of collection to the point of destruction. The College is Cyber Essentials Certified and complies with the rules and regulations of safe data management.

## 11. DATA BREACH

- 11.1. The College takes information security very seriously; however, it is possible that a security breach could happen, resulting in the unauthorised loss of, access to, deletion of or alteration of Personal Data. If this happens, it is a 'Personal Data breach' and College Staff must comply with the College's Data Breach Notification Policy.
- 11.2. Personal Data breach is defined very broadly and is effectively any failure to keep Personal Data secure, which leads to the accidental or unlawful loss (including loss of access to), destruction, alteration, or unauthorised disclosure of Personal Data. Personal Data breaches can happen as a result of action taken by a third party, however, most data breaches result from accidental actions taken by College Staff.
- 11.3. There are three main types of Personal Data breach, which are as follows:
- 11.3.1. **Confidentiality breach** - where there is an unauthorised or accidental disclosure of, or access to, Personal Data, e.g. hacking, accessing internal systems that College Staff are not authorised to access, accessing Personal Data stored on a lost laptop, phone or other device, people "blagging" access to Personal Data they have no right to access, putting the wrong letter in the wrong envelope, sending an email to the incorrect student, or disclosing information over the phone to the incorrect person;
  - 11.3.2. **Availability breach** - where there is an accidental or unauthorised loss of access to, or destruction of, Personal Data, e.g., loss of a memory stick, laptop or device, denial of service attack, infection of systems by ransomware, deleting Personal Data in error, loss of access to Personal Data stored on systems, inability to restore access to Personal Data from back up, or loss of an encryption key; and
  - 11.3.3. **Integrity breach** - where there is an unauthorised or accidental alteration of Personal Data.

## 12. APPOINTING CONTRACTORS/SUPPLIERS WHO ACCESS THE COLLEGE'S PERSONAL DATA

- 12.1. If the College appoints a contractor or third party that will act as the College's Processor, then Data Protection Laws require that the College only appoints them where the College has carried out sufficient due diligence and only where the College has appropriate contracts in place.
- 12.2. One requirement of the UK GDPR is that a Controller must only use Processors who meet the requirements of the UK GDPR and protect the rights of Individuals. This means that data protection due diligence should be undertaken on both new and existing suppliers. Once a Processor is appointed, they should be audited periodically to ensure that they meet their contractual requirements to Data Protection.
- 12.3. Any contract where an organisation appoints a Processor must be in writing.
- 12.4. You are considered as having appointed a Processor where you engage someone to perform a service for you, and as part of it, they may gain access to your Personal

Data, or the Personal Data processed by the College. Where you appoint a Processor, you, as Controller, remain responsible for the Personal Data.

- 12.5. The UK GDPR requires the contract with a Processor to contain the following obligations as a minimum:
- 12.5.1. to only act on the written instructions of the Controller;
  - 12.5.2. to not export Personal Data without the Controller's instruction;
  - 12.5.3. to ensure staff are subject to confidentiality obligations;
  - 12.5.4. to take appropriate security measures;
  - 12.5.5. to only engage sub-processors with the prior consent (specific or general) of the Controller and under a written contract;
  - 12.5.6. to keep the Personal Data secure and assist the Controller to do so;
  - 12.5.7. to assist with the notification of Data Breaches and Data Protection Impact Assessments;
  - 12.5.8. to assist with subject access/Individuals rights;
  - 12.5.9. to delete/return all Personal Data as requested at the end of the contract;
  - 12.5.10. to submit to audits and provide information about the processing; and
  - 12.5.11. to tell the Controller if any instruction is in breach of the UK GDPR or other data protection law.
- 12.6. In addition, the contract should set out:
- 12.6.1. The subject-matter and duration of the processing;
  - 12.6.2. the nature and purpose of the processing;
  - 12.6.3. the type of Personal Data and categories of Individuals; and
  - 12.6.4. the obligations and rights of the Controller.

### **13. INDIVIDUALS' RIGHTS**

- 13.1. The UK GDPR gives Individuals more control over how their data is collected and stored and what is done with it.
- 13.2. The College will use all Personal Data in accordance with the rights given to Individuals under Data Protection Laws and will ensure that it allows individuals to exercise their rights.
- 13.3. The different types of rights of Individuals are reflected in this paragraph.
- 13.4. Subject Access Requests**
- 13.4.1. Subject Access Requests are becoming more and more common and are often made in the context of a dispute which means that it is crucial that they are handled appropriately to avoid a complaint being made to the ICO.
  - 13.4.2. Individuals have the right under the UK GDPR to ask the College to confirm what Personal Data they hold in relation to them and provide them with the data. Searches should be reasonable and proportionate in scope, having regard to the context, volumes and the fundamental nature of the right of access.

- 13.4.3. Information has to be provided, and the timescale for providing it being one month (with a possible extension of up to two further calendar months if it is a complex request).
- 13.4.4. Where clarification is genuinely required, the one-month time limit is paused until clarification is received.
- 13.4.5. Fees for complying with the request can only be charged in limited circumstances, including where a request is considered excessive, or vexatious, or if additional copies are required.

### **13.5. Right of Erasure (Right to be Forgotten)**

- 13.5.1. This is a limited right for Individuals to request the erasure of Personal Data concerning them where:
  - 13.5.1.1. the use of Personal Data is no longer necessary;
  - 13.5.1.2. their consent is withdrawn, and there is no other legal ground for the processing;
  - 13.5.1.3. the Individual objects to the processing, and there are no overriding legitimate grounds for the processing;
  - 13.5.1.4. the Personal Data has been unlawfully processed; and
  - 13.5.1.5. the Personal Data has to be erased for compliance with a legal obligation.
- 13.5.2. In a marketing context, where Personal Data is collected and processed for direct marketing purposes, the Individual has a right to object to the processing at any time. Where the Individual objects, the Personal Data must not be processed for such purposes.

### **13.6. Right of Data Portability**

- 13.6.1. An individual has the right to request that data concerning them is provided to them in a structured, commonly used, and machine-readable format where:
  - 13.6.1.1. the processing is based on consent or a contract; and
  - 13.6.1.2. the processing is carried out by automated means
- 13.6.2. This right is not the same as subject access and is intended to give Individuals a subset of their data.

### **13.7. The Right of Rectification and Restriction**

- 13.7.1. Finally, Individuals are also given the right to request that any Personal Data is rectified if inaccurate and to have use of their Personal Data restricted to particular purposes in certain circumstances.

## **14. MARKETING AND CONSENT**

- 14.1. The College will sometimes contact Individuals to send them marketing or to promote the College. Where the College carries out any marketing, Data Protection Laws require that this is only done in a legally compliant manner.
- 14.2. Marketing consists of any advertising or marketing communication that is directed to particular individuals. UK GDPR brought about several significant changes for organisations that market to individuals, PECR now incorporates this definition directly, following DUAA amendments,

these include:

- 14.2.1. providing more detail in their privacy notices, including, for example, whether profiling takes place; and
- 14.2.2. Consent for electronic marketing must be a clear, affirmative indication and meet ICO standards for being freely given, specific and informed..
- 14.3. The College conforms with the Privacy and Electronic Communications Regulations (PECR) that sits alongside data protection legislation. PECR applies to direct marketing, i.e., a communication directed to particular Individuals and covers any advertising/marketing material. It applies to electronic communication, i.e., calls, emails, texts, faxes. PECR rules apply even if you are not processing any personal data.
- 14.4. Consent is central to electronic marketing; it is essential to liaise with the Data Protection Officer for best practice recommendations to marketing.
- 14.5. The College has the right to market using a “soft opt-in” for electronic marketing where the PECR conditions are met:
  - 14.5.1. contact details have been obtained in the course of a sale (or negotiations for sale);
  - 14.5.2. the College is marketing its own similar services; and
  - 14.5.3. the College gives the Individual a simple opportunity to refuse to opt-out of the marketing, both when first collecting the details and in every message after that.
- 14.6. As an exempt charity, the College may also rely on the DUAA charity soft opt-in for contacting individuals who have previously expressed an interest in the College’s charitable purposes.

## 15. AUTOMATED DECISION MAKING AND PROFILING

- 15.1. Under Data Protection Laws (UK GDPR Articles 22A–22C), there are controls around automated decision making and profiling .

**Automated Decision Making (ADM)** happens where the College makes a decision about an individual solely by automated means without any meaningful human involvement, and the decision has legal or similarly significant effects; and

**Profiling** happens where the College automatically uses Personal Data to evaluate certain things about an Individual.

- 15.2. Soley Automated Decisions with legal or similarly significant effects may only be undertaken where permitted by law and only if the College is confident that the following safeguards are in place
  - 15.2.1. . individuals are informed about such decisions;
  - 15.2.2. they can make representations and challenge the decision; and
  - 15.2.3. they can obtain meaningful human intervention.
- 15.3. Therefore, College Staff must inform the Data Protection Officer before proposing any ADM or profiling activity
- 15.4. .
- 15.5. No Automated Decision Making or Profiling may proceed without the approval of the Data

Protection Officer, confirmation of the lawful basis, and—where required—a DPIA and updated privacy information to meet transparency duties..

- 15.6. The College does not currently carry out solely Automated Decisions producing legal or similarly significant effects about employees or learners. If this changes, the College will apply Articles 22A–22C safeguards and update this policy and privacy notices..
- 15.7. ADM that uses special category data for a solely automated significant decision remains prohibited unless a specific legal condition applies; where permitted, the statutory safeguards still apply.

## **16. DATA PROTECTION IMPACT ASSESSMENTS (DPIA)**

- 16.1. UK GDPR introduced a requirement to carry out a risk assessment in relation to the use of Personal Data for a new service, product or process. This must be done before the processing via a Data Protection Impact Assessment (“DPIA”). A DPIA should be started as early as practical in the design of processing operations. A DPIA is not a prohibition on using Personal Data. However, it is an assessment of issues affecting Personal Data that need to be considered before a new product/service/process is rolled out. The process is designed to:
  - 16.1.1. describe the collection and use of Personal Data;
  - 16.1.2. assess its necessity and its proportionality in relation to the purposes;
  - 16.1.3. assess the risks to the rights and freedoms of individuals; and
  - 16.1.4. the measures to address the risks.
- 16.2. A DPIA must be completed where the use of Personal Data is likely to result in a high risk to the rights and freedoms of individuals.
- 16.3. Where a DPIA reveals risks, which are not appropriately mitigated, the ICO must be consulted.
- 16.4. Where the College is launching or proposing to adopt a new process, product, or service that involves Personal Data, the College needs to consider whether it needs to carry out a DPIA as part of the project initiation process. The College needs to carry out a DPIA at an early stage in the process so that the College can identify and fix problems with its proposed new process, product or service at an early stage, reducing the associated costs and damage to reputation that may otherwise occur.
- 16.5. Situations where the College may have to carry out a Data Protection Impact Assessment include the following (please note that this list is not exhaustive):
  - 16.5.1. large scale and systematic use of Personal Data for the purposes of Automated Decision Making or Profiling (see definitions above) where legal or similarly significant decisions are made;
  - 16.5.2. large scale use of Special Categories of Personal Data, or Personal Data relating to criminal convictions and offences, e.g. the use of high volumes of health data; or
  - 16.5.3. systematic monitoring of public areas on a large scale e.g. CCTV cameras (including changes to the system)
- 16.6. All DPIAs must be reviewed and approved by the Data Protection Officer.

## 17. TRANSFERRING PERSONAL DATA TO A COUNTRY OUTSIDE THE EEA

- 17.1. On The College determines whether a transfer is a restricted transfer using the ICO's three-step test: (1) does the UK GDPR apply to the processing; (2) are we initiating a transfer to an organisation outside the UK; and (3) is the receiver a separate legal entity from us. If the answer to all three is "yes", UK international transfer rules apply..
- 17.2. The College will only make a restricted transfer where it is covered by UK adequacy regulations, or where we implement an appropriate safeguard (for example, the ICO's International Data Transfer Agreement (IDTA) or the UK Addendum to the EU SCCs) and we have completed a Transfer Risk Assessment (TRA) to ensure the level of protection is not materially lower after the transfe
- 17.3. Restricted transfers include sending personal information to receivers outside the UK, and also storing information on servers located outside the UK or enabling access to information from outside the UK (including by suppliers or their group companies). We will assess cloud and overseas-hosting arrangements against ICO guidance.
- 17.4. No restricted transfer may be undertaken unless approved by the Data Protection Officer, with documented evidence of adequacy or the chosen safeguard and a completed TRA where required. .
- 17.5. Staff must not transfer personal data to organisations outside the UK (including within the EEA) without DPO approval and evidence of UK adequacy, an appropriate safeguard (IDTA/Addendum), and—where applicable—a TRA.

## 18. ACCOUNTABILITY

- 18.1. UK GDPR integrates accountability as a principle, which requires that the College puts in place appropriate technical and organisational measures and be able to demonstrate what it did and its effectiveness when requested.
- 18.2. The College must demonstrate that it is compliant with the law. Such measures include adequate documentation on what personal data are processed, how, to what purpose, how long; documented processes and procedures are aiming at tackling data protection issues at an early state when building information systems or responding to a data breach; that the Data Protection Officer be involved at the planning stage.
- 18.3. **Staff Accountability.**

All staff shall be responsible for:

- 18.3.1. Fully complying with the data protection principles, rights and requirements in their handling of personal data.
- 18.3.2. Performing a Data Privacy Impact Assessment (DPIA) where new processing of personal data is planned.
- 18.3.3. Promptly raising concerns about Data Protection or Data Security with the Data Protection Officer.
- 18.4. Ensuring that all data that they provide to the College in connection with their employment is accurate and up to date and that changes are either made direct onto HR self-service, where relevant, or are notified to Human Resources
- 18.5. Regularly checking the information that the College holds and correcting any errors.
- 18.6. Ensuring any personal details of other people collected by a member of staff such as coursework marks or grades, references to employers or other academic institutions, or any matters about personal circumstances must be collected and stored in accordance with the Data Protection Policy and relevant college guidelines.

## 18.7. Complaints

- 18.7.1. The College manages any concerns or complaints about the handling of personal data through its established Complaints and Grievances Procedures, which apply to staff, learners and members of the public.
- 18.7.2. These existing policies and procedures set out how complaints are raised, acknowledged and responded to, and ensure that all data-protection-related complaints are handled without undue delay and within the statutory timeframes required under the Data Use and Access Act 2025.
- 18.7.3. Individuals should refer to the relevant College Comments, Compliments and Complaints policy, or Staff Grievance Procedure for full details of the process and routes of escalation.
- 18.7.4. If, after raising a data protection concern with the College and allowing us the opportunity to respond, an individual remains dissatisfied, they may escalate their complaint to the Information Commissioner's Office (ICO).

ICO Helpline: 0303 123 1113  
Textphone: 18001 0303 123 1113  
[gov.uk]

Postal address:  
Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF  
[gov.uk]

Website (complaints): <https://ico.org.uk/make-a-complaint>



**Southport**  
**Education**  
**Group**

# **Data Breach Policy**

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## 1. OVERVIEW

The College's reputation and future growth are dependent on the way the College manages and protects Personal Data. As an organisation that collects and uses Personal Data, the College takes seriously its obligations to keep that Personal Data secure and to deal with security breaches relating to Personal Data when they arise. The College's key concern in relation to any breach affecting Personal Data is to contain the breach and take appropriate action to minimise, as far as possible, any adverse impact on any individual affected. The College has therefore implemented this Policy to ensure all College Personnel are aware of what a Personal Data breach is and how they should deal with it if it arises.

College Personnel will receive a copy of this Policy when they start and may receive periodic revisions of this Policy. This Policy does not form part of any College Personnel's contract of employment and the College reserves the right to change this Policy at any time. All College Personnel are obliged to comply with this Policy at all times.

## 2. ABOUT THIS POLICY

This Policy explains how the College complies with its obligations to recognise and deal with Personal Data breaches and (where necessary) to notify the ICO and the affected individuals. The College has a corresponding Data Breach Notification Procedure and Data Breach Register that set out how the College deals with and records Personal Data breaches.

## 3. SCOPE

This Policy applies to all College Personnel who collect and/or use Personal Data relating to individuals.

It applies to all Personal Data stored electronically, in paper form, or otherwise.

## 4. DEFINITIONS

- 4.1. **College** – Southport Education Group.
- 4.2. **College Personnel** – Any College employee or contractor who has been authorised to access any of the College's Personal Data and will include employees, consultants, contractors, and temporary personnel hired to work on behalf of the College.
- 4.3. **Data Protection Laws** – UK General Data Protection Regulation and all applicable laws relating to the collection and use of Personal Data and privacy and any applicable codes of practice issued by a regulator including in the UK, including the Data Protection Act 2018, and Data (Use and Access) Act 2025.
- 4.4. **Data Protection Officer** – The Data Protection Officer is Lisa Farnhill, and can be contacted at: [dataprotection@southport.ac.uk](mailto:dataprotection@southport.ac.uk).
- 4.5. **ICO** – the Information Commissioner's Office, the UK's data protection regulator.
- 4.6. **Personal Data** – any information about an individual which identifies them or allows them to be identified in conjunction with other information that is held. Personal data is defined very broadly and covers both ordinary personal data from personal contact details and business contact details to special categories of personal data such as trade union membership, genetic data and religious beliefs. It also covers information that allows an individual to be identified indirectly for example an identification number, location

data or an online identifier.

- 4.7. **Special Categories of Personal Data** - Personal Data that reveals a person's racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic data (i.e. information about their inherited or acquired genetic characteristics), biometric data (i.e. information about their physical, physiological or behavioural characteristics such as facial images and fingerprints), physical or mental health, sexual life or sexual orientation. This also includes personal data where our processing reveals or is used to infer any of the above characteristics with a reasonable degree of certainty.

## 5. WHAT IS A PERSONAL DATA BREACH

- 5.1. The College takes information security very seriously and the College has security measures against unlawful or unauthorised processing of Personal Data and against the accidental loss of, or damage to, Personal Data. The College has in place procedures and technologies to maintain the security of all Personal Data from the point of collection to the point of destruction.
- 5.2. Personal Data breach is defined very broadly and is effectively any failure to keep Personal Data secure, which leads to the accidental or unlawful loss (including loss of access to), destruction, alteration or unauthorised disclosure of Personal Data. Whilst most Personal Data breaches happen as a result of action taken by a third party, they can also occur as a result of something someone internal does.
- 5.3. A Personal Data breach could include any of the following:
- 5.3.1. loss or theft of Personal Data or equipment that stores Personal Data;
  - 5.3.2. loss or theft of Personal Data or equipment that stores the College's Personal Data from a College supplier;
  - 5.3.3. inappropriate access controls meaning unauthorised College Personnel can access Personal Data;
  - 5.3.4. any other unauthorised use of or access to Personal Data;
  - 5.3.5. deleting Personal Data in error;
  - 5.3.6. human error (which could be as simple as putting a letter in the wrong envelope or leaving a phone or laptop containing Personal Data on a train);
  - 5.3.7. hacking attack;
  - 5.3.8. infection by ransom ware or any other intrusion on our systems/network;
  - 5.3.9. 'blagging' offences where information is obtained by deceiving the organisation who holds it; or
  - 5.3.10. destruction or damage to the integrity or accuracy of Personal Data.
- 5.4. A Personal Data breach can also include:
- 5.4.1. equipment or system failure that causes Personal Data to be temporarily unavailable;

- 5.4.2. unforeseen circumstances such as a fire, flood or power failure that causes Personal Data to be temporarily unavailable;
- 5.4.3. inability to restore access to Personal Data, either on a temporary or permanent basis; or
- 5.4.4. loss of a decryption key where Personal Data has been encrypted because this means the College cannot restore access to the Personal Data.

## **6. REPORTING A PERSONAL DATA BREACH**

- 6.1. Staff at the College must immediately notify any Personal Data breach to the Data Protection Officer, no matter how big or small and whether or not staff think a breach has occurred or is likely to occur. This allows the College to contain the breach as soon as possible and to consider a recovery plan to minimise any risk of damage to the individuals affected and to the College.
- 6.2. If College Staff discover a Personal Data breach outside working hours, College Personnel must notify it to the College's Data Protection Officer as soon as possible.
- 6.3. College Staff may be notified by a third party (e.g. a supplier that processes Personal Data on the College's behalf) that they have had a breach that affects College Personal Data. College Personnel must notify this breach to the College's Data Protection Officer and the College's Data Breach Notification Procedure shall apply to the breach.

## **7. MANAGING A PERSONAL DATA BREACH**

- 7.1. There are four elements to managing a Personal Data breach or a potential one and this Policy considers each of these elements:
  - 7.1.1. Containment and recovery
  - 7.1.2. Assessment of on-going risk
  - 7.1.3. Notification
  - 7.1.4. Evaluation and response
- 7.2. At all stages of this Policy, the Data Protection Officer and Senior Leadership Team will consider whether to seek external legal advice.

## **8. CONTAINMENT AND RECOVERY**

- 8.1. An initial assessment of the Personal Data breach will be carried out by the Data Protection Officer.
- 8.2. If the Personal Data breach is unlikely to result in a risk to the rights and freedoms of the individuals affected then it will be added to the College's Data Breach Register. Any further action will be determined by the DPO, which may include recommending updates to processes and policies to mitigate against future occurrences (as per section 9).
- 8.3. If the Personal Data breach may impact on the rights and freedoms of the individuals affected then the College will put together and implement a bespoke Personal Data

Breach Plan to address the breach concerned in accordance with the College's Data Breach Notification Procedure. This will include consideration of:

- 8.3.1. whether there are any other people within the College who should be informed of the breach, such as IT team members, to ensure that the breach is contained;
- 8.3.2. what steps can be taken to contain the breach, recover the loss of any Personal Data or to prevent damage being caused; and
- 8.4. whether it is necessary to contact other third parties such as students, parents, banks, the ICO or the police particularly in the case of stolen Personal Data. All notifications shall be logged and managed by the Data Protection Officer.
- 8.5. All actions taken in relation to a Personal Data Breach will be in accordance with the Data Breach Notification Procedure which is maintained and administered by the Data Protection Officer.
- 8.6. The Data Protection Officer is responsible for ensuring that the Data Breach Register is updated.

## 9. ASSESSMENT OF ONGOING RISK

As part of the College's response to a Personal Data Breach, once the breach has been contained the College will consider the on-going risks to the College and to any other party caused by the breach and what remedial action can be taken to minimise the impact of the breach. This will be undertaken in accordance with the College's Data Breach Notification Procedure.

## 10. NOTIFICATION

- 10.1. Under Data Protection Laws, the College *may* have to notify the ICO and also possibly the individuals affected about the Personal Data breach.
- 10.2. Any notification will be made by the Data Protection Officer following the College's Data Breach Notification Procedure. The notification shall comply with the requirements of the ICO.
- 10.3. Notification of a Personal Data breach must be made to the ICO without undue delay and within **72 hours of** when the College becomes aware of the breach unless it is *unlikely to result in a risk to the rights and freedoms of individuals*. It is therefore imperative that College Personnel notify all Personal Data breaches to the College in accordance with the Data Breach Notification Procedure immediately.
- 10.4. Notification of a Personal Data Breach must be made to the individuals affected without undue delay where the breach is *likely to result in a high risk to the rights and freedoms of individuals*.
- 10.5. Please note that not all Personal Data Breaches are notifiable to the ICO and/or the individuals affected and the College will decide whether to notify and who to notify in accordance with the Data Breach Notification Procedure.
- 10.6. Where the Personal Data Breach relates to a temporary loss of availability of the College's systems, the College does not have to notify if the lack of availability of Personal Data is unlikely to result in a risk to the rights and freedoms of individuals. Where the College does not consider t temporary unavailability impacts the rights and freedoms of individuals, notification may not be necessary, and this will be assessed on a case-by-case basis in

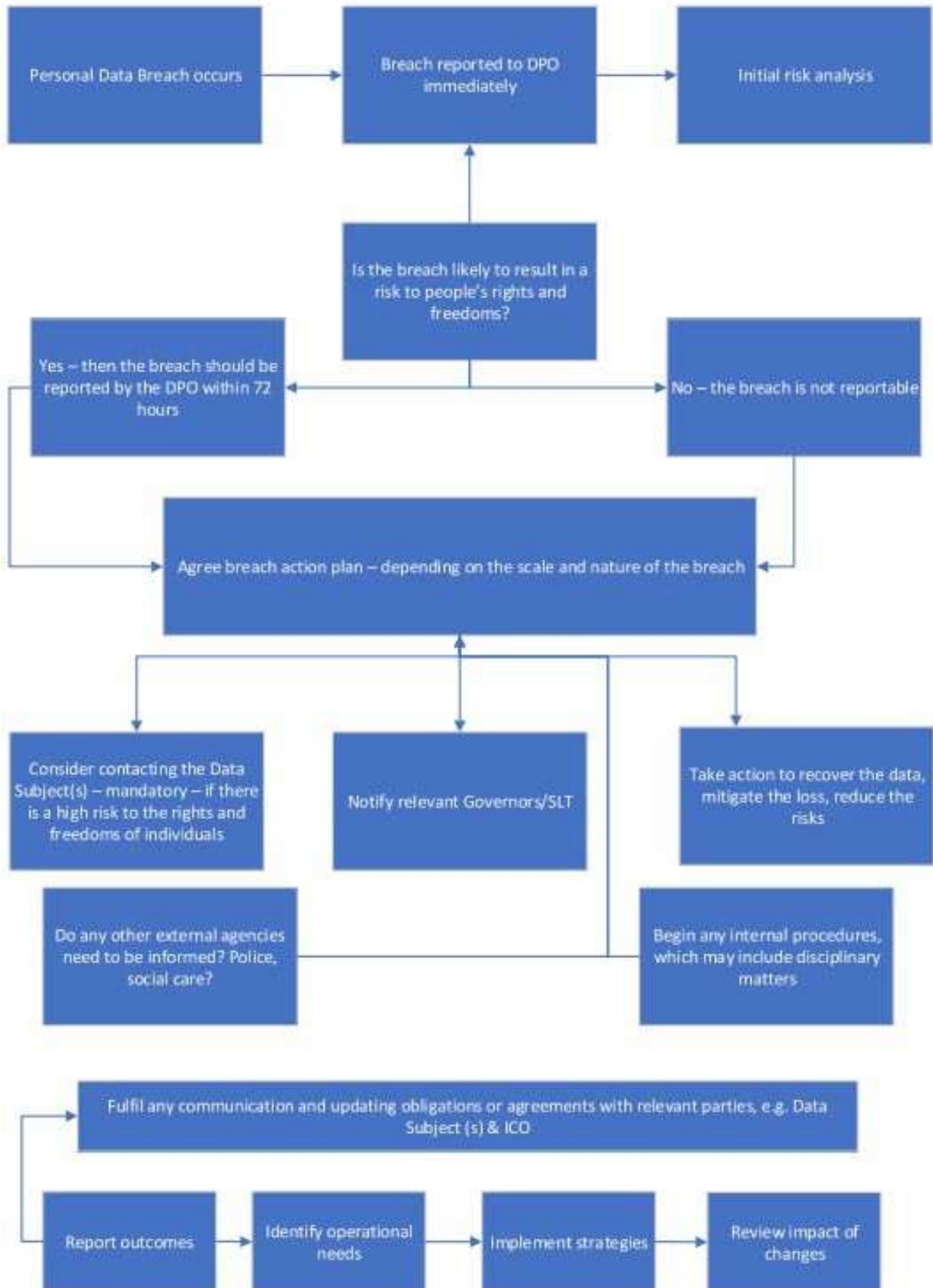
accordance with the Data Breach Notification Procedure with the support of the DPO and IT teams.

- 10.7. In the case of complex breaches, the College may need to carry out in-depth investigations. In these circumstances, the College will notify the ICO with the information that it has within 72 hours of awareness and will notify additional information in phases. Any delay in notifying the ICO must be seen as exceptional and shall be authorised in accordance with the Data Breach Notification Procedure.
- 10.8. Where a Personal Data Breach has been notified to the ICO, any changes in circumstances or any relevant additional information which is discovered in relation to the Personal Data breach shall also be notified to the ICO in accordance with the Data Breach Notification Procedure.
- 10.9. When the College notifies the affected individuals, it will do so in clear and plain language and in a transparent way. Any notifications to individuals affected will be done in accordance with the Data Breach Notification Procedure. Any notification to an individual should include details of the action the College has taken in relation to containing the breach and protecting the individual. It should also give any advice about what they can do to protect themselves from adverse consequences arising from the breach.
- 10.10. The College may not be required to notify the affected individuals in certain circumstances as exemptions apply. Any decision whether to notify the individuals shall be done in accordance with the Data Breach Notification Procedure and shall be made by the Data Protection Officer.

## **11. EVALUATION AND RESPONSE**

- 11.1. It is important not only to investigate the causes of the breach but to document the breach and evaluate the effectiveness of the College's response to it and the remedial action taken.
- 11.2. There will be an evaluation after any breach of the causes of the breach and the effectiveness of the College's response to it. All such investigations shall be carried out in accordance with the Data Breach Notification Procedure and will be recorded on the Personal Data Breach Register.
- 11.3. Any remedial action such as changes to the College's systems, policies or procedures will be implemented in accordance with the Data Breach Notification Procedure.

**Annex 1 Data Breach Flow chart**



# Data Breach Procedure

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## **1. INTRODUCTION**

Where there is a data breach within the College, it is a legal requirement to notify the ICO within 72 hours and the individuals concerned as soon as possible in certain situations. It is essential therefore that all data breaches, no matter how big or small, are reported to us.

This Procedure should be read in conjunction with our Data Protection Policy and Data Breach Policy. These Policies contain information on what constitutes a data breach and under what circumstances they should be reported to the ICO; please read it to make sure that you are aware of the breadth of the concept of a data breach.

This Procedure should be followed by all staff. At all stages of this procedure, our Data Protection Officer and management will decide whether to seek legal advice.

This procedure will also apply where we are notified by any third parties that process personal data on our behalf that they have had a data breach which affects our personal data. The procedure is set out below. Any failure to follow this procedure may result in disciplinary action.

## **2. IDENTIFYING AND REPORTING A DATA BREACH**

If you discover a data breach, however big or small, you must report this to our Data Protection Officer immediately. The Data Protection Officer is Lisa Farnhill and can be contacted at [dataprotection@southport.ac.uk](mailto:dataprotection@southport.ac.uk). Any other questions about the operation of this procedure or any concerns that the procedure has not been followed should be referred in the first instance to the Data Protection Officer.

A data breach could be as simple as putting a letter in the wrong envelope, sending an email to the wrong person or leaving something on a photocopier, and therefore even the most minor data breaches must be reported. False alarms or even breaches that do not cause any harm to individuals or to the College should nevertheless be reported as it will enable us to learn lessons in how we respond and the remedial action we put in place, in the same way our Health and Safety team log and analyse 'near misses'.

We have a legal obligation to keep a register of all data breaches, no matter how big or small and no matter whether any harm was caused. Please ensure that you do report any breach, even if you are unsure whether or not it is a breach, failing to do so is a breach of the legislation, and therefore could give rise to disciplinary action.

## **3. BECOMING AWARE OF A DATA BREACH**

We become aware of a data breach when we have a reasonable degree of certainty that information has been, lost, stolen, disclosed, or destroyed. This could be as a result of a security incident that has led to personal data being compromised, or simply sent in error, lost, accidentally or intentionally disclosed to someone who does not have a right to see that personal data. From this point, our time limit for notification to the ICO will commence, remember, this is just 72 hours, and weekends, bank holidays and college closure days don't count, so it is essentially you contact the DPO immediately.

When you report a data breach to our Data Protection Officer, our Data Protection Officer will promptly investigate the breach to ascertain whether we are fully aware that a breach has occurred that has led to personal data being compromised. We will aim to do this within 24 hours of a breach being reported to us.

## **4. INVESTIGATING A DATA BREACH**

Once you have reported a breach, our Data Protection Officer will log the breach in our Data Breach Register and will carry out an initial assessment of the breach to evaluate whether it is an actual breach, and its severity. They aim to complete the initial review within 24 hours, and will usually be done in conjunction with the Vice Principal Business Services.

To do this, the Data Protection Officer will need as much information as possible about the circumstances surrounding the breach, to support this, provide as much information as you can in your initial email, remember, we only have 72 hours to report this to the ICO if required.

Decisions taken as part of the investigation will include considering if it is an actual breach, whether the data subjects need informing, and if it needs reporting to the ICO. The investigation will also consider risks and prevention, like whether this could have been avoided, through training or tightened procedures and the impact on the data subjects and college.

## **5. FORMULATING A RECOVERY PLAN**

Where the initial investigation concludes there was an actual breach, our Data Protection Officer and senior leadership team will consider if there is a need for a recovery plan to minimise the risk to individuals. As part of the recovery plan, our Data Protection Officer and the senior leadership team may interview any key individuals involved in the breach to determine how the breach occurred and what actions have been taken, and what more needs to be done to reduce the impact on the data subjects.

Once the level of severity is known, the Data Protection Officer and Vice Principal Business Services will notify the Senior Leadership Team (SLT). If necessary, a response team will be appointed which may involve for example members of the HR, communications (marketing) and IT teams, assigning responsibility for particular tasks as necessary across the response team.

If our Data Protection Officer and SLT consider that the breach to be serious, they will consider the impact on our reputation and the effect it may have on the trust placed in us. Our Data Protection Officer and SLT may feel it necessary to appoint a PR professional to advise on reputational damage and will also consider whether legal advice is needed.

We will aim to begin this process within 24 hours of a breach being reported to us.

## **6. NOTIFYING A DATA BREACH TO THE ICO**

Where the breach is likely to result in a risk to the rights and freedoms of individuals, we must notify the breach to the ICO within 72 hours of becoming aware of the breach. It is important to note that this is not from the time you report it to the Data Protection Officer, but of the first awareness by any college staff – which is why it is so important to inform the Data Protection Officer immediately so that investigations can begin.

The content of the notification will be drafted by our Data Protection Officer in line with our Data Protection and Breach Policies, and the notification will be made by our Data Protection Officer – please be aware that under no circumstances must you try and deal with a data breach yourself. The ICO will be kept updated if anything changes from the time, we send the initial notification.

This will be done within 72 hours of becoming aware of the breach.

## **7. NOTIFYING A DATA BREACH TO INDIVIDUALS**

We must also notify the individuals concerned as soon as possible where the breach is likely to result in a high risk to their rights and freedoms.

The content of the notification will be drafted by our Data Protection Officer (DPO) in line with our Data Protection Policy and in conjunction with consulting the ICO if considered necessary. We will notify individuals in clear and plain language and in a transparent manner, in the most appropriate format for their needs (for example by telephone, email, Teams Messaging or letter). If you have a working relationship with the individual, and it is thought this may support the process, the DPO may ask you to help deliver the message, particularly where there are additional needs to consider.

Please be aware that under no circumstances must you try and deal with a data breach yourself, this must always be done with the advice and support of the DPO. The DPO will outline advice for the data subject which will help them be vigilant against any risks that may have occurred as a result of the breach.

This will be done as soon as possible after we become aware of the breach and without delay.

## **8. NOTIFYING A DATA BREACH TO OTHER RELEVANT THIRD PARTIES**

We may also consider that it is necessary to notify other third parties about the data breach depending on the nature of the breach. This could include the DfE, Insurers, Police, Employees, Parents/Guardians, Sponsors, Banks, and Contract counterparties.

The decision as to whether any third parties need to be notified will be made by our Data Protection Officer and management. They will decide on the content of such notifications.

This will be done as soon as possible after we become aware of the breach and the investigation indicates that this is necessary.

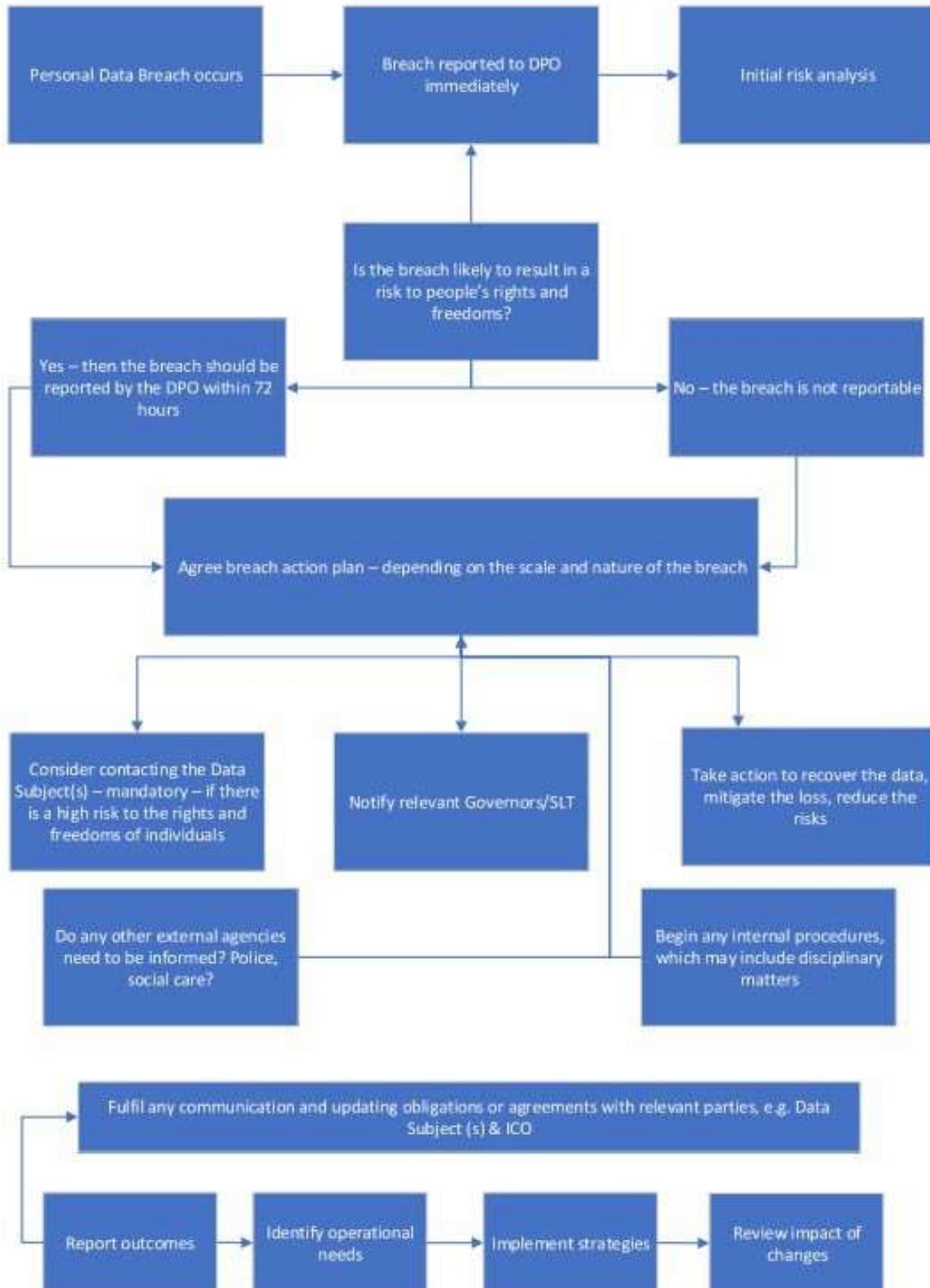
## **9. EVALUATION AND RESPONSE**

The key to preventing further incidents is to ensure that the College learns from previous incidents.

It is extremely important to identify the actions that the College needs to take to prevent a recurrence of the incident. Our Data Protection Officer and SLT will carry out an evaluation as to the effectiveness of our response to the data breach and document this in our Data Breach Register. Trends and themes will be analysed to consider training needs of individuals, teams or a whole college approach. Any process updates as a result of an investigation will be documented and their implementation recorded on the breach log.

Data breach information will be reported to the Audit Committee, to ensure oversight by Governors, reported as a standing item and where necessary (due to significance), referenced by the Principal in reports to the whole Corporation.

## 10. FLOW CHART



# RIGHTS OF INDIVIDUALS POLICY

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	<b>Job Title</b>	Vice Principal Business Services	
<b>Date policy reviewed:</b>	January 2026	<b>Reviewed by:</b>	Lisa Farnhill - DPO
<b>Date approved</b>		<b>Next review due:</b>	January 2028

## 1. INTRODUCTION

1.1 The College's reputation and future growth are dependent on the way the College manages and protects Personal Data. All individuals have rights over their Personal Data and the College recognises the importance of having an effective Policy in place to allow individuals to exercise those rights in a way that is clear and easy for them. The College has therefore implemented this Rights of Individuals Policy to ensure all College Personnel are aware of what rights individuals have over their Personal Data and how the College makes sure those rights can be exercised.

1.2 College staff are provided with access to this Policy when they start and may receive notifications of any periodic revisions of this Policy. This Policy does not form part of any College Personnel's contract of employment and the College reserves the right to change this Policy at any time. All College staff are obliged to comply with this Policy at all times.

1.3 This Policy applies to all College Personnel who collect and/or use Personal Data relating to individuals.

1.4 It applies to all Personal Data stored electronically, in paper form, or otherwise.

## 2. Definitions

**2.1 College** – Southport Education Group

**2.2 College Staff** – Any College employee, worker, volunteer or contractor who accesses any of the College's Personal Data and will include employees, consultants, contractors, and temporary personnel hired to work on behalf of the College.

**2.3 Data Protection Laws** – The UK General Data Protection Regulation (UK GDPR) and all applicable laws relating to the collection and use of Personal Data and privacy and any applicable codes of practice issued by a regulator including in the UK, the Data Protection Act 2018 and Data (Use and Access) Act 2025.

**2.4 Data Protection Officer** – Our Data Protection Officer can be contacted by email: [dataprotection@southport.ac.uk](mailto:dataprotection@southport.ac.uk)

**2.5 ICO** – the Information Commissioner's Office, the UK's data protection regulator.

**2.6 Personal Data** – Any information about an individual which identifies them or allows them to be identified in conjunction with other information that is held. Personal data is defined very broadly and covers both ordinary personal data from personal contact details and business contact details to special categories of personal data such as trade union membership, genetic data and religious beliefs. It also covers information that allows an individual to be identified indirectly for example an identification number, location data or an online identifier

**2.7 Processing** – Any collection, use of storage of Personal Data whether on the College's information security systems or in paper form.

**2.8 Special Categories of Personal Data** - Personal Data that reveals a person's racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic data (i.e.

information about their inherited or acquired genetic characteristics), biometric data (i.e. information about their physical, physiological or behavioural characteristics such as facial images and fingerprints), physical or mental health, sexual life or sexual orientation. This also includes personal data where our processing reveals or is used to infer any of the above characteristics with a reasonable degree of certainty

### **3. College Staff Obligations**

3.1 This Policy sets out the rights that individuals have over their Personal Data under Data Protection Laws. If any College staff member receives a request from an individual to exercise any of the rights set out in this Policy, that staff member must:

3.1.1 inform the Data Protection Officer as soon as possible and, in any event, within 24 hours of receiving the request;

3.1.2 tell the Data Protection Officer what the request consists of, who has sent the request and provide the Data Protection Officer with a copy of the request;

3.1.3 not make any attempt to deal with, or respond to, the request without authorisation from the Data Protection Officer.

3.2 It is important that staff understand that requests to access data may not refer to data protection legislation, our policy or the terms 'data subject or data access', however, staff must know how to recognise any request for data as a data subject access request, and refer to the guidance in this policy when handling the request.

### **4. What Rights do Individuals have over Their Personal Data?**

#### **4.1 Right of Access Request (RoAR)/ Subject Access Request (SAR)**

4.1.1 Individuals have the right to ask the College to confirm the Personal Data about them that the College is holding, and to have copies of that Personal Data along with the following information:

- the purposes that the College has their Personal Data for;
- the categories of Personal Data about them that the College has;
- the recipients or categories of recipients that their Personal Data has been or will be disclosed to;
- how long the College will keep their Personal Data;
- that they have the right to request that the College corrects any inaccuracies in their Personal Data or deletes their Personal Data (in certain circumstances, please see below for further information); or restrict the uses the College is making of their Personal Data (in certain circumstances, please see below for further information); or to object to the uses the College is making of their Personal Data (in certain circumstances, please see below for further information);
- that they have the right to complain to the ICO if they are unhappy about how the College has dealt with this request or in general about the way the College is handling their Personal Data;
- where the Personal Data was not collected from them, where the College got it from; and
- the existence of automated decision-making, including profiling (if applicable).
- The right to complain and to have this managed within the timeframes set out in the Data (Use and Access

Act) 2025

4.1.2 The College is not permitted to charge individuals for complying with this request, except in limited circumstances. This includes where a request is excessive, or vexatious or requests additional copies. Where the data subject requests a further copy of the information, the College can charge a reasonable fee based on its administrative costs of making the further copy.

4.1.3 The College is expected to complete a reasonable and proportionate search for all relevant data. When a request is received, with the support of the DPO, staff should clarify the request to ensure time and resources are appropriately deployed.

4.1.4 The Right of Access Request (RoAR) or Subject Access Request (SAR) does not have to be formal or require the completion of any specific forms. It can be made in any format (email, letter, verbal) and does not need to refer to data protection law, or use the words Right of Access Request, RoAR, Subject Access Request or SAR. All College staff should monitor its incoming communications, including post, email, its website and social media pages to ensure that the College can recognise a SAR when it receives it.

4.1.5 The College is required to respond to a SAR/RoAR within one calendar month from the date the College receives it, however, the time frame can be paused whilst clarification of the request and confirmation of identity are confirmed. If the request is complex or there are multiple requests at once, the College may extend this period by two further months provided that the College tells the individual who has made the request about the delay and the College's reasons for the delay within the first month.

4.1.6 The Data Protection Officer will reach a decision as to the complexity of the SAR/RoAR and whether the College is entitled to extend the deadline for responding.

## **4.2 Right to Rectification**

4.2.1 Individuals have the right to ask the College to correct any Personal Data about them that the College is holding that is incorrect. The College is then obliged to correct that Personal Data within one month (or two months if the request is complex).

4.2.2 Where the individual tells the College their Personal Data is incomplete, the College is obliged to complete it if the individual asks the College to do so. This may mean adding a supplementary statement to their personal file for example.

4.2.3 If the College has disclosed the individual's inaccurate Personal Data to any third parties, the College is required to tell the individual who those third parties are and to inform the third parties of the correction where the College can.

4.2.4 When an individual asks the College to correct their Personal Data, the College is required to do so and to confirm this in writing to the individual within one month of them making the request.

### **4.3 Right to Erasure (right to be forgotten)**

4.3.1 Individuals have the right to ask the College to delete the Personal Data the College has about them in certain circumstances but this right is limited in scope and does not apply to every individual. The right to be forgotten applies when:

- the Personal Data is no longer necessary for the purpose the College collected it for;
- the individual withdraws consent and the College has no other legal basis to use their Personal Data;
- the individual objects to the College's processing and there is no overriding legitimate interest for continuing the processing;
- the Personal Data was unlawfully processed; and/or
- the Personal Data has to be erased to comply with a legal obligation.

4.3.2 If the College has disclosed the individual's deleted Personal Data to any third parties, the College is required to tell the individual who those third parties are and to inform the third parties to delete the Personal Data where the College can

4.3.3 When an individual asks the College to delete their Personal Data, the College is required to do so and to inform the individual in writing within one month of them making the request that this has been done.

### **4.4 Right to Restrict Processing**

4.4.1 Individuals have the right to "block" or "suppress" the College's processing of their Personal Data when:

- they contest the accuracy of the Personal Data, for a period enabling the College to verify the accuracy of the Personal Data;
- the processing is unlawful and the individual opposes the deletion of the Personal Data and requests restriction instead;
- the College no longer needs the Personal Data for the purposes the College collected it for, but the College is required by the individual to keep the Personal Data for the establishment, exercise or defence of legal claims;
- the individual has objected to the College's legitimate interests, for a period enabling the College to verify whether its legitimate interests override their interests.

4.4.2 If the College has disclosed the individual's restricted Personal Data to any third parties, the College is required to tell the individual who those third parties are and to inform the third parties about the restriction where the College can.

4.4.3 When an individual asks the College to restrict its processing of their Personal Data, the College is required to do so and to confirm to the individual in writing within one month of them making the request that this has been done.

### **4.5 Right to Data Portability**

4.5.1 Individuals have the right to obtain from the College a copy of their own Personal Data in a structured, commonly-used and machine-readable format (such as CSV files). The aim of this right is to facilitate the ability of individuals to move, copy or transmit their Personal Data easily from one IT environment to another.

4.5.2 The right to data portability only applies when:

- the individual provided the College with the Personal Data;
- The processing the College is carrying out is based on the individual's consent or is necessary for the performance of a contract; and
- the processing is carried out by automated means.

4.5.3 This means that the right to data portability does not apply to personal data the College is processing on another legal basis, such as its legitimate interests.

4.5.4 The College is obliged to provide this information free of charge within one month of the individual making the request (or two months where the request is complex provided that the College explains to the individual why it needs more time).

4.5.5 . The individual also has the right to ask the College to transmit the Personal data directly to another organisation if this is technically possible.

#### **4.6 Right to Object**

4.6.1 Individuals have the right to object to the College's processing of their Personal Data where:

- the College's processing is based on its legitimate interests or the performance of a task in the public interest and the individual has grounds relating to his or her particular situation on which to object;
- the College is carrying out direct marketing to the individual; and/or
- the College's processing is for the purpose of scientific/historical research and statistics and the individual has grounds relating to his or her particular situation on which to object.

4.6.2 If an individual has grounds to object to the College's legitimate interests, the College must stop processing their Personal Data unless the College has compelling legitimate grounds for the processing which override the interests of the individual, or where the processing is for the establishment, exercise or defence of legal claims.

4.6.3 If an individual objects to direct marketing, the College must stop processing their Personal Data for these purposes as soon as the College receives the request. The College cannot refuse their request for any reason and cannot charge them for complying with it.

4.6.4 Before the end of one month from the date the College gets the request, the College must notify the individual in writing that the College has complied or intends to comply with their objections or that the College is not complying and the reasons why.

#### **4.7 Rights in Relation to Automated Decision Making**

4.7.1 I Solely automated decisions that produce legal or similarly significant effects may only be undertaken where permitted by law and only if the following safeguards are in place::

- Individuals are informed about such decisions they can make representations and challenge the decision they can obtain meaningful human intervention

4.7.2 Automated decision making happens where the College makes a decision about an individual solely by automated means without any meaningful human involvement in taking the decision

4.7.3 Profiling happens where the College automatically uses Personal Data to evaluate certain things about an individual.

4.7.4 The college does not currently carry out solely automated decisions or profiling that produce legal or similarly significant effects. If this changes, the college will apply the Articles 22A–22C safeguards and update this policy and the relevant privacy information. .

## 5. Complaints

5.1. The College maintains and publicises on its website a process for complaints, which includes a process which is compliant with the timeframes set out in the Data (Use and Access Act) 2025. We will acknowledge complaints within 30 days, investigate without undue delay, keep the complainant informed, and issue an outcome.

5.2. If, after raising a concern with the College, an individual remains dissatisfied, they may escalate their complaint to the Information Commissioner's Office (ICO) using the contact details published on the ICO website, including the helpline **0303 123 1113** or by writing to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

## 6. Related Documents

- Data Protection Policy
- Privacy Statements
- Breach Policy
- Data Retention Policy
- Comments, Compliments and Complaints Policy

Annex 1 Subject Access Request (SAR)/ Right of Access Request (RoAR) Procedure Flowchart



# Retention Policy

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<b>Date approved</b>		<b>Next review due:</b>	January 2028

## 1. INTRODUCTION

- 1.1 Southport Education Group (The “College”) must, in respect of its processing of personal data, comply with the Data Protection Act 2018, UK GDPR (General Data Protection Regulation), and related legislation, including the Data (Use and Access) Act 2025 (together, "Data Protection Laws").
- 1.2 This Retention Policy should be read in conjunction with the College’s Data Protection Policy, which sets out the College’s overall approach to data protection matters and sets out the rationale for why a Retention Policy is required for personal data.
- 1.3 The College is under a legal obligation to only to keep personal data for as long as the College needs it. Once the College no longer needs personal data, the College must securely destroy it. The College recognises that the correct and lawful treatment of data will maintain confidence in the College and will provide for a successful working environment.
- 1.4 This Policy applies to all College employees, consultants, contractors and temporary personnel hired to work on behalf of the College ("College staff").

- 1.5 All College Staff with access to personal data must comply with this Retention Policy.
- 1.6 Please read this Retention Policy carefully. All College Staff must comply with it at all times. If you have any queries regarding this Retention Policy, please consult your manager and/ or the Data Protection Officer. You are advised that any breach of this Retention Policy will be treated seriously and may result in disciplinary action being taken against you.
- 1.7 College Staff will receive a copy of this Policy when they start and may receive periodic revisions of this Policy. This Policy does not form part of any College Personnel's contract of employment and the College reserves the right to change this Policy at any time.

## **2. ABOUT THIS POLICY**

2.1 This Retention Policy explains how the College complies with our legal obligation to only keep personal data for as long as we need it and sets out when different types of personal data will be deleted. In particular, it sets out details of the College's policies for the retention of Special Category personal data.

## **3. DATA RETENTION PERIODS**

3.1 The College has assessed the types of personal data that the College holds and the purposes the College use it for.

3.2 Data broadly falls into two categories:

3.2.1 : Data that must be retained for a set period, due to regulatory or organisational requirements as outlined in the table below

3.2.2 : Data that has no fixed retention schedule (regulatory or organisational) and therefore must only be retained as long as it is necessary. Individuals and departments are required to regularly review and destroy data that falls into this category. (Regular meaning no less than annual).

3.3 The table below sets out the retention periods for different types of data. It is the responsibility of the relevant department to ensure the data they hold is maintained for the period specified and securely destroyed at the end of the retention period.

3.4 Where years are stated below this refers to academic year not including the current year. For example in data with a retention period of 7 years from 2017/18 academic year would be destroyed after the 31st July 2025 (end of 2024/25).

3.5 If any member of College Staff considers a category of data needs to be kept for more or less time than the period set out in this policy, please contact the Data Protection Officer for guidance.

## 4. RETENTION PERIODS FOR DIFFERENT CATEGORIES OF DATA

### 4.1 Staff

File Description	Retention Period
Recruitment and selection – job application form and all aspects of recruitment and selection	Last action on application + maximum of 1 Year
Speculative job applications and CVs	Last action on application + maximum of 1 Year
Statistical information on profile of job applicants	5 Years
Personal details	6 years following termination of employment
Overtime records	6 years following termination of employment
Bank account details	6 years following termination of employment
Evidence of right to work in the UK	6 years following termination of employment
DBS information, list 99 and prohibition orders	6 years following termination of employment
Car insurance details	6 years following termination of employment
Requests for references	6 years following termination of employment
Certificates, qualification correspondence	6 years following termination of employment
Register of interests	6 years following termination of employment/governorship
Training and CPD records including development requests	6 years following termination of employment/governorship
Performance appraisal forms and correspondence	6 years following termination of employment
Discipline case files	6 years following termination of employment/last action on file
Staff records of an investigation that has a significant element of an allegation or report of abuse	until the accused has reached normal pension age or for a period of 10 years from the date of the allegation if that is longer
Grievance case files	6 years following termination of employment/last action on file

Settlement agreements, COT3 and employment tribunal correspondence	6 years following termination of employment/last action on file, if Legal action taken, retain for the life of Institution
Performance management case files	6 years following termination of employment/last action on file
Lesson observation assessment data	6 years following termination of employment/last action on file
Trade Union correspondence	20 years following termination of employment/last action on file
Subject Access and Freedom of Information requests	2 years following last action unless longer retention requirements apply (i.e. H&S, Employment Law)
Allegations against a member of staff of a sexual nature.	Until the conclusion of the IICSA report. Thereafter, in line with the harm threshold: until the accused has reached normal pension age or for a period of 10 years from the date of the allegation if that is longer
Allegations against a member of staff meeting the 'harm threshold'	until the accused has reached normal pension age or for a period of 10 years from the date of the allegation if that is longer
Low level concerns raised by staff or students in relation to staff conduct with students (concerns that do not meet the 'harm threshold')	until the accused has reached normal pension age or for a period of 10 years from the date of the allegation if that is longer

#### 4.2 Health and Safety

Where there is a Statutory requirement to keep records for a specified period, it is recommended that the latest edition of the relevant legislation is checked and / or local Health and Safety Advisers

are consulted before disposing of other similar records. Examples of legislation with retention stipulations include:

- a. Control of Substances Hazardous to Health Regulations;
- b. Reporting of Injuries, Diseases and Dangerous Occurrences Regulations;
- c. Ionising Radiations Regulations;
- d. Control of Lead at Work Regulations;
- e. Control of Asbestos Regulations;
- f. Work in Compressed Air Regulations; and
- g. Social Security (Claims and Payments) Regulations

File Description	Retention Period
Accident records	3 years
Staff Health and safety records (i.e. PEEPs/Maternity risk assessment)	6 years following termination of employment
Student Health and safety records (i.e. PEEPs/Maternity risk assessment)	At end of academic year in which the programme ends
Student Health and safety records linked to personal risk.	40 Years from date of document.

#### 4.3 Financial Management

File Description	Retention Period
Finance System record (Accounts Payable, Accounts Receivable & General Ledger)	7 years
Bursary (Discretionary support) applications	7 years
Southport College Bank account	7 years
Supplier and customer correspondence	7 years

#### 4.4 Student Records

File Description	Retention Period
Core student record	Lifetime of Student or 80 Years
MIS student record	7 years
Enrolment form	Termination of the student relationship plus 6 years
Application form	Termination of the student relationship plus 6 years
Interview sheet	Termination of the student relationship plus 6 years

Copies of certificates	Termination of the student relationship plus 6 years
Pro-Monitor	Termination of the student relationship plus 6 years
Team tracking	Termination of the student relationship plus 6 years
One-File	Termination of the student relationship plus 6 years
Disciplinary record (with no Safeguarding elements)	Termination of the student relationship plus 6 years
Student Disciplinary records of an investigation that has a significant element of an allegation or report of abuse	Date of Birth plus 25 Years; Looked After Children (LAC) records is currently Date of Birth plus 75 Years.
EHCP	7 years
Learners' portfolios and course work	12 weeks after receipt of certification
Internal verification documentation, along with the assessment tracking and feedback	3 Years after certification

#### 4.5 Child Protection

File Description	Retention Period
Safeguarding record (Risk factors recorded for students)	Date of Birth plus 25 Years; Looked After Children (LAC) records is currently Date of Birth plus 75 Years.
Child Protection file if student completes at college and does not move to another provider	Date of Birth plus 25 Years; Looked After Children (LAC) records is currently Date of Birth plus 75 Years.
Receipt of Child Protection file if student moves to another provider and record is sent on as required by law	Date of Birth plus 25 Years; Looked After Children (LAC) records is currently Date of Birth plus 75 Years.
CSE records	Date of Birth plus 25 Years; Looked After Children (LAC) records is currently Date of Birth plus 75 Years.
Child In Need and social care interventions	Date of Birth plus 25 Years; Looked After Children (LAC) records is currently Date of Birth plus 75 Years.

#### 4.6 Property

File Description	Retention Period
CCTV	Maximum of 31 days unless part of an investigation
Project Management Documents (e.g. PIDs, project plans etc.)	6 years
Routine planned preventative maintenance schedule checklists	Retain from year records created for 6 years
Records documenting assessments made to determine the presence (or presence) of asbestos in premises, as	Permanent Retention

required by Regulation 4(3) of the Control of Asbestos Regulations 2006 (SI 2006/2739).	
Records documenting the monitoring of the condition of asbestos in premises, and of maintaining or removing it.	Permanent Retention
Masterplans for sites & buildings & Deeds	Permanent Retention

#### 4.7 Governance

File Description	Retention Period
Governors' records including contact details, register of interest and payments, photos & videos	6 years after the year in which the person ceases to be a governor
Minutes of meetings of the Corporation and its Committees, containing names of attendees	Life of institution
Records documenting the establishment and development institution's governance structure and rules.	Life of Institution
Establishment and Closure of Committees	Committee end date plus 6 years

4.8 There may be instances that require data to be retained longer than the stated period above. These exceptions will only be applied if retention can be justified on an operational or regulatory or statutory basis with the agreement of the Data Protection Officer.

## 5. DATA DISPOSAL

- 5.1. At the end of its retention period, data must be deleted/destroyed. Destruction of confidential information should be carried out in such a way that it cannot be recovered or reconstructed.
- 5.1.1. Non-sensitive paper information, that has no personal data (e.g. building risk assessments or learning materials) can be disposed of using recycle bins where appropriate
- 5.1.2. Confidential/sensitive information containing any personal data **CANNOT** be placed in an ordinary bin or recycling and must be made 'unreadable and un-reconstructable'. Government guidance outlines the following appropriate methods:
- 5.1.2.1. paper records should be shredded using a cross-cutting shredder or shredded by an external company.
- 5.1.2.2. CDs / DVDs / floppy disks should be cut into pieces
- 5.1.2.3. audio / video tapes and fax rolls should be dismantled and shredded
- 5.1.2.4. hard disks should be dismantled and sanded
- 5.1.3. College staff are asked to contact the IT team for support with the destruction and deletion of digital records and within IT equipment
- 5.1.4. The college uses a waste management contractor to destroy confidential paper

records securely and compliantly. Please ensure confidential paper records are placed in the confidential waste bags/boxes as supplied by the college's contractor

5.1.5. Staff are responsible for ensuring confidential waste sacks and boxes are kept in a secure locked location until collection

5.2. It is not necessary to document the disposal of records which appear on the Disposal Plan. Records disposed of outside of the Plan, for example by being disposed of earlier or kept for longer will need to be recorded for audit purposes.

## **6. SHARING**

6.1. Copies of records should be destroyed when no longer required for the purpose they were copied. Where information has been regularly shared between departments, only the original records should be retained

6.2. Where the College shares information with other organisations, we must ensure they have adequate procedures for records to ensure that the information is managed

in accordance with our policies, as well as current legislative and regulatory requirements.

6.3. Where appropriate we may carry out a data privacy impact assessment ahead of sharing data outside of the organisation.