DATA PROTECTION POLICY

This policy is intended to ensure that personal information is dealt with properly and securely and in accordance with the General Data Protection Regulation (2018), the Data Protection Act 2018 and other related legislation. It will apply to information regardless of the way it is used, recorded and stored and whether it is held in paper files or electronically.

This policy will be updated as necessary to reflect best practice or amendments made to the General Data Protection Regulation (GDPR), Data Protection Act 2018 (DPA) and any other laws governing data protection. It will be reviewed every 2 years.

Date of last review	September 2020
Date of next review	September 2022

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Introduction

Ambition Institute collects and uses certain types of personal information about participants, coaches, facilitators and other individuals who come into contact with Ambition Institute. Ambition Institute may be required by law to collect and use certain types of information to comply with statutory obligations.

The DPA applies to all computerised data and paper records, regardless of whether they are held of part of a filing system or not.

Personal data

'Personal data' is information that relates to individuals who can be identified, who are directly identifiable from the information or who can be indirectly identified from the information in combination with other information.

A sub-set of personal data is known as 'sensitive personal data' or 'special category personal data'. Special category personal data is as follows:

- race or ethnic origin
- political opinions
- religious or philosophical beliefs
- trade union membership
- physical or mental health
- sex life or sexual orientation
- genetic or biometric data where used for identification

Special category personal data is given special protection, and additional conditions for processing this type of data are in place.

Data Protection principles

The seven key principles set out within GDPR are followed at all times:

Personal data shall be:

a) processed lawfully, fairly and in a transparent manner in relation to individuals ('lawfulness, fairness and transparency');

b) collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes ('purpose limitation');

c) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed ('data minimisation');

d) accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay ('accuracy');

e) kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals ('storage limitation');
f) 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 ('integrity and confidentiality')

The seventh principle is that an organisation is responsible for, and shall be able to demonstrate compliance with, the first six principles ('accountability').

Ambition Institute is committed to maintaining these principles. This means that we will:

a) Identify our lawful basis for collecting and processing data, and ensure that we are open with data subjects on how their data will be used
b) Ensure that data processing is in line with the purpose for which it was originally collected
c) Ensure that we only collect data that is relevant and useful
d) Check the quality and accuracy of the information we hold
e) Regularly review the records we hold to ensure that information is not held longer than is necessary, and ensure that when information is authorised for disposal it is done appropriately
f) Ensure appropriate security measures to safeguard personal information whether that is held in paper files or on our computer system
g) Document policies, processes and decisions relating to personal data

Use of Personal Data by Ambition Institute

Ambition Institute does not intend to seek or hold sensitive personal data except where it specifically relates to the activities of Ambition Institute, for instance contact details for participants, or when it comes to Ambition Institute's attention via legitimate means (e.g. a grievance) or needs to be sought and held in compliance with a legal obligation or as a matter of good practice.

Individuals are under no obligation to disclose to Ambition Institute their race or ethnic origin, political or religious beliefs, whether or not they are a trade union member or details of their sexual life (save to the extent that details of marital status and/or parenthood needed for other purposes, e.g. pension entitlements, may be indicative of some aspects of sexual life).

Photographs with names identifying our participants, coaches and facilitators will not be published on the Ambition Institute website without the express permission of the appropriate individual.

Security of Personal Data

Ambition Institute will take reasonable steps to ensure that members of staff will only have access to personal data where it is necessary for them to do so. All staff will be made aware of this Policy and their duties under the GDPR and DPA. Ambition Institute will take all reasonable steps to ensure that all personal information is held securely and is not accessible to unauthorised persons.

Subject access requests

An individual who requests to see a copy of the information that Ambition Institute is holding about them is making a subject access request. The GDPR outlines individual's 'right of access', meaning that they have the right to obtain a copy of their personal data as well as other supplementary information.

Individuals making a subject access request have the right to obtain the following information:

- a copy of their personal data
- the purposes of processing this information;
- the categories of personal data concerned;
- the recipients or categories of recipient that we disclose the personal data to;
- the retention period for storing the personal data or, where this is not possible, our criteria for determining how long we will store it;
- the existence of the right to request rectification, erasure or restriction or to object to such processing;
- the right to lodge a complaint with the Information Commissioner's Office (ICO) or another supervisory authority;
- information about the source of the data, where it was not obtained directly from the individual;
- the safeguards we provide if we transfer personal data to a third country or international organisation.

A request under GDPR does not need to be made in writing; requests may be made verbally, and they do not need to include the phrase 'subject access request'. Requests may be made to any part of the organisation, including through social media.

Upon receipt of a request, Ambition Institute must respond within one month. Individuals making a subject access request will not be charged for this service. Ambition Institute may ask for any further information reasonably required to locate the information. All data will be reviewed before any disclosure takes place.

There is no fee for an individual requesting information about themselves. This also applies to a staff member or other parties requesting to see their personnel or other relevant records.

Exemptions to Access by Data Subjects

Access to records will be refused in instances where, for example, information sharing may place a participant, coach, facilitator, contractor, member of staff or other individual at risk of significant harm or jeopardise police investigations into any alleged offence(s).

Confidential references given, or to be given by Ambition Institute, are exempt from access. Ambition Institute will therefore treat as exempt any reference given by them for the purpose of the education, training or employment, or prospective education, training or employment of any participants, coaches, facilitators, contractors or staff.

It should be noted that confidential references received from other parties may also be exempt from disclosure, under the common law of confidence. However, such a reference can be disclosed if such disclosure will not identify the source of the reference or where, notwithstanding this, the referee has given their consent, or where disclosure is reasonable in all the circumstances.

Where a claim to legal professional privilege could be maintained in legal proceedings, the information is exempt from disclosure unless the privilege is waived.

Repeated Requests for Access to Records

Unless a reasonable period of time has lapsed between the compliance with one request and receipt of the next, the GDPR allows for access to be refused when the applicant has made repeated requests for information already provided.

Other rights of individuals

The GDPR also outlines the additional rights of individuals; the following section outlines how Ambition Institute will respond to the following:

- The right to rectification
- The right to erasure
- The right to restrict processing
- The right to data portability

Right to rectification

If an individual discovers that information which Ambition Institute holds in relation to them is inaccurate or out of date, they should contact Ambition Institute setting out the inaccuracy, and the accurate position.

Ambition Institute will arrange for information to be corrected where Ambition Institute is in agreement that the previous information was inaccurate.

If Ambition Institute disagrees that the information is inaccurate, it will discuss the matter with the individual, but Ambition Institute has the right to maintain the original information. If the individual is unhappy with this outcome they have the right to contact the ICO.

Right to erasure
Individuals have the right to have their personal data erased (also known as the right to be forgotten) if:

- the personal data is no longer necessary for the purpose which it was originally collected or processed for;
- the individual withdraws consent and there is no other lawful basis for holding the data
- the individual objects to processing of personal data and there is no overriding legitimate interest to continue this processing;
- the individual objects to processing of personal data for direct marketing purposes;
- there is a legal obligation to erase the data; or
- the personal data has been processed to offer information society services to a child.

If an individual wishes for their data to be erased, they should contact Ambition Institute and state what data they wish to be erased and the reasons for this. Ambition Institute will consider all requests against the exemptions outlined in the GDPR.

A fee will not normally be charged for a request for erasure, unless it is deemed that the request is manifestly unfounded or excessive. All requests will be dealt with within one month of receipt.

Right to restrict processing
Individuals have the right to request that processing of their personal data is restricted or suppressed; in these situations, Ambition Institute will retain a copy of the personal data, but will not use it.

The right to restrict processing can be requested in the following circumstances; where the accuracy of data is being verified; where data has been unlawfully processed and the individual requests restriction of processing rather than erasure; where personal data would normally be deleted but the individual requires it to be kept for legal reasons; or where an objection has been made to data processing and a decision is still pending.

Right to data portability
The right to data portability allows individuals to obtain and reuse their personal data for their own purposes across different services.

This right applies only where the lawful basis for processing information is consent or for the performance of a contract, and where processing is carried out by automated means.

If an individual wishes to obtain a copy of their data, they should contact Ambition Institute. Ambition Institute will consider all requests; should the request be granted, data will be shared with the individual in a structured, commonly used and machine-readable format.

A fee will not normally be charged for a request, unless it is deemed that the request is manifestly unfounded or excessive. All requests will be dealt with within one month of receipt.

Disclosure of Personal Data to Third Parties

Ambition Institute may receive requests from third parties (i.e. those other than the data subject, Ambition Institute, and employees of Ambition Institute) to disclose personal data it holds. This information will not generally be disclosed unless one of the specific exemptions under the GDPR or DPA which allow disclosure applies; or where necessary for the legitimate interests of the individual concerned or Ambition Institute.

The following are the most usual reasons that Ambition Institute may have for passing personal data to third parties:

(1) to provide the relevant Government Department concerned with national education. At the time of writing this Policy, the government Department concerned with national education is the Department for Education (DfE).
(2) Research purposes where there is reasonable purpose behind disclosing information from the Area Impact Strategy, Impact Programme and other tools used on the programme.

Any wish to limit or object to any use of personal data by third parties, except as stated above, should be notified to Ambition Institute in writing, or to the relevant authority (the contact details for which can be supplied).

Where Ambition Institute receives a disclosure request from a third party it will take reasonable steps to verify the identity of that third party before making any disclosure.

Exemptions that Allow Disclosure of Personal Data to Third Parties

There are a number of exemptions in the DPA that allow disclosure of personal data to third parties, and the processing of personal data by Ambition Institute, which would otherwise be prohibited under the DPA. The majority of these exemptions only allow disclosure and processing of personal data where specific conditions are met, namely:

(1) the data subjects have given their consent;
(2) for the prevention or detection of crime;
(3) for the assessment of any tax or duty;
(4) where it is necessary to exercise a right or obligation conferred or imposed by law upon Ambition Institute (other than an obligation imposed by contract);
(5) for the purpose of, or in connection with, legal proceedings (including prospective legal proceedings);
(6) for the purpose of obtaining legal advice; and
(7) for research, historical and statistical purposes (so long as this neither supports decisions in relation to individuals, nor causes substantial damage or distress).

Personal data breaches

In the event that a personal data breach occurs, it should be reported to the responsible director and the Data and Continuous Improvement Associate Director. Data breaches can include the following incidents:

- access by an unauthorised third party;
- deliberate or accidental action (or inaction);
- sending personal data to an incorrect recipient;
- computing devices containing personal data being lost or stolen;
- alteration of personal data without permission; and
- loss of availability of personal data.

All data breaches will be assessed for the potential impact on data subjects; the responsible director and Data and Continuous Improvement Associate Director will make an assessment of this risk. If it is deemed that it is likely that will be a risk to the rights and freedoms of data subjects, then the Information Commissioner's Office (ICO) will be notified. The ICO must be notified within 72 hours of the data breach being discovered. The ICO will be notified of the following information:

- Description of the data breach, including the volume and categories of data involved
- The contact point for ICO queries
- Description of the likely consequences of the data breach
- Description of the actions taken to deal with the data breach

If there is deemed to be a high risk to the rights and freedoms of the data subjects, then the data subjects should also be notified as soon as possible. The data subjects will be informed of the following information:

- Description of the data breach, including the volume and categories of data involved
- The contact point for ICO queries
- Description of the likely consequences of the data breach
- Description of the actions taken to deal with the data breach
- Who to contact if they have any questions or require further information

Ambition Institute will review all data breaches that occur to understand in full how they occurred, and what steps can be taken in the future to avoid similar incidents reoccurring. Where applicable, additional training will be provided. Ambition Institute employees should refer to the data breach process.

Making a data protection complaint

Ambition Institute takes data protection and the obligations set out in the General Data Protection Regulation and the Data Protection Act seriously. If anyone has any concerns or questions in relation to this policy or our management of data protection, they should contact info@ambition.org.uk.

If you still have concerns about how we are handling your personal information, then you can contact the Information Commissioner's Office by visiting www.ico.org.uk or by telephoning 0303

123 1113. Alternatively, you may also write to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Data Protection and Filming

Ambition Institute supplies guidance to any personnel or participants for whom it is necessary to produce films, particularly films in schools, as part of activity in relation to developing or completing an Ambition Institute programme.

Contact

If you would like further information about anything included within this policy, or would like to make a request under the GDPR, please contact us at dataprotection@ambition.org.uk.