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# Perfect Plus Tutoring GDPR and Data Protection Policy

## Scope and Purpose

Perfect Plus Tutoring is required to keep and process certain information about its staff members, contractors (including tutors), consultants, tutees and other third parties in accordance with its legal obligations under the EU General Data Protection Regulation (GDPR 2018).

Perfect Plus Tutoring may, from time to time, be required to share personal information about its staff or pupils with regulatory and potentially children's services.

This policy is in place to ensure all staff and contractors are aware of their responsibilities and outline how Perfect Plus Tutoring complies with the following core principles of the General Data Protection Regulations (GDPR) and Data Protection Act 2018.

Organisational methods for keeping data secure are imperative, and Perfect Plus Tutoring believes it is good practice to keep clear practical policies, backed up by written procedures.

## 1. GDPR Definitions

### 1.1. Data Controller

Like the existing Data Protection Act 2018 (DPA), the GDPR applies to Data Controllers who process personal data. So first, who is the Data Controller? This is a person who decides the purpose for which any personal data is to be processed and the way in which it is to be processed. This can be decided by one person alone or jointly with other people.

### 1.2. Data Processor

Unlike the DPA, the GDPR introduces specific responsibilities for the Data Processor. These are third parties that process data on behalf of the Data Controller and includes service providers. (Please note tutors and employees of Perfect Plus Tutoring are Data Controllers, not Data Processors).

### 1.3. Personal Data

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

#### 1.4. Sensitive Personal Data

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

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

## 2. Legal Framework

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

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

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

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

2.3. This policy will be implemented in conjunction with the following Perfect Plus Tutoring policies/documents:

Perfect Plus Tutoring Tutor Agreement, Perfect Plus Tutoring Safeguarding Policy, Perfect Plus Tutoring child Protection Policy.

### 3. Sources

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

- Employees (and close relations, e.g. emergency and next of kin contacts).
- Ex-employees.
- Potential and prospective employees.
- Referees.
- Client records.
- Targeted school individuals (marketing).
- School pupils.
- Trustees/patrons.
- Grant funders/donors/professional partners.
- Tutors.
- Tutor alumni.

### 2. Applicable data

2.1. For the purpose of this policy, personal data refers to information that relates to an identifiable, living individual, including information such as an online identifier, e.g. an IP address. The GDPR applies to both automated personal data and to manual filing systems, where personal data is accessible according to specific criteria, as well as to chronologically ordered data and pseudonymised data, e.g. key-coded.

2.2. Sensitive personal data is referred to in the GDPR as 'special categories of personal data', which are broadly the same as those in the Data Protection Act (DPA) 1998. These specifically include the processing of genetic data, biometric data and data concerning health matters.

### 3. Principles

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

- Processed lawfully, fairly and in a transparent manner in relation to individuals.
- Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes.
- Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.
- 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.
- 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.

- 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.

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

#### **4. Accountability**

4.1. Perfect Plus Tutoring will implement appropriate technical and organisational measures to demonstrate that data is processed in line with the above principles set out in the GDPR.

4.2. Perfect Plus Tutoring will provide comprehensive, clear and transparent privacy policies.

4.3. Records of activities relating to higher risk processing will be maintained, such as the processing of special categories data or that in relation to criminal convictions and offences.

4.4. Internal records of processing activities will include the following:

- Name and details of the organisation.
- Purpose(s) of the processing.
- Description of the categories of individuals and personal data.
- Retention schedules.
- Categories of recipients of personal data.
- Description of technical and organisational security measures.

4.5. Perfect Plus Tutoring will implement measures that meet the principles of data protection by design and data protection by default, such as:

- Data minimisation.
- Pseudonymising.
- Anonymising
- Transparency.
- Allowing individuals to monitor processing.
- Continuously creating and improving security features.

4.6. Data protection impact assessments (DPIA) are used, where appropriate.

#### **5. Data protection officer (DPO)**

5.1. The DPO has been appointed by Perfect Plus Tutoring in order to:

- Inform and advise Perfect Plus Tutoring and its employees about their obligations to comply with the GDPR and other data protection laws.



- Monitor Perfect Plus Tutoring's compliance with the GDPR and other laws, including managing internal data protection activities, advising on data protection impact assessments, conducting internal audits and providing the required training to staff members.

5.2. Perfect Plus Tutoring has appointed Nicole King to the role of DPO.

5.3. The DPO will report and liaise with Perfect Plus Tutoring employees in data protection matters.

5.4. The DPO will operate independently in performing their DPO duties.

5.5. Sufficient resources will be provided to the DPO to enable them to meet their GDPR obligations.

## **6. Lawful processing**

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

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

- The consent of the data subject has been obtained.
- Processing is necessary for: Compliance with a legal obligation, the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller, for the performance of a contract with the data subject or to take steps to enter into a contract, protecting the vital interests of a data subject or another person, for the purposes of legitimate interests pursued by the controller or a third party, except where such interests are overridden by the interests, rights or freedoms of the data subject. (This condition is not available to processing undertaken by Perfect Plus Tutoring in the performance of its tasks.)

6.3. Sensitive data will only be processed under the following conditions:

- Explicit consent of the data subject, unless reliance on consent is prohibited by EU or Member State law.
- Processing carried out by a not-for-profit body with a political, philosophical, religious or trade union aim provided the processing relates only to members or former members (or those who have regular contact with it in connection with those purposes) and provided there is no disclosure to a third party without consent.
- Processing relates to personal data manifestly made public by the data subject.
- Processing is necessary for: — Carrying out obligations under employment, social security or social protection law, or a collective agreement protecting the vital interests of a data subject or another individual where the data subject is physically or legally incapable of giving consent, the establishment, exercise or defence of legal claims or where courts are acting in their judicial capacity, reasons of substantial public interest on the basis of Union or Member State law which is proportionate to the aim pursued and which contains appropriate safeguards, the purposes of preventative or occupational medicine, for assessing the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or



management of health or social care systems and services on the basis of Union or Member State law or a contract with a health professional, reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring high standards of healthcare and of medicinal products or medical devices, archiving purposes in the public interest, or scientific and historical research purposes or statistical purposes in accordance with Article 89(1).

## 7. Consent

7.1. Consent must be a positive indication. It cannot be inferred from silence, inactivity or pre-ticked boxes.

7.2. Consent will only be accepted where it is freely given, specific, informed and an unambiguous indication of the individual's wishes.

7.3. Where consent is given, a record will be kept documenting how and when consent was given.

7.4. Perfect Plus Tutoring ensures that consent mechanisms meet the standards of the GDPR. Where the standard of consent cannot be met, an alternative legal basis for processing the data must be found, or the processing must cease.

7.5. Consent accepted under the DPA will be reviewed to ensure it meets the standards of the GDPR; however, acceptable consent obtained under the DPA will not be reobtained.

7.6. Consent can be withdrawn by the individual at any time.

7.7. Where a child is under the age of 16 [or younger if the law provides it (up to the age of 13)], the consent of parents (through the school) will be sought prior to the processing of their data, except where the processing is related to preventative or counselling services offered directly to a child.

Below are some examples of how the legal bases may be used to justify some common processing activities:

- **Consent:** sending e-mails, newsletters and appeals.
- **Contract Performance:** processing payment information when a person buys concert tickets online.
- **Legal Obligation:** using donor information to file Gift Aid.
- **Protecting Vital Interests:** processing health information to provide emergency health care treatment.
- **Public Interest Task/Authority:** universities mailing out student reports at the end of the term.
- **Legitimate Interests:** conducting wealth scoring analysis on potential donors.

## 7.8. Legitimate Interests

Perfect Plus Tutoring relies on the legitimate interest basis for some of their uses of constituents' personal data, like performing analytics. Using legitimate interest requires that we:

- Conduct a balancing test.
- Tell constituents that you're relying on legitimate interests;

- Allow constituents to opt out of the processing.

### 7.9. Legitimate Interests (legal)

The legitimate interest basis makes processing lawful if it is necessary for the legitimate interests of the controller (i.e. the non-profit) and requires the successful outcome of a balancing test between the data subject's right to privacy and the organisation's interests.

GDPR does add two requirements to processing for legitimate interests:

First, the controller must explicitly inform data subjects at the time of collection the purposes of the processing and the legitimate interest it is relying on to process the data. In other words, it is not enough for a controller to internally decide to rely on legitimate interests as a basis for processing, it must also outwardly state such determination in its privacy notice or other communication to the data subject.

Secondly, the controller must document and retain its analysis under the legitimate interest balancing test.

### 8. PECR/ePrivacy

Unsolicited marketing by e-mail, fax, text, or phone. Perfect Plus Tutoring complies with both GDPR and the UK's Privacy and Electronic Communication Regulations ("PECR").

Under PECR, to send direct marketing to 'natural persons', Perfect Plus Tutoring:

- Will obtain consent where necessary, or
- Marketing to an existing customer in the context of the sale of a product or service. This is referred to as the "soft opt-in." Perfect Plus Tutoring sells services so they can take advantage of the 'soft option' only with the appropriate initial consent.

### 9. The lawful basis for your processing data can also affect which rights are available to individuals. For example:

	Right to erasure	Right to portability
Consent	✓	✓
Contract	✓	✓
Legal obligation	X	X
Vital interests	✓	X
Public task	X	X
Legitimate interests	✓	X

\* but right to withdraw consent



## **10. Automated decision making and profiling**

10.1. Individuals have the right not to be subject to a decision when:

- It is based on automated processing, e.g. profiling.
- It produces a legal effect or a similarly significant effect on the individual.

10.2. Perfect Plus Tutoring will take steps to ensure that individuals are able to obtain human intervention, express their point of view, and obtain an explanation of the decision and challenge it.

10.3. When automatically processing personal data for profiling purposes, Perfect Plus Tutoring will ensure that the appropriate safeguards are in place, including:

- Ensuring processing is fair and transparent by providing meaningful information about the logic involved, as well as the significance and the predicted impact.
- Using appropriate mathematical or statistical procedures.
- Implementing appropriate technical and organisational measures to enable inaccuracies to be corrected and minimise the risk of errors.
- Securing personal data in a way that is proportionate to the risk to the interests and rights of the individual and prevents discriminatory effects.

10.4. Automated decisions must not concern a child or be based on the processing of sensitive data, unless:

- Perfect Plus Tutoring has the explicit consent of the individual.
- The processing is necessary for reasons of substantial public interest on the basis of Union/Member State law.

## **11. Privacy by design and privacy impact assessments**

11.1. Perfect Plus Tutoring will act in accordance with the GDPR by adopting a privacy by design approach and implementing technical and organisational measures which demonstrate how Perfect Plus Tutoring has considered and integrated data protection into processing activities.

11.2. Data protection impact assessments (DPIAs) will be used to identify the most effective method of complying with Perfect Plus Tutoring's data protection obligations and meeting individuals' expectations of privacy.

11.3. DPIAs will allow Perfect Plus Tutoring to identify and resolve problems at an early stage, thus reducing associated costs and preventing damage from being caused to Perfect Plus Tutoring's reputation which might otherwise occur.

11.4. A DPIA will be carried out when using new technologies or when the processing is likely to result in a high risk to the rights and freedoms of individuals.

11.5. A DPIA will be used for more than one project, where necessary.

11.6. High risk processing includes, but is not limited to, the following:

- Systematic and extensive processing activities, such as profiling.
- Large scale processing of special categories of data or personal data which is in relation to criminal convictions or offences.

11.7. Perfect Plus Tutoring will ensure that all DPIAs include the following information:





- A description of the processing operations and the purposes.
- An assessment of the necessity and proportionality of the processing in relation to the purpose.
- The measures implemented in order to address risk.

11.8. Where a DPIA indicates high risk data processing, Perfect Plus Tutoring will consult the ICO to seek its opinion as to whether the processing operation complies with the GDPR.

## 12. Data breaches

12.1. The term 'personal data breach' refers to a breach of security which has led to the destruction, loss, alteration, unauthorised disclosure of, or access to, personal data.

12.2. The DPO and COO will ensure that all staff members are made aware of, and understand, what constitutes a data breach as part of their CPD training.

12.3. Where a breach is likely to result in a risk to the rights and freedoms of individuals, the relevant supervisory authority (ICO) will be informed.

12.4. All notifiable breaches will be reported to the trustee responsible for Data Protection and the relevant supervisory authority within 72 hours of Perfect Plus Tutoring becoming aware of it.

12.5. The risk of the breach having a detrimental effect on the individual, and the need to notify the relevant supervisory authority, will be assessed on a case-by-case basis.

12.6. In the event that a breach is likely to result in a high risk to the rights and freedoms of an individual, Perfect Plus Tutoring will notify those concerned directly.

12.7. A 'high risk' breach means that the threshold for notifying the individual is higher than that for notifying the relevant supervisory authority.

12.8. In the event that a breach is sufficiently serious, the public will be notified without undue delay.

12.9. Effective and robust breach detection, investigation and internal reporting procedures are in place at Perfect Plus Tutoring, which facilitate decision-making in relation to whether the relevant supervisory authority or the public need to be notified.

12.10. Within a breach notification, the following information will be outlined:

- The nature of the personal data breach, including the categories and approximate number of individuals and records concerned.
- The name and contact details of the DPO.
- An explanation of the likely consequences of the personal data breach.
- A description of the proposed measures to be taken to deal with the personal data breach.
- Where appropriate, a description of the measures taken to mitigate any possible adverse effects

12.11. Failure to report a breach when required to do so may result in a fine, as well as a fine for the breach itself.



### **13. Data security**

13.1. Confidential paper records will be kept in a locked filing cabinet, drawer or safe, with restricted access.

13.2. Confidential paper records will not be left unattended or in clear view anywhere with general access.

13.3. Digital data is coded, encrypted or password-protected, both on a local hard drive and on a network drive that is regularly backed up off-site.

13.4. Where data is saved on removable storage or a portable device, the device will be kept in a locked filing cabinet, drawer or safe when not in use.

13.5. Memory sticks will not be used to hold personal information unless they are password-protected and fully encrypted.

13.6. All electronic devices are Encrypted and password-protected to protect the information on the device in case of theft.

13.7. Where possible, Perfect Plus Tutoring enables electronic devices to allow the remote blocking or deletion of data in case of theft.

13.8. Staff will not use their personal laptops or computers for Perfect Plus Tutoring purposes.

13.9. All necessary members of staff are provided with their own secure login and password, and every computer regularly prompts users to change their password.

13.10. Emails containing sensitive or confidential information are password protected if there are unsecure servers between the sender and the recipient.

13.11. Circular emails to Perfect Plus Tutoring stakeholders are sent blind carbon copy (bcc), so email addresses are not disclosed to other recipients.

13.12. Where personal information that could be considered private or confidential is taken off the premises, either in electronic or paper format, staff will take extra care to follow the same procedures for security, e.g. keeping devices under lock and key. The person taking the information from Perfect Plus Tutoring premises accepts full responsibility for the security of the data.

13.13. Before sharing data, all staff members will ensure:

- They are allowed to share it.
- That adequate security is in place to protect it.
- Who will receive the data has been outlined in a privacy notice.

13.14. Under no circumstances are visitors allowed access to confidential or personal information. Visitors to areas of Perfect Plus Tutoring containing sensitive information are supervised at all times.

13.15. The physical security of Perfect Plus Tutoring's buildings and storage systems, and access to them, is reviewed on a yearly basis. If an increased risk in vandalism/burglary/theft is identified, extra measures to secure data storage will be put in place.

13.16. Perfect Plus Tutoring takes its duties under the GDPR seriously and any unauthorised disclosure may result in disciplinary action.

13.17. The DPO is responsible for continuity and recovery measures that are in place to ensure the security of protected data.

#### **14. Publication of information**

14.1. Perfect Plus Tutoring publishes a publication scheme on its website outlining classes of information that will be made routinely available, including:

- Policies and procedures.
- Annual reports.

14.2. Classes of information specified in the publication scheme are made available quickly and easily on request.

14.3. Perfect Plus Tutoring will not publish any personal information, including photos, on its website without the permission of the affected individual.

14.4. When uploading information to Perfect Plus Tutoring website, staff are considerate of any metadata or deletions which could be accessed in documents and images on the site.

#### **15. Videos and photography**

15.1. Perfect Plus Tutoring understands that recording images of identifiable individuals constitutes as processing personal information, so it is done in line with data protection principles.

15.2. Perfect Plus Tutoring will always indicate its intentions for taking photographs of pupils and tutors and will retrieve permission before publishing them.

15.3. If Perfect Plus Tutoring wishes to use images/video footage of pupils in a publication, such as Perfect Plus Tutoring website or Impact Report, written permission will be sought for the particular usage from the parent of the pupil (through the school.)

#### **16. Data retention**

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

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

16.3. Some records relating to employees of Perfect Plus Tutoring may be kept for an extended period for legal reasons, but also to enable the provision of references.

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

#### **17. DBS data**

17.1. All data provided by the DBS will be handled in line with data protection legislation; this includes electronic communication.

17.2. Data provided by the DBS will never be duplicated.

17.3. Any third parties who access DBS information will be made aware of the data protection legislation, as well as their responsibilities as a data handler.

## **18. Perfect Plus Tutoring Employees' Responsibility**

18.1. Compliance with this Policy is the responsibility of every employee of Perfect Plus Tutoring (including temporary employees and consultants), and any person who acts on behalf of Perfect Plus Tutoring and any person who has responsibilities for the collection, access or processing of personal data.

18.2. Employees must understand what is meant by personal and sensitive data, and know how to handle such data.

18.3. Each employee of Perfect Plus Tutoring is required to:-

- Read and understand this Data Protection Policy.
- Complete and pass compulsory GDPR online training and read updates as directed.
- Adhere and abide to this Data Protection Policy.
- Share best practices on data protection issues.
- Read and adhere to any changes or updates to this Data Protection Policy when notified of such changes or updates.
- Report concerns relating to data protection to Perfect Plus Tutoring's DPO.

## **19. Contractors, Data Processors, Consultants, Agents and other Third Parties**

19.1. All contractors, Data Processors, agents, consultants, partners, sub-contractors and other third parties acting on behalf of Perfect Plus Tutoring, including tutors, must:

- Ensure that they and all employees who have access to personal data held or processed for or on behalf of Perfect Plus Tutoring, are aware of this policy and are fully aware of their duties and responsibilities under the GDPR
- Any breach of any provision of GDPR will be deemed as being a breach of any contract between Perfect Plus Tutoring and that individual, company, partner, organisation or firm
- Allow data protection audits by Perfect Plus Tutoring of personal data held on its behalf (if requested)
- Indemnify Perfect Plus Tutoring against any prosecution, claims proceedings, actions or payments of compensation or damages, without limitation.

19.2. All contractors, Data Processors, agents, consultants, partners, sub-contractors and other third parties who are users of personal data supplied by Perfect Plus Tutoring must confirm they have a compliant data protection register entry in the ICO's public register, and must provide security guarantees at least equivalent to the technical and organisational measures Perfect Plus Tutoring has adopted to ensure compliance the GDPR Act.

## 20. Clear Desk Policy

Perfect Plus Tutoring operates a clear desk policy in any shared areas including home offices where accessible to other occupants. Employees must follow the guidelines below:

- All personal information should be locked away when desks are unattended, especially overnight. Particularly sensitive information may need to be kept in a fire-retardant cabinet or safe.
- Where the volume of paperwork prevents it from being locked away, it should still be kept tidy and out of the way as far as possible. Files, boxes and crates blocking corridors or fire exits create a safety hazard.
- All papers should be collected immediately from printers.
- Particular care should be taken of documents taken outside the office or relevant secure designated location. Where it can be avoided, documents with Personal and Sensitive Personal information should not be taken out of the office or relevant secure designated location.
- GDPR data protection regulations apply to data about individuals which is created, stored, transmitted or disclosed as a paper record.
- Computers should be locked if desks are left unattended for any period of time. Further, a full log out should be completed prior to leaving the shared area or office.

## 21. The responsibility of Nicole King trading as Perfect Plus Tutoring

21.1. Nicole King trading as Perfect Plus Tutoring is responsible for data protection and is charged with ensuring that Perfect Plus Tutoring officers operate in compliance with this policy. Nicole King has overall responsibility for ensuring Perfect Plus Tutoring compliance with data protection legislation covering the UK and the European Economic Community. The DPO is responsible for providing guidance, training, updates and advice on the Policy.

21.2. A review will be completed on an annual basis to provide reasonable assurance that the policy and procedures are working effectively and to enable risk areas to be identified and addressed.

## 22. Policy review

22.1. This policy is reviewed annually by the DPO and approved by Nicole King trading as Perfect Plus Tutoring.

22.2. The next scheduled review date for this policy is September 2024.

**For further information please contact:**

**Data Protection Officer**

**Nicole King trading as Perfect Plus Tutoring**

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