

DATA PROTECTION AND CONFIDENTIALITY POLICY

Vista Training Solution's aim is to provide genuine protection of data to all staff, learners and prospective learners. Vista Training Solutions to maintain its registration with the Information Commissioner's Office.

Implementation of policies

The success of this policy depends on the co-operation and commitment of all staff. This commitment starts at the highest level within the organisation with the Centre Manager being ultimately responsible for ensuring the implementation of this policy and the principles within.

Confidentiality Policy

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1. Policy Statement

1.1 VTS is bound by the UK's Data Protection Act (DPA) which implements the EU Data Protection Directive. This protects personal data and places restrictions on VTS's ability to disclose personal data within the UK and overseas. Personal data is information relating to an individual from which they can be identified, e.g. name, address, tax details or national insurance number.

1.2 VTS staff will often be entrusted with personal information given to them in confidence by an individual using VTS services. Anyone working for VTS has a duty to treat that information with respect. They also have a duty under the Data Protection Act 1998 to protect the confidentiality of personal information and to process that information fairly.

1.3 This confidentiality policy also applies to helpline employees.

2. Data Protection Act

2.1 The Data Protection Act regulates when and how an individual's 'personal data' may be obtained, held, used, disclosed and generally processed. It applies to computerised processing of personal data and certain paper based files and records.

2.2 To comply with the law, information must be collected and used fairly, stored securely and not disclosed to any other person unlawfully. To do this, VTS staff must comply with the Data Protection Principles, which are set out in the Data Protection Act. In summary, these state that personal data shall be:

- Processed fairly and lawfully and shall not be processed unless certain conditions are met
- Obtained for specified and lawful purposes and not further processed in a manner which is incompatible with that purpose

- Adequate, relevant and not excessive
- Accurate and, where necessary, kept up to date
- Kept for no longer than is necessary
- Processed in accordance with the data subject's rights
- Protected by appropriate security
- Not transferred to a country outside the European Economic Area, unless that country has equivalent levels of protection for personal data.

3. Requests by Data Subjects for Access to Data Held

3.1 If an individual wishes to see any personal information about them held by VTS, this can be shown to him or her and a copy made if one is requested. If a third party is acting on behalf of the individual, proof of the third party's identity and the individual's authority to disclose their information to their representative, must be obtained in writing. All requests must be responded to within 20 working days.

4. Breaking Confidentiality

4.1 Confidentiality may be broken in the following circumstances:

- Where the person from whom the information was obtained, and (if different) the person to whom it relates, consents
- Where the information is already available to the public from other sources
- Where the information is in the form of a summary or collection of information so framed that it is not possible to ascertain from it information relating to any particular person
- When there is a serious risk of harm to the individual, as in a threatened suicide
- To protect others. For example, information about possible child abuse should be disclosed to the appropriate agency. See the *VTS Safeguarding Children Policy*.
- To prevent a serious criminal act, especially where others may be endangered, for example an act of terrorism.

4.2 There is no obligation in general to pass on knowledge of a crime. However, it is a criminal offence to:

- Deliberately mislead the police
- Receive a reward of any kind in return for not notifying the police about a criminal act
- Fail to notify the police about an act that could be construed as an act of terrorism
- Fail to notify the police about an act that could be construed as drug trafficking
- Knowingly take monies from a benefits agency fraudulently.

4.3 If a member of VTS staff has to break confidentiality then the person whose personal information it is must be told that this is going to happen verbally if possible, or in writing if suitable. The member of staff should only do so after all attempts to persuade the individual to disclose the information voluntarily have failed. The VTS Director should be consulted before disclosure. They will be responsible for making the final decision about breaching confidentiality and ensuring that the correct action is taken.

5. Publication of this Policy

5.1 This policy will be published on the VTS website,

5.2 The fact that VTS services, e.g. the helpline and website, are *confidential and secure* will be stated in all publicity and information materials.

6. Outline of Policy

- Vista Training Solutions complies with the Data Protection Act at all times.
- Vista Training Solutions collects and processes information in compliance with the Data Protection Act 1998.
- Enquirers are asked whether they are happy for us to keep their details on our database. If they prefer not to do this, no personal details are kept.
- The personal details of individual enquirers are never passed on to a third party.
- All confidential or personal information is kept in a locked filing cabinet.
- All waste paper containing confidential or personal information is put into a confidential waste bag which is kept out of the areas of the shop that are open to the public. Confidential waste is taken for shredding on a weekly basis.
- The VTS database containing personal information is accessible only by authorised staff, using individual passwords which are regularly changed. Passwords are not stored in written form.
- All data collected from individuals is for specific and lawful purposes. It is processed fairly and lawfully.
- All personal data collected is accurate, relevant to the needs of the organisation and kept up to date.
- All personal data will be kept for a specific period of time in accordance with current educational and legal requirements.
- All personal data will be kept in a secure manner with all reasonable measures taken to prevent accidental-loss or damage.
- The Data Protection Act gives individuals the right to request to see the information held about them. If an individual wishes to see the data held by Vista Training Solutions on them a "subject access request" must be made in writing to Vista Training Solutions Ltd.