

NCA General Data Protection Regulation Policy

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NCA General Data Protection Regulation

1. Our Commitment

Nishkam Civic Association (NCA) is committed to the protection of all personal and sensitive data for which it holds responsibility as the Data Controller and the handling of such data in line with the data protection principles and the General Data Protection Regulation (GDPR) <https://ico.org.uk/for-organisations/uk-gdpr-guidance-and-resources/>

Changes to data protection legislation (GDPR May 2018) are being monitored and implemented in order to remain compliant with all requirements.

The legal basis for processing data is as follows:

- (a) Consent:** the member of staff/learner/parent has given clear consent for NCA to process their personal data for a specific purpose.
- (b) Contract:** the processing is necessary for the member of staff's employment contract or learner placement contract.
- (c) Legal obligation:** the processing is necessary for NCA to comply with the law (not including contractual obligations).

The data protection officer is Ajit Singh (Director) and deputy officer is Jasvinder Kaur (Operations Manager). However, all staff must treat all learner information in a confidential manner and follow the guidelines as set out in this document.

The NCA is also committed to ensuring that its staff are aware of data protection policies, legal requirements and adequate training is provided to them through our online training services.

The requirements of this policy are mandatory for all staff employed by the NCA and any third party contracted to provide services within the NCA.

2. Personal and Sensitive Data

All data within the NCA's control shall be identified as personal, sensitive or both to ensure that it is handled in compliance with legal requirements and access to it does not breach the rights of the individuals to whom it relates.

The definitions of personal and sensitive data shall be as those published by the ICO for guidance: <https://ico.org.uk/for-organisations/uk-gdpr-guidance-and-resources/data-protection-principles/a-guide-to-the-data-protection-principles/>

The 7 principles of the UK GDPR shall be applied to all data processed:

- ensure that data is processed in lawfulness, fairness, and transparency
- process data only for limited purposes
- ensure that all data processed is adequate, relevant, and not excessive
- ensure that data processed is accurate
- not keep data longer than is necessary
- ensure that data is secure and with Integrity and confidentiality (security)
- Accountability - ensure that data is not transferred to other countries without adequate protection.

3. Fair Processing / Privacy Notice

We shall be transparent about the intended processing of data and communicate these intentions via notification to staff, parents and learners prior to the processing of individual's data.

There may be circumstances where NCA is required either by law or in the best interests of our learners or staff to pass information onto external authorities, for example local authorities, Ofsted, or the department of health. These authorities are up to date with data protection law and have their own policies relating to the protection of any data that they receive or collect.

The intention to share data relating to individuals to an organisation outside of NCA shall be clearly defined within notifications and details of the basis for sharing given. Data will be shared with external parties in circumstances where it is a legal requirement to provide such information.

Any proposed change to the processing of individual's data shall first be notified to them.

Under no circumstances will NCA disclose information or data:

- that would cause serious harm to the learner or anyone else's physical or mental health or condition
- indicating that the learner is or has been subject to learner abuse or may be at risk of it, where the disclosure would not be in the best interests of the learner
- recorded by the learner in an examination
- that would allow another person to be identified or identifies another person as the source, unless the person is an employee of NCA or a local authority or has given consent, or it is reasonable in the circumstances to disclose the information without consent. The exemption from disclosure does not apply if the information can be edited so that the person's name or identifying details are removed
- in the form of a reference given to another company or any other place of education and training, the learner's potential employer, or any national body concerned with learner admissions

4. Data Security

In order to assure the protection of all data being processed and inform decisions on processing activities, we shall undertake an assessment of the associated risks of proposed processing and equally the impact on an individual's privacy in holding data related to them.

Risk and impact assessments shall be conducted in accordance with guidance given by the ICO: <https://ico.org.uk/for-organisations/uk-gdpr-guidance-and-resources/data-protection-principles/a-guide-to-the-data-protection-principles/>

Security of data shall be achieved through the implementation of proportionate physical and technical measures. Nominated staff shall be responsible for the effectiveness of the controls implemented and reporting of their performance.

The security arrangements of any organisation with which data is shared shall also be considered and where required these organisations shall provide evidence of the competence in the security of shared data.

5. Data Access Requests (Subject Access Requests)

All individuals whose data is held by us, has a legal right to request access to such data or information about what is held. We shall respond to such requests within one month and they should be made in writing to:

Ajit Singh
Nishkam Centre
6 Soho Road
Birmingham
B21 9BH

No charge will be applied to process the request.

Personal data about learners will not be disclosed to third parties without the consent of the learner's parent or carer, unless it is obliged by law or in the best interest of the learner.

Data may be disclosed to the following third parties without consent:

6. Other companies

If a learner transfers from NCA to another company, their academic records and other data that relates to their health and welfare will be forwarded onto the new company. This will support a smooth transition from one company to the next and ensure that the learner is provided for as is necessary. It will aid continuation which should ensure that there is minimal impact on the learner's academic progress as a result of the move.

6.1 Examination authorities

This may be for registration purposes, to allow the learners at NCA to sit examinations set by external exam bodies.

6.2 Health authorities

As obliged under health legislation, NCA may pass on information regarding the health of learners at NCA to monitor and avoid the spread of contagious diseases in the interest of public health.

6.3 Police and courts

If a situation arises where a criminal investigation is being carried out, we may have to forward information on to the police to aid their investigation. We will pass information onto courts as and when it is ordered.

6.4 Social workers and support agencies

In order to protect or maintain the welfare of our learners, and in cases of learner abuse, it may be necessary to pass personal data on to social workers or support agencies.

6.5 Educational division

Companies may be required to pass data on in order to help the government to monitor the national educational system and enforce laws relating to education.

7. Right to be Forgotten

Where any personal data is no longer required for its original purpose, an individual can demand that the processing is stopped, and all their personal data is erased by the NCA including any data held by contracted processors.

8. Photographs and Video

Images of staff and learners may be captured at appropriate times and as part of educational activities for use at the NCA only.

Unless prior consent from parents/learners/staff has been given, NCA shall not utilise such images for publication or communication to external sources.

It is NCA's policy that external parties (including parents) may not capture images of staff or learners during such activities without prior consent. Location of information and data:

- Hard copy data, records, and personal information are stored out of sight and in a locked cupboard. The only exception to this is medical information that may require immediate access during the day. This will be stored with the NCA medical coordinator
- Sensitive or personal information and data should not be removed from the NCA site, however NCA acknowledges that some staff may need to transport data between NCA and their home in order to access it for work in the evenings and at weekends. This may also apply in cases where staff have offsite meetings or are on company visits with learners

The following guidelines are in place for staff in order to reduce the risk of personal data being compromised:

- Paper copies of data or personal information should not be taken off the NCA site. If these are misplaced, they are easily accessed. If there is no way to avoid taking a paper copy of data off the NCA site, the information should not be on view in public places, or left unattended under any circumstances
- Unwanted paper copies of data, sensitive information or learner files should be shredded. This also applies to handwritten notes if the notes reference any other staff member or learner by name
- Care must be taken to ensure that printouts of any personal or sensitive information are not left in printer trays or photocopiers
- If information is being viewed on a PC, staff must ensure that the window and documents are properly shut down before leaving the computer unattended. Sensitive information should not be viewed on public computers
- If it is necessary to transport data away from NCA, it should be downloaded onto a USB stick. The data should not be transferred from this stick onto any home or public computers. Work should be edited from the USB, and saved onto the USB only
- USB sticks that staff use must be password protected

These guidelines are clearly communicated to all NCA staff, and any person who is found to be intentionally breaching this conduct will be disciplined in line with the seriousness of their misconduct.

9. Data Disposal

NCA recognises that the secure disposal of redundant data is an integral element to compliance with legal requirements and an area of increased risk.

All data held in any form of media (paper, tape, electronic) shall only be passed to a disposal partner with demonstrable competence in providing secure disposal services. All data shall be destroyed or eradicated to agreed levels meeting recognised national standards, with confirmation at completion of the disposal process.

Disposal of IT assets holding data shall be in compliance with ICO guidance:

<https://ico.org.uk/for-organisations/uk-gdpr-guidance-and-resources/accountability-and-governance/accountability-framework/records-management-and-security/>

NCA has identified a qualified source for disposal of IT assets and collections. The company also uses Shred-it to dispose of sensitive data that is no longer required.

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Staff Affected	Staff, Contractors and Volunteers
Lead Officer	NCA Director
Approved by Name	Board of Trustees
Signature	Professor Upkar Pardesi (OBE) (Chairman)
	