



General Data Protection Regulation and Document Retention Policy

Policy Statement

TheLightBulb Ltd is committed to a policy of protecting the rights and privacy of individuals (includes learners, employees, associates, sub-contractors) in accordance with the General Data Protection Regulation (GDPR). TheLightBulb Ltd needs to process certain information about its staff, learners, employers, associate and sub-contractors for administrative purposes (e.g. to recruit and pay staff, to record progress, to agree awards, to collect fees, and to comply with legal obligations of funding bodies and government). To comply with the law, information about individuals must be collected and used fairly, stored safely and securely and not disclosed to any third party unlawfully. All documentation will be retained and archived in accordance with any minimum contractual requirements, unless otherwise stated.

This policy applies to all staff, learners, employers, associates and sub-contractors. Any breach of the GDPR or the TheLightBulb’s General Data Protection Regulation and Document Retention Policy is considered to be an offence and TheLightBulb’s disciplinary procedures will apply. As a matter of good practice, other agencies and individuals working with TheLightBulb, and who have access to personal information, will be expected to have read and comply with this policy.

General Data Protection Regulation Definitions

Personal Data:

The GDPR applies to ‘personal data’ meaning any information relating to an identifiable person who can be directly or indirectly identified in particular by reference to an identifier.

This definition provides for a wide range of personal identifiers to constitute personal data, including name, identification number, location data or online identifier, reflecting changes in technology and the way organisations collect information about people.

The GDPR applies to both automated personal data and to manual filing systems where personal data are accessible according to specific criteria. This could include chronologically ordered sets of manual records containing personal data.

Personal data that has been pseudonymised – eg key-coded – can fall within the scope of the GDPR depending on how difficult it is to attribute the pseudonym to a particular individual.

Sensitive Data:

The GDPR refers to sensitive personal data as “special categories of personal data” (see Article 9).

The special categories specifically include genetic data, and biometric data where processed to uniquely identify an individual.

Personal data relating to criminal convictions and offences are not included, but similar extra safeguards apply to its processing (see Article 10).

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Data Controller:

A controller determines the purposes and means of processing personal data.

Data Processor:

A processor is responsible for processing personal data on behalf of a controller.

Lawful basis:

TheLightBulb uses the following lawful bases for processing information:

- Consent – where you have given clear consent for you to process their personal data for specific purpose.
- Contract – where the processing is necessary for a contract you have with ourselves or because you have asked us to take specific steps before entering a contract
- Legitimate interest – where the processing is necessary for legitimate interests

Processing:

Any operation related to organisation, retrieval, disclosure and deletion of data and includes: obtaining and recording data, accessing, altering, adding to, merging, deleting data retrieval, consultation or use of data disclosure or otherwise making available of data.

Third Party:

“Any individual/organisation other than the data subject, the data controller (TheLightBulb Ltd) or its agents”. Third parties could include awarding organisations, end point assessment organisations and funding bodies/stakeholders.

Relevant Filing System:

“Any paper filing system or other manual filing system which is structured so that information about an individual is readily accessible”. Please note that this is the definition of ‘relevant filing system’ in the Act. Personal data as defined, and covered by the Act can be held in any format, electronic (including web sites and e mails), paper-based, photographic etc from which the individual’s information can be readily extracted.

Data Protection Principles

Article 5 of the GDPR requires that personal data shall be:

- a) processed lawfully, fairly and in a transparent manner in relation to individuals;
- 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;
- c) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;

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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;

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; and

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.”

Responsibilities under the GDPR

TheLightBulb Ltd is the data controller under GDPR. Our data registration number is: Z8359546

A Data Protection Officer has been appointed who is responsible for day to day protection matters and they are Suzanne Tilling, suzanne@thelightbulb.net, 01268 270648.

Compliance with data protection legislation is the responsibility of all employees and associated personnel of TheLightBulb Ltd who process personal information.

Employees and associated personnel of TheLightBulb Ltd are responsible for ensuring that any personal data supplied to/by TheLightBulb Ltd are accurate and up to date.

Security of Data

All staff are responsible for ensuring that any personal data (on others) which they hold is kept securely and that it is not disclosed to any unauthorised third party.

All personal data should be accessible only to those who need to use it. You should form a judgment based upon the sensitivity and value of the information in question, but always consider keeping personal data:

- In a lockable room with controlled access or
- In a locked drawer or filing cabinet or
- If computerised, password protected or
- Kept on other storage devices which are themselves kept securely (i.e. an encrypted business laptop)

Care should be taken to ensure that laptops and screens are not visible except to authorised staff and that ALL passwords remain confidential. Screens should not be left unattended without password protected screen savers and manual records should not be left where they can be accessed by unauthorised personnel.

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Information should not be sent electronically without a password which should be sent in a separate email. Whenever possible personal information should not be sent internally but should be stored on the server and its location forwarded instead of the document itself

This policy also applies to staff that process personal data away from TheLightBulb’s premises. These staff must take particular care to ensure the safe and confidential storage of personal data and immediately report any potential risk or breach of company standards e.g. theft.

Appropriate security measures are in place for the deletion and disposal of personal data. Manual records will be shredded and hard drives of redundant PCs will be wiped clean before disposal.

Right to be informed

Individuals have the right to be informed about the collection and use of their personal data. TheLightBulb use Privacy Notices to achieve this right.

Right of access

The right of access, commonly referred to as subject access, gives individuals the right to obtain a copy of their personal data as well as other supplementary information. It helps individuals to understand how and why TheLightBulb are using their data, and check we are doing it lawfully.

TheLightBulb will respond to a subject access request without undue delay and within 1 month of receiving it. All SAR’s are to be made in writing to the Data Protection Officer, TheLightBulb limited, 2-3 Paycocke Road, Basildon, Essex, SS14 3DP.

Right to rectification

The GDPR includes a right for individuals to have inaccurate personal data rectified, or completed if it is incomplete.

TheLightBulb asks for all individuals to keep their information reliable and up to date by:

- Providing accurate and up to date information.
- Informing TheLightBulb soon as possible if there are any changes, such as a new address or phone number.

How to make a rectification request

An individual can make a right to rectification request either in writing or verbally, addressed to a Director. TheLightBulb will respond within 1 calendar month and reserve the right to refuse a request.

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Right to erasure otherwise known as “right to be forgotten”

Individuals have the right to have their personal data erased if;

- The personal data is no longer necessary for the purpose which TheLightBulb originally collected or processed it for;
- TheLightBulb are relying on the individuals consent as the lawful basis for holding the data, and the individual withdraws their consent
- TheLightBulb are relying on legitimate interests as the basis for processing and the individual objects to the processing of the data
- TheLightBulb is processing the personal data for direct marketing purposes and the individual objects to that processing
- TheLightBulb has processed the personal data unlawfully
- TheLightBulb has to do it to comply with a legal obligation

How to make an erasure request

An individual can make a right to erasure request either in writing or verbally addressed to a Director. TheLightBulb will respond within one calendar month.

TheLightBulb can refuse a request for erasure if it is manifestly unfounded or excessive, taking into account whether the request is repetitive in nature. If we consider that a request is manifestly unfounded or excessive we will either refuse to deal with the request or charge a reasonable fee to process the erasure. If a fee is charged the erasure will not be processed until the fee has been paid.

Right to restrict processing

Individuals have the right to request TheLightBulb to restrict the processing of their personal data in the following circumstances:

- The individual contests the accuracy of their personal data and TheLightBulb are verifying the accuracy of the data
- The data has been unlawfully processed (ie in breach of the lawfulness requirement of the first principle of the GDPR) and the individual opposes erasure and requests the restriction instead
- TheLightBulb no longer need the personal data but the individual needs TheLightBulb to keep it in order to establish, exercise or defend a legal claim
- The individual has objected to TheLightBulb processing their data under Article 21(1) and we are considering whether TheLightBulb’s legitimate grounds override those of the individual

Although this is distinct from the right to rectification and the right to object, there are close links between those rights and the right to restrict processing;

- If an individual has challenged the accuracy of their data and asked for TheLightBulb to rectify it they also have a right to request that we restrict processing whilst we consider their rectification request

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- If an individual exercises their right to object under Article 21(1) they also have a right to request TheLightBulb restrict processing while we consider their objection request.

How we will restrict processing

We will restrict processing electronic data by either withholding the data or moving to another system dependent on the type or nature of the information to be restricted. For hard copy data we will move to a separate locked filing cabinet draw.

During a restriction period we will not process any information other than to store it.

If the information has been shared with necessary third parties such as awarding organisations we will inform them of the request to restrict processing.

How to make a restriction request

An individual can make a right to restrict processing request either in writing or verbally addressed to a Director. TheLightBulb will respond within one calendar month and will temporarily restrict personal data. As a matter of good practice TheLightBulb will automatically restrict processing on receipt of a request to restrict processing whilst we consider its accuracy or the legitimate grounds for processing the personal data in question. If TheLightBulb then decide to lift the restriction they will inform the individual in writing before doing so.

Refusal to restrict processing

TheLightBulb can refuse a request for restriction if it is manifestly unfounded or excessive, taking into account whether the request is repetitive in nature. If we consider that a request is manifestly unfounded or excessive we will either refuse to deal with the request or charge a reasonable fee to process the erasure. If a fee is charged the restriction will not be fully processed until the fee has been paid and if the fee is not paid TheLightBulb may decide to lift the restriction.

Right to data portability

The right to data portability allows the individuals to obtain and reuse their personal data for their own purposes across different services. It allows them to move, copy or transfer personal data easily from one IT environment to another in a safe and secure way, without affecting its usability.

If the requested information includes information about others (eg third party data) TheLightBulb will consider whether transmitting this data would adversely affect the rights and freedoms of those third parties.

The right to data portability entitles the individual to

- Receive a copy of their personal data; and
- Have their personal data transmitted from one controller to another

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TheLightBulb would provide this information using CSV in an excel spreadsheet.

How to make a portability request

An individual can make a right to data portability request either in writing or verbally addressed to a Director. TheLightBulb will respond within one calendar month.

Refusal to a data portability request

TheLightBulb can refuse a request for data portability if it is manifestly unfounded or excessive, taking into account whether the request is repetitive in nature. If we consider that a request is manifestly unfounded or excessive we will either refuse to deal with the request or charge a reasonable fee to process the erasure. If a fee is charged the data will not be provided until the fee has been paid.

Right to object

GDPR gives individuals the right to object to the processing of their personal data in some circumstances and all individuals have an absolute right to stop their data being used for direct marketing.

TheLightBulb has a marketing preferences system within its CRM package which allows for segmentation of individuals who have stated they do not wish their data to be used for direct marketing. In this case individuals have unsubscribed from direct marketing emails or made written/verbal requests to TheLightBulb.

Rights related to automated decision making including profiling

TheLightBulb does not use any form of automated decision making.

Disclosure of Data

Employees must ensure that personal data are not disclosed to unauthorised third parties. Caution must be exercised when asked to disclose personal data held on another individual to a third party. It is important to consider whether or not disclosure of the information is relevant to, and necessary for, the conduct of TheLightBulb's business. Best practice suggests that where in doubt, the contact details of the person making the enquiry should be taken and passed to the person concerned.

In general personal data may be legitimately disclosed where:

- The individual has given their consent and/or
- Disclosure is in the legitimate interests of TheLightBulb Ltd and/or
- TheLightBulb Ltd is legally obliged to disclose the data and/or
- Disclosure of data is required for the performance of a contract

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The GDPR permits certain disclosures without consent so long as the information is requested for one or more of the following purposes:

- national security;
- defence;
- public security;
- the prevention, investigation, detection or prosecution of criminal offences;
- other important public interests, in particular economic or financial interests, including budgetary and taxation matters, public health and security;
- the protection of judicial independence and proceedings;
- breaches of ethics in regulated professions;
- monitoring, inspection or regulatory functions connected to the exercise of official authority regarding security, defence, other important public interests or crime/ethics prevention;
- the protection of the individual, or the rights and freedoms of others; or
- the enforcement of civil law matters.

Retention and Disposal of Data

TheLightBulb Ltd will not retain personal data for longer than they are required. All documentation will be retained and archived in accordance with any minimum contractual requirements. Current ESF contractual retention requirements state 31/12/2030 however before disposal of any ESF project documentation a check should be made on the GOV.UK website and/or with the Managing Authority to ensure it is safe to do so.. If there are no minimum contractual arrangements then they will be held for 5 years. Archived documents will be held in our secure off site storage area.

Employee records will be held for a period of 6 years post leave date and then disposed of in a secure manner.

TheLightBulb Ltd will regularly review the personal data that they hold and will delete and dispose of any information that is deemed unnecessary or out of date.

Archiving

All archived documentation is held at a secure unit. Learner files are archived the contract year following their completion of programmes and are kept within files relevant to the organisations funding the programmes. They are in alphabetical order within the completion year.

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European Union

European
Social Fund



Education & Skills
Funding Agency

TheLightBulb
Ideas | Actions | Results

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