

PRIVACY NOTICE

GDPR INDIVIDUAL RIGHTS

Context

This document forms part of The Learning Partnership GDPR and Data Protection Policy.

The scope of this privacy notice includes The Learning Partnership and all its schools.

The Learning Partnership is registered with the information Commissioners Office as the data controller.

For ease of reading, the use of the term “trust” within this document refers to The Learning Alliance and all the schools.

The right to be informed

The privacy notice supplied to individuals in regards to the processing of their personal data will be written in clear, plain language which is concise, transparent, easily accessible and free of charge.

If services are offered directly to a child, the trust will ensure that the privacy notice is written in a clear, plain manner that the child will understand.

In relation to data obtained both directly from the data subject and not obtained directly from the data subject, the following information will be supplied within the privacy notice:

- The identity and contact details of the controller (and where applicable, the controller’s representative) and the DPO.
- The purpose of, and the legal basis for, processing the data.
- The legitimate interests of the controller or third party.
- Any recipient or categories of recipients of the personal data.
- Details of transfers to third countries and the safeguards in place.
- The retention period of criteria used to determine the retention period.
- The existence of the data subject’s rights, including the right to:
 - Withdraw consent at any time.
 - Lodge a complaint with a supervisory authority.

The existence of automated decision making, including profiling, how decisions are made, the significance of the process and the consequences.

Where data is obtained directly from the data subject, information regarding whether the provision of personal data is part of a statutory or contractual requirement, as well as any possible consequences of failing to provide the personal data, will be provided.

Where data is not obtained directly from the data subject, information regarding the categories of personal data that the trust holds, the source that the personal data originates from and whether it came from publicly accessible sources, will be provided.

For data obtained directly from the data subject, this information will be supplied at the time the data is obtained.

In relation to data that is not obtained directly from the data subject, this information will be supplied:

- Within one month of having obtained the data.
- If disclosure to another recipient is envisaged, at the latest, before the data are disclosed.
- If the data are used to communicate with the individual, at the latest, when the first communication takes place.

The right of access

Individuals have the right to obtain confirmation that their data is being processed.

Individuals have the right to submit a subject access request (SAR) to gain access to their personal data in order to verify the lawfulness of the processing.

The trust will verify the identity of the person making the request before any information is supplied.

A copy of the information will normally be supplied to the individual free of charge; however, the trust may impose a 'reasonable fee' to comply with requests for further copies of the same information.

Where a SAR has been made electronically, the information will be provided in a commonly used electronic format.

Where a request is manifestly unfounded, excessive or repetitive, a reasonable fee will be charged.

All fees will be based on the administrative cost of providing the information.

All requests will be responded to without delay and at the latest, within one month of receipt.

Where a request is manifestly unfounded or excessive, the trust holds the right to refuse to respond to the request. The individual will be informed of this decision and the reasoning behind it, as well as their right to complain to the supervisory authority and to a judicial remedy, within one month of the refusal.

In the event that a large quantity of information is being processed about an individual, the trust will ask the individual to specify the information the request is in relation to.

The right to rectification

Individuals are entitled to have any inaccurate or incomplete personal data rectified.

Where the personal data in question has been disclosed to third parties, the trust will inform them of the rectification where possible.

Where appropriate, the trust will inform the individual about the third parties that the data has been disclosed to.

Requests for rectification will be responded to within one month; this will be extended by two months where the request for rectification is complex.

Where no action is being taken in response to a request for rectification, the trust will explain the reason for this to the individual, and will inform them of their right to complain to the supervisory authority and to a judicial remedy.

The right to erasure

The trust has a records retention policy which governs how long it retains information.

Individuals hold the right to request the deletion or removal of personal data where there is no compelling reason for its continued processing.

Individuals have the right to erasure in the following circumstances:

- Where the personal data is no longer necessary in relation to the purpose for which it was originally collected/processed
- When the individual withdraws their consent
- When the individual objects to the processing and there is no overriding legitimate interest for continuing the processing
- The personal data was unlawfully processed
- The personal data is required to be erased in order to comply with a legal obligation
- The personal data is processed in relation to the offer of information society services to a child

The trust has the right to refuse a request for erasure where the personal data is being processed for the following reasons:

- To exercise the right of freedom of expression and information
- To comply with a legal obligation for the performance of a public interest task or exercise of official authority
- For public health purposes in the public interest
- For archiving purposes in the public interest, scientific research, historical research or statistical purposes
- The exercise or defence of legal claims

As a child may not fully understand the risks involved in the processing of data when consent is obtained, special attention will be given to existing situations where a child has given consent to processing and they later request erasure of the data, regardless of age at the time of the request.

Where personal data has been disclosed to third parties, they will be informed about the erasure of the personal data, unless it is impossible or involves disproportionate effort to do so.

Where personal data has been made public within an online environment, the trust will inform other organisations who process the personal data to erase links to and copies of the personal data in question.

The right to restrict processing

Individuals have the right to block or suppress the trust's processing of personal data.

In the event that processing is restricted, the trust will store the personal data, but not further process it, guaranteeing that just enough information about the individual has been retained to ensure that the restriction is respected in future.

The trust will restrict the processing of personal data in the following circumstances:

- Where an individual contests the accuracy of the personal data, processing will be restricted until the trust has verified the accuracy of the data
- Where an individual has objected to the processing and the trust is considering whether their legitimate grounds override those of the individual
- Where processing is unlawful and the individual opposes erasure and requests restriction instead
- Where the trust no longer needs the personal data but the individual requires the data to establish, exercise or defend a legal claim

If the personal data in question has been disclosed to third parties, the trust will inform them about the restriction on the processing of the personal data, unless it is impossible or involves disproportionate effort to do so.

The trust will inform individuals when a restriction on processing has been lifted.

The right to data portability

Individuals have the right to obtain and reuse their personal data for their own purposes across different services.

Personal data can be easily moved, copied or transferred from one IT environment to another in a safe and secure manner, without hindrance to usability.

The right to data portability only applies in the following cases:

- To personal data that an individual has provided to a controller
- Where the processing is based on the individual's consent or for the performance of a contract
- When processing is carried out by automated means

Personal data will be provided in a structured, commonly used and machine-readable form.

the trust will provide the information free of charge.

Where feasible, data will be transmitted directly to another organisation at the request of the individual.

The trust is not required to adopt or maintain processing systems which are technically compatible with other organisations.

In the event that the personal data concerns more than one individual, the trust will consider whether providing the information would prejudice the rights of any other individual.

the trust will respond to any requests for portability within one month.

Where the request is complex, or a number of requests have been received, the timeframe can be extended by two months, ensuring that the individual is informed of the extension and the reasoning behind it within one month of the receipt of the request.

Where no action is being taken in response to a request, the trust will, without delay and at the latest within one month, explain to the individual the reason for this and will inform them of their right to complain to the supervisory authority and to a judicial remedy.

The right to object

The trust will inform individuals of their right to object at the first point of communication, and this information will be outlined in the privacy notice and explicitly brought to the attention of the data subject, ensuring that it is presented clearly and separately from any other information.

Individuals have the right to object to the following:

- Processing based on legitimate interests or the performance of a task in the public interest • Direct marketing
- Processing for purposes of scientific or historical research and statistics.

Where personal data is processed for the performance of a legal task or legitimate interests:

An individual's grounds for objecting must relate to his or her particular situation.

The trust will stop processing the individual's personal data unless the processing is for the establishment, exercise or defence of legal claims, or, where the trust can demonstrate compelling legitimate grounds for the processing, which override the interests, rights and freedoms of the individual.

Where personal data is processed for direct marketing purposes:

- The trust will stop processing personal data for direct marketing purposes as soon as an objection is received.
- The trust cannot refuse an individual's objection regarding data that is being processed for direct marketing purposes.

Where personal data is processed for research purposes:

- The individual must have grounds relating to their particular situation in order to exercise their right to object.

- Where the processing of personal data is necessary for the performance of a public interest task, the trust is not required to comply with an objection to the processing of the data.

Where the processing activity is outlined above, but is carried out online, the trust will offer a method for individuals to object online.

Automated decision making and profiling

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.

The trust 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.

When automatically processing personal data for profiling purposes, the trust 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.

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

- The trust has the explicit consent of the individual.

The processing is necessary for reasons of substantial public interest on the basis of current law.

END

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