

# Evolution Training Limited

## General Data Protection Regulations Policy

Evolution Training Limited has created this document to demonstrate its commitment to customer privacy and its alignment to the requirements of the Data Protection Act 1998 and, in substitution from 25 May 2018, the General Data Protection Regulation 2018 (“GDPR”) in respect of handling and processing personal data.

The GDPR applies to “**personal data**” meaning any information relating to an identified or identifiable natural person (‘data subject’); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person. Evolution Training Limited is registered with the UK Information Commissioner’s Office as a Data Controller. Registration number Z8356809

### 1. The Data Protection Principles

Evolution Training Limited understands that General Data Protection Regulations (GDPR) compliance is a shared responsibility and will embrace the data protection principles fully. When enforcement begins on May 25, Evolution Training Limited is committed to compliance with the GDPR across all areas of our business.

These principles are:

- Lawfulness, fairness & transparency
- Purpose Limitation
- Data minimisation
- Accuracy
- Retention
- Integrity & confidentiality

Three key things to remember:

- ✓ We will never sell your data, and we only keep the information we need to carry out our work.
- ✓ We only keep the data we need to help achieve our aims, and we will always be clear about how we use it.
- ✓ You have control over your data and your preferences. You can contact us at any time to request or change it.

### 2. Consent: Lawful, Fair, and Transparent Data Processing

- Consent must be informed and clearly given as a positive opt-in action. There will be no auto checked boxes on our websites.
- Requests for consent will be in clear plain language and provide an equally clear explanation of how data will be used.
- There will be genuine choice about consenting – service provision will not be provisional on it. People will be able to withdraw or refuse consent without detriment.
- Children under 16 years of age cannot give consent.
- Special categories of data such as race, health or genetic data will require explicit consent from users.
- Consent for further processing is not required as long as it is for ‘compatible’ reasons e.g. sending a Special Offer to someone who has already bought an item.

### **3. Processed for Specified, Explicit and Legitimate Purposes.**

Data should, 'not be kept longer than necessary for the purpose for which it was processed'

- Evolution Training Limited will only *process* data which is necessary to effect our purpose and comply with client requests.
- We do not share the data with third parties.
- We only *share* data if it is necessary to effect our purpose and comply with client requests.

### **4. Accuracy of Data and Keeping Data Up To Date.**

- Every six months or earlier on request. We will check for data that falls outside the retention criteria. See Section 5
- All our data collection processes will be audited using our Privacy Impact Assessment process. See appendix A.
- We will amend and/or update any personal data on request within 10 working days.

### **5. Timely Processing**

How long will personal data be retained:

Data held by Evolution Training Limited is only held for training purposes and will only be used for marketing purposes with specific opt-in consent. Data is shared with our awarding bodies for the purpose of certification. We only request that data which the Awarding Organisations requires as part of our contract with them.

Data will be processed and retained based on industry minimum training data requirements; retention times for attendance of any course 10 years. This will allow a reasonable amount of time to provide historic attendance and course learning outcomes clarification if requested.

### **6. Requests for Information**

- Evolution Training Limited will respond to any requests for an individual's personal data within 28 days of receiving the request.
- As part of this process we will investigate as far as is reasonably practicable to ensure that any requests are not fraudulent, malicious or mischievous.
- If we suspect that a request is fraudulent, malicious or mischievous we will refer the individual to the UK Information Commissioners Office (ICO).

Evolution Training Limited will supply information within one month of the verification of identity of the individual.

Evolution Training Limited reserve the right to be able to extend the period of compliance by a further two months where requests are complex or numerous. In such cases we will inform the individual within one month of the receipt of the request and explain why the extension is necessary.

If the requests are manifestly unfounded or excessive, in particular because they are repetitive, Evolution Training Limited may:

- charge a reasonable fee taking into account the administrative costs of providing the information; or
- refuse to respond.

If Evolution Training Limited refuse to respond to a request, we will explain to the individual, informing them of their right to complain to the supervisory authority and to a judicial remedy without undue delay and at least within one month.

## 7. Secure Processing

- Evolution Training Limited is PCI compliant.
- Every three months scans are run on the network, these in turn are uploaded to the Bank Cardnet portal to comply with PCI.
- Payments taken online are captured through an offsite payment gateway, for evolutiontraining.co.uk, evolutionecourses.com. Our websites that take payments go through PayPal, this ensures that Evolution Training Limited is excluded from any onsite payment details.

## 8. Privacy Impact Assessments

- See Privacy Impact Assessment Process – Appendix A

## 9. Security: Where we store data

Evolution Training Limited stores data in the following format:

- The onsite server is kept within a locked office: Electronic protection is provided via a firewall and the Trend antivirus suite is installed (see section 3. Storage: for contact details).
- User PC's are issued network access and folder permissions via active directory
- Active Directory forces PC users to change their password regularly.
- PC's within Evolution Training Limited use Windows 7 & 10 and are updated quarterly by Balanced Solutions to maintain security levels.
- PC's run the Trend antivirus suite. (see section 3. Storage: for contact details).
- The building is protected in the following ways:
  - Alarm system
  - External CCTV
  - Outdoor security lights
  - Sign in book for visitors and customers
- Data is stored on one physical server on site and with Infusionsoft.com.
- Accounts are held by xero.com offsite
- Newsletters and customer lists are held on Infusionsoft Servers (Infusionsoft.com) off site.
- The website [www.evolutiontraining.co.uk](http://www.evolutiontraining.co.uk) [and evoutionecourses.com](http://evoutionecourses.com) is hosted at hotigloo.co.uk, beabrilliantcommunicator.com and newsilhouette.co.uk is hosted at nativespace.com

## 10. Erasure

Evolution Training Limited retains data based on various criteria; legal, accounting / financial, certification and marketing requirements.

Individuals have the right to have their data 'erased' in certain specified situations - in essence where the processing fails to satisfy the requirements of the GDPR. The right can be exercised against controllers, who must respond without undue delay (and in any event within one month, although this can be extended in difficult cases). When does the right apply?

- When data is no longer necessary for the purpose for which it was collected or processed.

- If the individual withdraws consent to processing (and if there is no other justification for processing).
- To processing based on legitimate interests - if the individual objects and the controller cannot demonstrate that there are overriding legitimate grounds for the processing.
- When the data has been otherwise unlawfully processed (i.e. in some way which is otherwise in breach of the GDPR).
- If the data has to be erased to comply with Union or Member State law which applies to the controller.

#### **Data minimisation**

- Accuracy
- Retention
- Integrity & confidentiality

#### **Evolution Training Limited Required Retention Timeline**

- **Legal** - Data obtained from individuals who attend training courses with Evolution Training Limited will be kept on file based on the criteria described in Section 5 of this policy.
- **Accounting and Finance** – Data for transactions, purchases and payments will be kept for 10 years (excluding any transactions required for Legal Data).
- **Certification** – Data required to be kept by our awarding bodies; INLTPA and ANLP
- **Marketing** – Our mailshots/newsletters are held within the Infusionsoft.com portal, this double opt-in system with clear unsubscribe options ensures that individuals have the ability to remove their data from the mailshot/newsletter lists and have to proactively join the list.

#### **Erasure of Personal Data**

- Individuals to whom data relates can request to have all or part of any data erased on written request within 28 working days. If their data falls within one or more of the criteria for retention they will be informed of any decisions.
- Evolution Training Limited reserves the right to require proof of data ownership 1 month is required to remove data from live storage and 3 months are required to remove data from our offsite backups.
- Confirmation may be sought to ensure that requests are not fraudulent, malicious or mischievous before data is erased.
- Where a decision is made not to erase data the individual may refer the matter to the Directors for a final decision and will be advised to contact the UK Information Commissioners Office for advice, if not entirely satisfied with our response.

## **11. Website use – tracking and monitoring**

Users of the Evolution Training Limited website should refer to the privacy section of Evolution Training Limited terms and conditions links to which can be found on each site. This provides details on how information that is collected on the website is managed by Evolution Training Limited.

Our websites and online systems may use cookies to distinguish you from other users of our website. For detailed information on the cookies we use please refer to the terms and conditions on the website. We may automatically collect the following information when you visit our website:

- your IP (Internet Protocol) address, your login information, your browser type, time zone settings, browsers and operating systems used; and
- Information about your visit, such as the pages visited or documents downloaded.

- **Security**

Evolution Training Limited online systems have security measures in place to help protect against the loss or misuse of any data under our control.

When the websites are accessed by users, data traffic is encrypted using up to date secure socket layer (SSL) technology so that it can only be accessed by the end user.

All sensitive information on the website, such as passwords, are encrypted by a proprietary encryption system. All personal data can only be accessed by the relevant end users by way of unique user names and passwords that must be entered when a user logs in to the systems.

Credit card information is never stored on Evolution Training Limited systems and is only used to authorise the specific transaction through Evolution Training Limited card payment authority and then removed. Under no circumstances will your credit card information be passed to any other third party.

## 12. Personal Data (Training)

- **What information do we collect from our customers?**

Evolution Training Limited will collect and process data that is provided by you or your organisation to us. Personal data may be included in the data you provide about learners, tutors, assessors and Awarding Body contacts. Evolution Training Limited have contractual arrangements with those individuals clearly setting out how we will use their data and with whom it could potentially be shared. We require all our customers to comply with the GDPR.

By adding individuals' personal data to Evolution Training Limited systems, or by sending personal data via email or by other methods to Evolution Training Limited, you give consent to us processing the data and you confirm that you have obtained the appropriate consent from the relevant individuals for the personal data to be processed by Evolution Training Limited.

- **Trainers** will ensure that all hard copy and electronic data is securely stored and retained before, during and after training has taken place.
- **Trainers** are responsible securely retaining, collecting, deleting and/or destroying all data that they no longer require once training is completed. This applies to all accommodation and training venues used while working on behalf of Evolution Training Limited and includes travelling to and from venues.
- **Learners** - Personal data about learners is usually limited to the details required by an Awarding Organisation for completion of the certification process. These details will include a learner's name, date of birth, gender and qualification awarded. In line with regulatory requirements and requirements to deliver future services such as certificate re-prints and the confirmation of awards, this basic learner-level data will be held by Evolution Training Limited indefinitely. Information processed as part of a learner's qualification, such as physical exam papers, will be held for a maximum of seven years. Personal data captured as part of a quality observation (such as video evidence of training) will be used for the purpose and outcomes of the observation, and then destroyed or deleted. Learners may also contact Evolution Training Limited to request

certificate replacements. In these circumstances, a record of a learner's address is taken so that the certificate can be sent. This is held on file for a maximum of three years before it is destroyed or deleted.

- **Staff Details** - Evolution Training Limited staff / associates provide information about their experience and qualifications that confirm their ability to work at Evolution Training Limited. As such, Evolution Training Limited may hold a substantial set of personal details about a member of staff. These may include:
  - Names, email addresses, telephone numbers and other contact information;
  - Teaching and training qualification certificates;
  - Proof of professional qualifications;
  - Employment history and training experience; and
  - References

This data is required for regulatory purposes to ensure that we comply with the necessary employment law and/or conditions of an Awarding Body (in the case of training).

Evolution Training Limited will seek permission from each staff member before they provide us with their personal data.

If a member of staff requires their personal data to be removed from Evolution Training Limited systems because they are no longer fulfilling the role, they need to inform Evolution Training Limited in writing so that relevant data can be removed from the systems.

### **13. Data Held Outside the UK**

Evolution Training Limited holds data outside the UK with

- Infusionsoft.com who are based in the USA
- Xero.com who are based in Australia

### **14. Data Breach Notification**

In line with our regulatory requirements, Evolution Training Limited has a set of processes for data breaches. These processes include the required notifications to be sent to the Information Commissioners Office and to customers within 72 hours of being informed of the breach if it is apparent that personal data stored in an identifiable manner has been stolen.

### **15. Implementation of Policy**

Evolution Training Limited is in the process of adapting its policies and procedures to ensure it is compliant with the GDPR by 25 May 2018. In the meantime, we will comply with the Data Protection Act 1998. This document has been produced to represent our current status and will be reviewed and updated as processes are developed