Secure Data Handling and Data Protection Policy

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1. Introduction

Whamos Training and Development CIC is committed to being transparent about how it collects and uses the personal data of its workforce, and to meeting its data protection obligations. This sets out the organisation's commitment to data protection, and individual rights and obligations in relation to personal data.

The following definitions are used in this policy:

"Personal" is any information that relates to a living individual who can be identified from that information. Processing is any use that is made of data, including collecting, storing, amending, disclosing or destroying it.

"Special categories of personal" means information about an individual's racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, health, sex life or sexual orientation and genetic and biometric data.

"Criminal records" means information about an individual's criminal convictions and offences, and information relating to criminal allegations and proceedings.

This policy does not form part of your contract of employment and we reserve the right to amend it at any time.

2. Scope

This policy applies to the personal data of job applicants, employees, workers, contractors, volunteers, apprentices and former employees, referred to as HR-related personal data. This does not apply to the personal data of clients or other personal data processed for business purposes.

3. Data protection officer

Whamos Training and Development CIC has appointed Alexandra Gager-Liebhart as its data protection officer. Their role is to inform and advise the organisation on its data protection obligations. They can be contacted at lexie@cumbriaskills.org.uk. Questions about this policy, or requests for further information, should be directed to the data protection officer.

4. Data protection principles

Whamos Training and Development CIC processes HR-related personal data in accordance with the following protection principles:

• Whamos Training and Development CIC processes personal data lawfully, fairly and in a transparent manner.

• Whamos Training and Development CIC collects personal data only for specified, explicit and legitimate purposes.

• Whamos Training and Development CIC processes personal data only where it is adequate, relevant and limited to what is necessary for the purposes of processing.

• Whamos Training and Development CIC keeps accurate personal data and takes all reasonable steps to ensure that inaccurate personal data is rectified or deleted without delay.

• Whamos Training and Development CIC keeps personal data only for the period necessary for processing.

• Whamos Training and Development CIC adopts appropriate measures to make sure that personal data is secure, and protected against unauthorised or unlawful processing and accidental loss, destruction or damage.

Whamos Training and Development CIC tells individuals the reasons for processing their personal data, how it uses such data and the legal basis for processing in its privacy notices. It will not process personal of individuals for other reasons. If the organisation wants to start processing HR-related personal data for other reasons, individuals will be informed of this before any processing begins.

5. General principles

1.1. Whamos Training and Development CIC recognises that colleagues (employees, volunteers, secondees and students) gain information about individuals and organisations during the course of their work or activities. In most cases such information will not be stated as confidential and colleagues may have to exercise common sense and discretion in identifying whether information is expected to be confidential. This policy aims to give guidance but if in doubt, seek advice from your line manager.

1.2. Colleagues are able to share information with their line manager in order to discuss issues and seek advice.

1.3. Colleagues will avoid exchanging personal information or comments about individuals with whom they have a professional relationship.

1.4. Talking about the private life of a colleague is to be avoided at all times, unless the colleague in question has instigated the conversation.

1.5. Colleagues will avoid talking about organisations or individuals in social settings.

1.6. Colleagues will not disclose to anyone, other than their line manager, any information considered sensitive, personal, financial or private without the knowledge or consent of the individual, or an officer, in the case of an organisation.

1.7. There may be circumstances where colleagues would want to discuss difficult situations with each other to gain a wider perspective on how to approach a problem.

The organisation's consent must be sought before discussing the situation, unless the colleague is convinced beyond doubt that the organisation would not object to this. Alternatively, a discussion may take place with names or identifying information remaining confidential.

1.8. Where there is a legal duty on Whamos Training and Development CIC to disclose information, the person to whom the confidentiality is owed will be informed that disclosure has or will be made.

2**. Why information is held**

2.1. Most information held by Whamos Training and Development CIC relates to individuals, voluntary and community organisations, self-help groups, volunteers, students, employees, trustees or services which support or fund them.

2.2. Information is kept to enable Whamos Training and Development CIC colleagues to understand the history and activities of individuals or organisations in order to deliver the most appropriate services.

2.3. Whamos Training and Development CIC has a role in putting people in touch with voluntary and community organisations and keeps contact details which are passed on to any enquirer, except where the group or organisation expressly requests that the details remain confidential.

2.4. Information about students is given to the training organisation and the college, but to no one else.

2.5. Information about ethnicity and disability of users is kept for the purposes of monitoring our equal opportunities policy and also for reporting back to funders.

6. Access to information

3.1. Information is confidential to Whamos Training and Development CIC as an organisation and may be passed to colleague or line managers to ensure the best quality service for users.

3.2. Where information is sensitive, i.e. it involves disputes or legal issues; it will be confidential to the employee dealing with the case and their line manager. Such information should be clearly labelled ‘Confidential’ and should state the names of the colleagues entitled to access the information and the name of the individual or group who may request access to the information.

3.3. Colleagues will not withhold information from their line manager unless it is purely personal.

3.4. Users may have sight of Whamos Training and Development CIC records held in their name or that of their organisation. The request must be in writing to the directors giving 14 days’ notice and be signed by the individual, or in the case of an organisation’s records, by the Directors. Sensitive information as outlined in para 3.2 will only be made available to the person or organisation named on the file.

3.5. Employees may have sight of their personnel records by giving 14 days’ notice in writing to the Directors.

3.6. When photocopying or working on confidential documents, colleagues must ensure people passing do not see them. This also applies to information on computer screens.

7. Storing information

4.1. General non-confidential information about organisations is kept in unlocked filing cabinets and in computer files with open access to all Whamos Training and Development CIC colleagues.

4.2. Personnel information on employees, volunteers, students and other individuals working within Whamos Training and Development CIC will be kept in lockable filing cabinets by line managers and will be accessible to the Directors.

4.3. Files or filing cabinet drawers bearing confidential information should be labelled ‘confidential’.

4.4. In an emergency situation, the Directors may authorise access to files by other people.

8. Duty to disclose information

5.1. There is a legal duty to disclose some information including:

5.1.1. Child abuse will be reported to Children’s Safeguarding Officer.

5.1.2. Drug trafficking, money laundering or acts of terrorism will be disclosed to the police.

5.2. In addition, colleagues believing an illegal act has taken place, or that a user is at risk of harming themselves or others, must report this to the Directors who will report it to the appropriate authorities.

5.3. Users should be informed of this disclosure.

9. Disclosures

6.1 Whamos Training and Development CIC complies fully with the DBS Code of practice regarding the correct handling, use, storage, retention and disposal of Disclosures and Disclosure information.

6.2 Disclosure information is always kept separately from an applicant’s personnel file in secure storage with access limited to those who are entitled to see it as part of their duties. It is a criminal offence to pass this information to anyone who is not entitled to receive it.

6.3 Documents will be kept for a year and then destroyed by secure means.

Photocopies will not be kept. However, Whamos Training and Development CIC may keep a record of the date of issue of a Disclosure, the name of the subject, the type of Disclosure requested, the position for which the Disclosure was requested, the unique reference number of the Disclosure and the details of the recruitment decision taken.

10. Data Protection Act

7.1. Information about individuals, whether on computer or on paper, falls within the scope of the Data Protection Act and must comply with the data protection principles.

These are that personal data must be:

- Obtained and processed fairly and lawfully.
- Held only for specified purposes.
- Adequate, relevant and not excessive.
- Accurate and up to date.
- Not kept longer than necessary.
- Processed in accordance with the Act.
- Kept secure and protected.
- Not transferred out of Europe.
- Compliance with data protection principles
- The organisation processes HR-related special category personal data and criminal records data in accordance with the following data protection principles.
- The organisation processes personal data lawfully, fairly and in a transparent manner and for specified, explicit and legitimate purposes.
- Employers can process special category personal data only if they have a legal basis for processing and, in addition, one of the specific processing conditions relating to special category personal data, or criminal records data, applies.
- The organisation processes special category personal data and criminal records data for the purposes outlined [above](http://hrcentre.uk.brightmine.com/policies-and-procedures/processing-special-category-personal-data-and-criminal-records-data-policy/163520/) and in compliance with the following legal conditions for processing.

Criminal records data

- Criminal records data is processed as part of recruitment processes and, where necessary, in the course of employment to verify that candidates are suitable for employment or continued employment [and to comply with legal and regulatory obligations to which the organisation is subject].

### 11. Legal basis for processing	**Special category personal data/criminal records data processing condition under sch.1 of the Data Protection Act 2018**
Equal opportunities data	
Processing is in the organisation's legitimate interests. These interests are not outweighed by the interests of data subjects.	Processing is necessary for monitoring equality of opportunity or treatment, as permitted by the Data Protection Act 2018 (under para.8 of sch.1).
Health data	
Processing is necessary for compliance with legal obligations (eg assessing an employee's fitness for work, complying with health and safety obligations, carrying out capability procedures and complying with Equality Act 2010 duties).	Processing is necessary for the purposes of performing or exercising obligations or rights imposed by law in connection with employment
Processing is necessary for the performance of a contract and/or complying with legal obligations (e.g. administering sick pay and other benefits).	Processing is necessary for the purposes of performing or exercising obligations or rights imposed by law in connection with employment
Racial or ethnic origin data	
Processing is necessary for compliance with legal obligations (e.g. checking job applicants' and employees' right to work in the UK).	Processing is necessary for the purposes of performing or exercising obligations or rights imposed by law in connection with employment (under para.1 of sch.1).
Criminal records data	

Processing is necessary for compliance with legal obligations (ie the organisation's legal requirement to carry out criminal records checks on those working with children or vulnerable adults). Processing is in the organisation's legitimate interests. These interests are not outweighed by the interests of data subjects. [Use where the organisation is not under a legal obligation to carry out criminal records checks, but it is regulatory good practice to do so.]	Processing is necessary for the purposes of performing or exercising obligations or rights imposed by law in connection with employment (under para.1 of sch.1). [OR Processing is necessary to comply with regulatory requirements to establish whether someone has committed an unlawful act or been involved in dishonesty, malpractice or other seriously improper conduct [Use where the organisation is not under a legal obligation to carry out criminal records checks, but it is regulatory good practice to do so] OR Processing is necessary for the prevention or detection of unlawful acts. [Use where there is no legal obligation to carry out criminal records checks but the organisation can demonstrate that there is a potential risk of unlawful behaviour if they employ someone with a criminal record]

Whamos Training and Development CIC has conducted a [data protection impact assessment](http://hrcentre.uk.brightmine.com/letters-and-forms/data-protection-impact-assessment-form/163516/) in relation to each processing operation to understand how processing may affect data subjects. The impact assessment balances the importance to the organisation of the reasons for processing special category personal data and criminal records data with the possible adverse impact on data subjects (for example in relation to intrusion into an individual's private life and the impact on the duty of trust and confidence between employer and employee).

The impact assessment concluded in each case that processing is necessary and proportionate in light of the other safeguards in place and does not pose a high risk to individuals. This conclusion was endorsed by the organisation's data protection officer.

Whamos Training and Development CIC explains to data subjects how special category personal data and criminal records data is used when it collects the data. This information is set out in Whamos Training and Development CIC privacy notices. This policy is also made available to employees through the organisation's staff handbook.

Whamos Training and Development CIC does not use the data for any other purpose [and it reviews its processing and policies regularly to ensure that it is not using special category personal data or criminal records data for any other purpose]. The organisation will not do anything unlawful with personal data.

[Special category personal data and criminal records data are not disclosed to third parties, except in the context of [seeking medical advice from the organisation's occupational health adviser or other medical advisers who are subject to a professional duty of confidentiality or reporting suspected offences to the appropriate authorities]. The organisation complies with the Access to Medical Reports Act 1988 where relevant.]

- Whamos Training and Development CIC processes personal data only where the data is adequate, relevant and limited to what is necessary for the purposes of processing.

Whamos Training and Development CIC collects and retains the minimum amount of information necessary to allow it to achieve the purposes outlined [above](http://hrcentre.uk.brightmine.com/policies-and-procedures/processing-special-category-personal-data-and-criminal-records-data-policy/163520/). The impact assessment carried out in relation to each processing operation involving special category personal data and criminal records data considered data minimisation as a way of reducing the possible adverse impact of processing for individuals.

As noted [above](http://hrcentre.uk.brightmine.com/policies-and-procedures/processing-special-category-personal-data-and-criminal-records-data-policy/163520/), Whamos Training and Development CIC includes relevant information in privacy notices as to how special category personal data and criminal records data is used and does not use data for any other purpose.

As far as possible, information required for equal opportunities monitoring purposes is kept in an anonymised form. Monitoring forms are kept under review to ensure that the information collected is accurate and not excessive.

Criminal records checks are carried out only for individuals undertaking roles where the organisation is under a legal obligation or regulatory requirement to perform such checks or where this is necessary for the prevention or detection of unlawful acts.

All data is reviewed periodically and unnecessary data is deleted.

- The organisation keeps accurate personal data and takes all reasonable steps to ensure that inaccurate personal data is rectified or deleted without delay.

The organisation takes reasonable steps to ensure that the personal data that it holds is accurate. Special category personal data and criminal records data is obtained:

- directly from job applicants, employees and other data subjects; or
- from external sources that the organisation is entitled to assume will provide accurate information, such as the Disclosure and Barring Service in the case of criminal records data, or medical professionals in the case of health data.

The organisation keeps a record of the source of all data it collects and data is reviewed periodically and checked for accuracy. Appropriate records are kept of amendments to data.

The organisation will erase or rectify inaccurate data that it holds without delay in accordance with our [data protection policy](http://hrcentre.uk.brightmine.com/policies-and-procedures/data-protection-policy/162690/) if an individual notifies it that their personal data has changed or is otherwise inaccurate, or if it is otherwise found to be inaccurate. Individuals are reminded to review their data on a regular basis to ensure that it remains up to date.

- The organisation keeps personal data only for the period necessary for processing.

The organisation has considered how long it needs to retain special category personal data and criminal records data.

It retains and processes special category personal data for the duration of an individual's employment.

The periods for which special category personal data is retained after the end of employment are as follows:

- Equal opportunities data is kept for a period of six months, after which data is anonymised so that individuals can no longer be identified.
- Racial or ethnic origin data is kept for a period of three years.
- Health data is normally kept for a period of seven years, unless statutory requirements mean that the organisation must keep records for longer than that.

Whamos Training and Development CIC does not retain details of an individual's criminal record after the commencement of employment, although it will retain a note on individual HR files indicating that a satisfactory criminal records check was completed prior to the commencement of employment. The note will be deleted at the end of the employment.

At the end of the relevant retention period, Whamos Training and Development CIC erases or securely destroys special category personal data and criminal records data. [Provide further details of practice with regard to erasure of data at the end of the retention period and other protections, such as anonymisation of data after the end of employment.]

- Whamos Training and Development CIC adopts appropriate measures to make sure that personal data is secure and protected against unauthorised or unlawful processing, and accidental loss, destruction or damage.

Whamos Training and Development CIC takes the security of special category personal data and criminal records data seriously. The organisation has internal policies and controls in place to protect personal data against loss, accidental destruction, misuse or disclosure, and to ensure that data is not accessed, except by employees in the proper performance of their duties. Whamos Training and Development CIC has analysed the risk presented by processing special category personal data and criminal records data and taken this into account in assessing appropriate security requirements.

- Accountability

The UK GDPR not only requires employers to comply with the protection principles but to demonstrate that they comply. This is known as the principle of accountability. Employers are also required to implement appropriate technical and organisational measures (including implementing appropriate protection and providing employee

training) to ensure and demonstrate that they carry out processing in accordance with the requirements of the UK GDPR

Whamos Training and Development CIC has put appropriate technical and organisation measures in place to meet accountability requirements. These include:

- appointing a data protection officer who reports directly to the organisation's senior management team;
- maintaining appropriate documentation of processing activities, in particular a [register of HR-related personal data](http://hrcentre.uk.brightmine.com/letters-and-forms/register-of-hr-related-personal-data/162691/), including special category personal data and criminal records data;
- adopting and implementing a [data protection policy](http://hrcentre.uk.brightmine.com/policies-and-procedures/data-protection-policy/162690/) covering HR-related data, which is regularly reviewed; and
- carrying out [data protection impact assessments](http://hrcentre.uk.brightmine.com/letters-and-forms/data-protection-impact-assessment-form/163516/) into processing of special category personal data and criminal records data, as outlined in relation to compliance with the first data protection principle [above](http://hrcentre.uk.brightmine.com/policies-and-procedures/processing-special-category-personal-data-and-criminal-records-data-policy/163520/).

12. Breach of confidentiality

9.1. Employees who are dissatisfied with the conduct or actions of other colleagues or Whamos Training and Development CIC should raise this with their line manager using the grievance procedure, if necessary, and not discuss their dissatisfaction outside ORGANISATION

9.2. Colleagues accessing unauthorised files or breaching confidentially may face disciplinary action.

13. Whistleblowing

Where the Finance Worker has concerns about the use of ORGANISATION funds, he or she may refer directly to the Directors outside the usual grievance procedure.

All colleagues hold the right to inform either his or her manager or one of the Directors if they believe that Whamos Training and Development CIC is being brought into disrepute by the actions of another colleague.

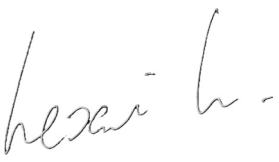
Review and retention of policy and provision to Information Commissioner

This policy on processing special category personal data and criminal records data is reviewed annually and, if necessary, amended to ensure that it remains up to date and accurately reflects the organisation's approach to processing such data.

This policy will be retained by the organisation while special category personal data and criminal records data is being processed and for a period of at least six months after the organisation stops carrying out such processing.

Approval & Review

This policy has been approved on behalf of the Directors:

Elizabeth Amos-Milburn *Co-Director*	**Alexandra Gager-Liebhart** *Co-Director*
	

Date of approval: 10th March 2026

Next review: 10th March 2027

Schedule 1 — Record of Changes

Version	Date	Nature of Change
001	10th March 2026	Initial published version included in the Combined Policies and Procedures 2026 edition.