



# Petite Ecole Kentoise de Maidstone

Data Protection Policy

Updated June 2025



## **1. Who is covered by this policy?**

All staff, trustees, volunteers and members.

## **2. What is covered by this policy?**

This policy covers data protection in relation to all areas of The Petite Ecole Kentoise de Maidstone's (PEKM) activities, including:

- customer records;
- legal compliance (UK General Data Protection Regulation – UK GDPR);
- recruitment, promotion, training, redeployment and/or career development;
- administration and payment of wages;
- disciplinary purposes arising from a contractor's conduct or inability to perform their duties;
- recording of communication with contractors and their representatives;
- compliance with policy and/or legislation with regard to health and safety or other employment legislation and regulation;
- provision of references to financial institutions, to facilitate entry onto educational courses and/or to assist future employers.

## **3. Purpose**

The purpose of this policy is to protect PEKM from the misuse of individuals' personal data and to ensure that PEKM complies with all relevant legislation.

## **4. The policy**

### **Recruitment and selection**

If placing a recruitment advert, PEKM must identify itself properly – people should know who they are applying to. If using a recruitment agency, PEKM must ensure the agency identifies itself.

Information collected for recruitment or selection for an interview must be used for that purpose only and must be kept securely. Where sensitive personal data is collected, explicit written consent should be obtained from applicants at the point of data collection. PEKM should ensure that equal opportunities data for applicants is anonymised before the applications are considered.

If verifying the information a person provides, PEKM must ensure the person knows how this will be done and what information will be checked.



If PEKM needs to verify criminal conviction information, it will only do this by getting a Disclosure and Barring Service (DBS) check. PEKM must ensure it is entitled to receive this information and must follow the DBS's procedures strictly. PEKM may only keep a record that a satisfactory/unsatisfactory check was made, but it may not store any detailed information.

### **Contractors records**

PEKM is permitted to collect, maintain and use employment records. However, staff should know what information about them is kept and what it will be used for. PEKM will not keep information for which it has no genuine business need or legal duty to keep.

Employment records must be kept in a secure, locked place, and computerised records must be password protected. Only authorised staff should have access to employment records (usually, the relevant director/trustee and the Chair).

PEKM will keep records of contractors who have left for three years to allow for information to be supplied for references. After this time, records will be destroyed.

### **Disclosure**

PEKM will only disclose information on a staff member if, in all the circumstances, it is satisfied that it is in line with GDPR and is reasonable to do so or as part of legal disclosure. Fairness to the staff member will always be PEKM's first consideration. PEKM will allow contractors access to their own records to ensure the information is correct.

### **PEKM's contractor rights**

Contractors have a legal right of access to the information PEKM holds on them and the right to challenge the information if it is thought to be inaccurate or misleading. If a contractor objects to PEKM holding or using information about them because it causes them distress or harm, PEKM will delete the information or stop using it in the way complained about unless PEKM has a compelling reason to continue holding and/or using that information.

### **Customer data**

PEKM will process personal data that may identify a customer or prospective customer according to the UK GDPR. Customer data will be processed in the legitimate interest of PEKM work and/or if PEKM has a contractual or legal obligation. Such data may be retained indefinitely or in accordance with a legal or contractual obligation where such data is for accounting purposes.

### **Data storage and transfers**

PEKM may store data in the UK or the European Economic Area, or any country deemed to be adequate by either the UK or the EU. Where PEKM stores data outside these jurisdictions, it may undertake a data transfer risk assessment. PEKM will ensure appropriate UK safeguards are in place to protect the rights of those identified by personal data stored in such locations.

### **Records and legal compliance**



Under the UK GDPR, 'personal data' (i.e. data about identifiable living individuals – 'data subjects') should be:

- a. processed fairly and lawfully and in a transparent manner;
- a. collected for specified, explicit and legitimate purposes;
- a. adequate, relevant and limited to what is necessary;
- a. accurate and, where applicable, kept up to date;
- a. kept for no longer than is necessary;
- a. processed in accordance with the rights of data subjects;
- a. kept secure by the data controller (i.e. PEKM, which holds ultimate responsibility for complying with data protection requirements), following appropriate technical and other measures to prevent unauthorised or unlawful processing or accidental loss or destruction of, or damage to, personal data;
- a. only be transferred to a country outside the European Economic Area if that country has equivalent levels of protection for personal data.

GDPR applies to both automated and manual personal data filing systems, where personal data is accessible according to specific criteria.

In order to be able to carry out its functions, PEKM needs to keep and use certain types of information about people and organisations, contractors, donors, trustees, volunteers and so on. This may include address and contact details, bank details, personal references and the legal status of groups.

Information is obtained, held, processed and disclosed for the purposes of the administration, management and business activities of PEKM. These include:

- making and holding lists of members and relevant organisations;
- statistical analysis;
- maintaining relationships with partner organisations;
- reporting to donors and other partners;
- keeping partners informed of products and services that may help them;
- keeping members and partners informed of events, campaigns etc;
- using basic information in marketing materials, on any of the websites run by PEKM or in the annual report;
- keeping business process records (including financial records such as purchase information, donations and grant details).

When collecting information, PEKM will ensure that individuals:



- clearly understand why PEKM needs to collect the information and receive sufficient detail on how it will be used;
- understand what it will be used for and what the consequences are should the individuals decide not to give/withdraw consent to processing;
- where required, provide explicit written or verbal consent (record of which should be kept) for data to be processed;
- give their consent freely and without any duress.

All employees, trustees and volunteers are expected to maintain professional standards and respect confidentiality. Due to the size of PEKM and nature of data processed, there is no requirement for a formal Data Protection Officer. However, The Chair should be the first point of contact with regard to any data protection issues, queries or complaints.

PEKM will review all personal data held on its databases annually to ensure it should be retained. The categories of data listed below have to be retained under the following specific criteria:

- Personal data of contractors and members associated with finance data must be retained for at least six years.
- Personal data associated with records of transactions/purchases needs to be kept for at least six years.
- Personal data of volunteers and trustees needs to be retained for at least six years if it is associated with financial transactions.

PEKM complies with GDPR by providing the following rights for individuals:

- the right to be informed;
- the right to access to a copy of their personal data;
- the right of rectification of data;
- the right of erasure (or right to be forgotten);
- the right to restrict processing;
- the right to data portability (in relation to processing by automated means);
- the right to object to processing;
- rights in relation to automated decision-making and profiling.

PEKM will secure personal data in a way that is proportionate to the risk to the interests and rights of the individual and ensuring that it cannot be used to discriminate against the individual.

Should an individual wish to exercise any of the above rights, they can do so by contacting the Chair. On request from an individual, the Chair will supply details of what information is



held, why it is held and to whom it may be disclosed. A copy of the relevant record of data on the individual may be supplied.

PEKM will aim to comply with requests for access to personal data records within one month.

## **5. IMPORTANT: Breaches of procedure or loss of data**

Any breach of confidentiality should be reported to the Chair, who will then appoint an appropriate independent person (e.g. a member of the board of trustees) to investigate the matter. If, following a written summary of findings, the Chair finds that a breach has occurred, they have the discretion to take appropriate action within 28 days. This may include consideration of pursuing disciplinary action or, in the case of a volunteer, asking the person to withdraw from PEKM 's service.

### **Guidance to staff**

PEKM 's trustee and contractors should bear in mind the following considerations:

- Sensitive and confidential information must be treated with particular attention.
- Personal data must not be emailed to personal email accounts, as there is no guarantee of security of these accounts.
- Any personal data stored in paper format must be held securely locked in filing cupboards in PEKM 's office. If it has to leave the office, consider pseudonymisation.
- Personal data should NOT be stored on personal computers. If you download any files for ease of working, make sure you save them in the appropriate place, password protected if necessary, as soon as you have finished working on them and delete any local files.
- Any changes to personal data (e.g. a change in home address) must be updated on Mojo database within 28 days of receipt.
- Personal data must not be given out to any third party unless the individual has agreed to release this information.
- Any personal data kept in paper format that is no longer required must be destroyed.
- Any personal data kept electronically that is no longer required must be deleted. PEKM will carry out data minimisation as part of the annual data audit.
- If data needs to be processed for profiling or for other statistical information, pseudonymise it. The procedures for this should be documented to ensure that the identification of the individuals is kept separate from the processed data.