

**PHILOSOPHY EDUCATION**  
**DATA PROTECTION POLICY**

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## Introduction

All organisations that process *personal data* are required to comply with data protection legislation. This includes in particular the Data Protection Act 2018 (or its successor) and the UK General Data Protection Regulation (together the 'Data Protection Laws'). The Data Protection Laws give individuals (known as 'data subjects') certain rights over their *personal data* while imposing certain obligations on the organisations that process their data.

As a recruitment business Philosophy Education collects and processes both *personal data* and *special categories of personal data*. In some cases, it is required to do so to comply with other legislation. It is also required to keep this data for different periods depending on the nature of the data.

This policy sets out how Philosophy Education implements the Data Protection Laws. It should be read in conjunction with the Data Protection Procedure.

## Definitions

In this policy the following terms have the following meanings:

**'consent'**: means any freely given, specific, informed and unambiguous indication of the data subject's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the *processing* of personal data relating to him or her;

**'data controller'**: means the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of processing of personal data;

**'data processor'**: means a natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller;

**'data subject'**<sup>†</sup>: means the identified or identifiable living individual to whom personal data;

**'personal data'**<sup>\*</sup>: means 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;

**'personal data breach'**: means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, *personal data* transmitted, stored or otherwise processed;

**'processing'**: means any operation or set of operations which is performed on *personal data* or on sets of *personal data*, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaption or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction;

**'profiling'**: means any form of automated *processing of personal data* consisting of the use of *personal data* to evaluate certain personal aspects relating to a natural person, in particular to analyse or predict aspects concerning that natural person's performance at work, economic situation, health, personal preferences, interests, reliability, behaviour, location or movements;

**'pseudonymisation'**: means the *processing of personal data* in such a manner that the *personal data* can no longer be attributed to a specific data subject without the use of additional information, provided that such additional information is kept separately and is subject to technical and organisational measures to ensure that the *personal data* are not attributed to an identified or identifiable natural person;

**'special categories of personal data'**<sup>\*</sup>: means the processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation [See Note 1];

<sup>†</sup> For the purposes of this policy we have used the term 'individual' to mean 'data subject'.

<sup>\*</sup> For the purposes of this policy we use the term '*personal data*' to include '*special categories of personal data*' except where we specifically need to refer to *special categories of personal data*.

All of these definitions are italicised throughout this policy to remind the reader that they are defined terms.

## Data processing under the Data Protection Laws

Philosophy Education processes *personal data* in relation to its own staff, work-seekers and individual client contacts and is a *data controller* for the purposes of the Data Protection Laws. Philosophy Education has registered with the ICO and its registration number is **ZA478714**

Philosophy Education may hold *personal data* on individuals for the following purposes:

- Staff administration;
- Advertising, marketing and public relations
- Accounts and records;
- Administration and *processing* of work-seekers' *personal data* for the purposes of providing work-finding services, including *processing* using software solution providers and back office support.
- Administration and *processing* of clients' *personal data* for the purposes of supplying/introducing work-seekers.

### **1. The data protection principles**

The Data Protection Laws require Philosophy Education acting as either *data controller* or *data processor* to process data in accordance with the principles of data protection. These require that *personal data* is:

1. Processed lawfully, fairly and in a transparent manner;
2. Collected for specified and legitimate purposes and not further processed in a manner that is incompatible with those purposes;
3. Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
4. Accurate and 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;
5. Kept for no longer than is necessary for the purposes for which the *personal data* are processed;
6. 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; and that
7. The *data controller* shall be responsible for, and be able to demonstrate, compliance with the principles.

### **2. Legal bases for processing**

Philosophy Education will only process *personal data* where it has a legal basis for doing so (see Annex A). Where Philosophy Education does not have a legal reason for *processing personal data* any processing will be a breach of the Data Protection Laws.

Philosophy Education will review the *personal data* it holds on a regular basis to ensure it is being lawfully processed and it is accurate, relevant and up to date and those people listed in the Appendix shall be responsible for doing this.

Before transferring *personal data* to any third party (such as past, current or prospective employers, suppliers, customers and clients, intermediaries such as umbrella companies, persons making an

enquiry or complaint and any other third party (such as software solutions providers and back office support), Philosophy Education will establish that it has a legal reason for making the transfer.

### **3. Privacy by design and by default**

Philosophy Education has implemented measures and procedures that adequately protect the privacy of individuals and ensures that data protection is integral to all *processing* activities. This includes implementing measures such as:

- data minimisation (i.e. not keeping data for longer than is necessary);
- *pseudonymisation*;
- anonymization
- cyber security

For further information please refer to Philosophy Education 's Information Security Policy.

## Rights of the individual

Philosophy Education shall provide any information relating to data *processing* to an individual in a concise, transparent, intelligible and easily accessible form, using clear and plain language. The information shall be provided in writing, or by other means, including, where appropriate, by electronic means. Philosophy Education may provide this information orally if requested to do so by the individual.

### **1. Privacy notices**

Where Philosophy Education collects *personal data* from the individual, Philosophy Education will give the individual a privacy notice at the time when it first obtains the *personal data*.

Where Philosophy Education collects *personal data* other than from the individual directly, it will give the individual a privacy notice within a reasonable period after obtaining the *personal data*, or at the time it contacts the individual, but at the latest within one month. If Philosophy Education intends to disclose the *personal data* to a third party, then the privacy notice will be issued when the *personal data* are first disclosed (if not issued sooner).

Where Philosophy Education intends to further process the *personal data* for a purpose other than that for which the data was initially collected, Philosophy Education will give the individual information on that other purpose and any relevant further information before it does the further *processing*.

### **2. Subject access requests**

The individual is entitled to access their *personal data* on request from the *data controller*.

### **3. Rectification**

The individual or another *data controller* at the individual's request, has the right to ask Philosophy Education to rectify any inaccurate or incomplete *personal data* concerning an individual.

If Philosophy Education has given the personal data to any third parties, it will tell those third parties that it has received a request to rectify the *personal data* unless this proves impossible or involves disproportionate effort. If asked to, Philosophy Education must also inform the individual about these recipients. Those third parties should also rectify the *personal data* they hold - however Philosophy Education will not be in a position to audit those third parties to ensure that the rectification has occurred.

### **4. Erasure**

The individual or another *data controller* at the individual's request, has the right to ask Philosophy Education to erase an individual's *personal data*.

If Philosophy Education receives a request to erase it will ask the individual if s/he wants his *personal data* to be removed entirely or whether s/he is happy for his or her details to be kept on a list of individuals who do not want to be contacted in the future (for a specified period or otherwise). Philosophy Education cannot keep a record of individuals whose data it has erased so the individual may be contacted again by Philosophy Education should Philosophy Education come into possession of the individual's *personal data* at a later date.

If Philosophy Education has made the data public, it shall take reasonable steps to inform other *data controllers* and *data processors processing the personal data* to erase the *personal data*, taking into account available technology and the cost of implementation.

If Philosophy Education has given the *personal data* to any third parties it will tell those third parties that it has received a request to erase the *personal data*, unless this proves impossible or involves disproportionate effort. If asked to, Philosophy Education must also inform the individual about these recipients. Those third parties should also rectify the *personal data* they hold - however Philosophy Education will not be in a position to audit those third parties to ensure that the rectification has occurred.

## 5. Restriction of processing

The individual or a *data controller* at the individual's request, has the right to ask Philosophy Education to restrict its *processing* of his or her *personal data* where:

- The individual challenges the accuracy of the *personal data*;
- The *processing* is unlawful and the individual opposes its erasure but requests restriction instead;
- Philosophy Education no longer needs the *personal data* for the purposes of the *processing*, but the individual needs Philosophy Education to keep the *personal data* in order to establish, exercise or defend a legal claim; or
- The individual has objected to *processing* (on the grounds of a public interest or legitimate interest) pending the verification whether the legitimate grounds of Philosophy Education override those of the individual.

If Philosophy Education has given the *personal data* to any third parties, it will tell those third parties that it has received a request to restrict the *personal data* unless this proves impossible or involves disproportionate effort. If asked to, Philosophy Education must also inform the individual about these recipients. Those third parties should also rectify the *personal data* they hold - however Philosophy Education will not be in a position to audit those third parties to ensure that the rectification has occurred.

## 6. Data portability

The individual shall have the right to receive *personal data* concerning him or her, which he or she has provided to Philosophy Education, in a structured, commonly used and machine-readable format and have the right to transmit those data to another *data controller* in circumstances where:

- The *processing* is based on the individual's *consent* or a contract; and
- The *processing* is carried out by automated means (i.e. excluding paper files).

Where feasible, Philosophy Education will send the *personal data* to a named third party on the individual's request.

## 7. Object to processing

The individual has the right to object to their *personal data* being processed based on a public interest, the exercise of official authority vested in you, or a legitimate interest (or those of a third party).

Philosophy Education shall cease *processing* unless it has compelling legitimate grounds to continue to process the *personal data* which override the individual's interests, rights and freedoms or for the establishment, exercise or defence of legal claims.

The individual has the absolute right to object to the *processing* of their *personal data* for direct marketing.

## **8. Enforcement of rights**

All requests regarding individual rights should be sent to the person whose details are listed in page 12.

Philosophy Education shall act upon any subject access request, or any request relating to rectification, erasure, restriction, data portability or objection or automated decision-making processes or profiling within one month of receipt of the request. Philosophy Education may extend this period for two further months where necessary, taking into account the complexity and the number of requests. Philosophy Education will let the individual know within one month of receiving his or her request and explain why the extension is necessary.

Where Philosophy Education considers that a request under this section is manifestly unfounded or excessive due to the request's repetitive nature Philosophy Education may either refuse to act on the request or may charge a reasonable fee taking into account the administrative costs involved.

## **9. Automated decision making**

Philosophy Education will not subject individuals to decisions based on automated *processing* that produce a legal effect or a similarly significant effect on the individual, except where the automated decision:

- Is necessary for the entering into or performance of a contract between the *data controller* and the individual;
- Is authorised by law; or
- The individual has given their explicit *consent*.

Philosophy Education will not carry out any automated decision-making or *profiling* using the *personal data* of a child.

## Reporting *personal data* breaches

All data breaches should be referred to the persons whose details are listed in page 12.

### 1. Personal data breaches where Philosophy Education is the data controller:

Where Philosophy Education establishes that a *personal data breach* has taken place, Philosophy Education will take steps to contain and recover the breach. Where a *personal data breach* is likely to result in a risk to the rights and freedoms of any individual Philosophy Education will notify the ICO, and where necessary, the individual/s concerned.

Where the *personal data breach* happens outside the UK, Philosophy Education shall alert the relevant authority for data breaches in the effected jurisdiction.

### 2. Personal data breaches where Philosophy Education is the data processor:

Philosophy Education will alert the relevant *data controller* as to the *personal data breach* as soon as they are aware of the breach.

### 3. Communicating personal data breaches to individuals

Where Philosophy Education has identified a *personal data breach* resulting in a high risk to the rights and freedoms of any individual, Philosophy Education shall tell all affected individuals without undue delay.

All individuals have the following rights under the Human Rights Act 1998 (HRA) and in dealing with *personal data* these should be respected at all times:

- Right to respect for private and family life (Article 8).
- Freedom of thought, belief and religion (Article 9).
- Freedom of expression (Article 10).
- Freedom of assembly and association (Article 11).
- Protection from discrimination in respect of rights and freedoms under the HRA (Article 14). [NOTE 19]

If you have a complaint or suggestion about Philosophy Education 's handling of *personal data* then please contact the person whose details are listed in the Appendix to this policy.

Alternatively you can contact the ICO directly on 0303 123 1113 or at <https://ico.org.uk/global/contact-us/email/>

## APPENDIX

List names of those responsible for:

Adding, amending or deleting *personal data*;

<b>Michele Waller</b>
<b>Caroline Rix</b>
<b>Suzie Butler</b>
<b>Joshua Wile</b>
<b>Ewan Gronbach</b>
<b>Summer Bramwell</b>
<b>Necane Gallego</b>
<b>Jake Warner</b>
<b>Jessica Searby</b>
<b>Emma Aaron</b>
<b>Belle Mbaye</b>
<b>Sarah Newman</b>
<b>Yusuf Ahmed</b>
<b>Richard Danso</b>
<b>Robyn Jiggins</b>
<b>Sam Aylott</b>
<b>Sydney Rogers</b>
<b>Britta Wicke</b>
<b>Adina Iftimie</b>
<b>Rebecca Lewis</b>
<b>Lauren Gibson</b>
<b>Kyeva Graham</b>

List names of those responsible for:

- responding to subject access requests/requests for rectification, erasure, restriction data portability, objection, automated decision-making processes and *profiling* and withdrawal of *consent*;
- reporting *personal data breaches*/dealing with complaints; and/or

**Suzanne Butler (Data Protection Officer)**

1<sup>st</sup> Floor,

3 More London Riverside

London

SE1 2RE

[suziebutler@philosophyeducation.co.uk](mailto:suziebutler@philosophyeducation.co.uk)

0203 926 0303

**Caroline Rooke (Director)**

1<sup>st</sup> Floor,

3 More London Riverside

London

SE1 2RE

[carolinerix@philosophyeducation.co.uk](mailto:carolinerix@philosophyeducation.co.uk)

0203 926 0303

**Michele Hunt (Director)**

1<sup>st</sup> Floor,

3 More London Riverside

London

SE1 2RE

[michelewaller@philosophyeducation.co.uk](mailto:michelewaller@philosophyeducation.co.uk)

0203 926 0303

## ANNEX A

### a) The lawfulness of *processing* conditions for *personal data* are:

1. **Consent:** *the individual has given clear consent for you to process their personal data for a specific purpose.*
2. **Contract:** *the processing is necessary for the performance of a contract with the data subject or in order to take specific steps before entering into a contract.*
3. **Legal obligation:** *the processing is necessary for compliance with a legal obligation to which the data controller/data processor is subject to.*
4. **Vital interests:** *the processing is necessary to protect someone's life.*
5. **Public task:** *the processing is necessary for the performance of a task carried out in the public interest or in the exercise of official functions, and the task or function has a clear basis in law.*
6. **Legitimate interests:** *the processing is necessary for the legitimate interests pursued by the data controller or a third party, unless there is a good reason to protect the individual's personal data which overrides those legitimate interests.*

### b) The lawfulness of *processing* conditions for *special categories of personal data* are:

1. The *data subject* has given explicit consent to the *processing* of the *special categories of personal data* for one or more specified purposes, except where the *data subject* is not permitted or able to give *consent*.
2. *Processing* is necessary for carrying out obligations and exercising specific rights of the *data controller* or of the *data subject* under employment, social security or social protection law, in so far as it is authorised by UK law or a collective agreement, provided for appropriate safeguards for the fundamental rights and interests of the *data subject*.
3. *Processing* is necessary to protect the vital interests of the *data subject* or another person where the *data subject* is physically or legally incapable of giving *consent*.
4. *Processing* is carried out in the course of its legitimate activities with appropriate safeguards by a foundation, association or any other not-for-profit body with a political, philosophical, religious or trade union aim and on condition that the processing relates solely to the members or to former members of the body or to persons who have regular contact with it in connection with its purposes and that the *personal data* are not disclosed outside that body without the consent of the *data subject(s)*.
5. *Processing* relates to *personal data* which manifestly made public by the *data subject*.
6. *Processing* is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity
7. *Processing* is necessary for reasons of substantial public interest on the basis of UK law which is proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and interests of the data subject domestic law.

8. *Processing* is necessary for the purposes of preventative or occupational medicine, for assessing the working capacity of the employee [NOTE 21], medical diagnosis, the provision of health or social care or treatment or management of health or social care systems and services on the basis of UK law or a contract with a health professional and subject to relevant conditions and safeguards.
9. *Processing* is necessary for reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring high standards of quality and safety of health care and of medicinal products or medical devices on the basis of UK law.
10. *Processing* is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes, which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and interests of the *data subject*.