



## **Privacy Policy**

Policy Formally Adopted:  
01/10/2018

Approved by Senior Management Team  
Reviewed: Annually

Relevant Personnel: Scott McCrae  
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<b>Owner</b>	SHEQ & Compliance	<b>Author</b>	Scott McCrae & Gavin McIlduff	<b>Approved By</b>	Scott McCrae	<b>Frequency of Review</b>	Annually

**NOTE – UNCONTROLLED IF COPIED OR PRINTED**

## **Introduction**

McCrae Training Ltd is fully committed to ensuring both personal and learning-related data held relating to individuals (whether our clients, customers, employees, subcontractors, suppliers or others) is fairly processed, accurate, up to date, securely protected and utilised only for the purposes we have outlined to individuals within our Privacy Notices and otherwise.

This procedure sets out the standards that will be adhered to by McCrae Training Ltd, in relation to the General Data Protection Regulations (GDPR) 2018.

All employees, workers, consultants, subcontractors and any other individual dealing with personal data must comply at all times with this procedure.

We will look to ensure that all staff are adequately trained regarding their data protection responsibilities, including under the policy.

If you have any questions about this policy, please contact our Data Protection Officer using the following details:

Pamela Brown  
Data Protection Officer  
01355 246235

## **We will comply with the GDPR principles**

**As a professional training and consultancy company we will ensure we adhere to the key principles of the General Data Protection Regulation 2018 when processing personal information:**

- we will process personal information lawfully, fairly and in a transparent manner;
- we will collect personal information for specified, explicit and legitimate purposes only, and will not process it in a way that is incompatible with those legitimate purposes;
- we will only process personal information that is adequate, relevant and necessary for the relevant purposes;
- we will keep accurate and up to date personal information, and take reasonable steps to ensure that inaccurate personal information is deleted or corrected without delay;
- we will keep personal information for no longer than is necessary for the purposes for which the information is processed; and
- we will take appropriate technical and organisational measures to ensure that personal information is kept secure and protected against unauthorised or unlawful processing, accidental loss, destruction or damage.

Our Privacy Notices provide detailed information as to what information we hold on individuals, the purposes we use that information for, when we may disclose it to third parties and our legal basis for doing so.

## **We will ensure there is a legal basis for all processing**

We will ensure that we have a legal basis for processing any personal data which include one or more of the following:

- that the data subject has consented to the processing;
- that the processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract;

- that the processing is necessary for compliance with a legal obligation to which the Company is subject;
- that the processing is necessary for the protection of the vital interests of the data subject or another natural person;
- that the processing is necessary for the performance of a task carried out in the public interest or exercise of official authority; or
- that the processing is necessary for the purposes of (specified) legitimate interests of the Company or a third party, except where those interests are overridden by the interests of fundamental rights and freedoms of the individual.

### **We will process only limited sensitive and criminal record data subject to further protections**

Where sensitive (known in GDPR as "special category") personal data is processed we will ensure that this is explained to individuals by way our Privacy Notices setting out the limited circumstances where we require to process that information.

In addition, we will ensure there is a lawful condition which permits the processing of special category data, being one or more of the following:

- the data subject has given explicit consent;
- the processing is necessary for the purposes of exercising the employment law rights or obligations of the Company or the data subject;
- the processing is necessary to protect the data subject's vital interests, and the data subject is physically incapable of giving consent;
- the processing relates to personal data which is manifestly made public by the data subject;
- the processing is necessary for the establishment, exercise or defence of legal claims; or
- the processing is necessary for reasons of substantial public interest.

Where criminal offence information is processed, we will do in accordance with our Criminal Records Policy.

Where the processing of any personal data is likely to result in a high risk to an individual's data protection rights, we will carry out a data protection impact assessment as appropriate.

### **We will comply with individual GDPR rights**

We will fully comply at all times with individual rights which apply in respect to our collection, use, processing and disclosure of personal data. These rights are as follows: -

- The right to be informed
- The right of access
- The right to rectification
- The right of erasure
- The right to restrict processing
- The right to data portability
- The right to object
- The right not to be subject to automated decision-making including profiling.

More details associated with this can be obtained within our Privacy Notice. To obtain a copy of our Privacy Policy contact our main office on 01355 246235, email [info@mccraetraining.co.uk](mailto:info@mccraetraining.co.uk) or write to McCrae Training Ltd, Unit 4 Napier Building, 2 Reynolds Avenue, Scottish Enterprise Technology Park, East Kilbride G75 0AF.

## **Responsibilities of McCrae Training Ltd Staff Members**

In addition to the formal responsibilities outlined above, all staff members (and others handling personal data) must comply at all times the Company Standards and procedures set out below.

Disciplinary action may be taken if the GDPR requirements or Company Standards or procedures outlined in this document are breached, which in serious cases may include dismissal for gross misconduct.

All staff members have a responsibility to ensure that any personal data they process, see or hear is not disclosed to any party outside of McCrae Training Ltd, without prior written consent.

In addition, staff members also have a responsibility to ensure personal data is not disclosed to any person within McCrae Training Ltd who would not have reason to know or process that information.

## **Company Standards required of Staff**

All members of staff must adhere to Company standards which are as follows:

- a) You must only access the personal information that you have authority to access and only for authorised purposes,
- b) No disclosure of information must be made to any party except with the written consent of the data subject or individual concerned (or where there is otherwise a lawful basis to do so),
- c) All requests for information must be vetted to ensure the person requesting the information is entitled to that information,
- d) All documents and data, whether stored electronically or in paper-based formats, must be stored securely,
- e) When sensitive personal data is not in use it must be securely stored and not left in any areas where access may be made by unauthorised persons. Learner files and portfolios must not be left in an accessible position, for example on or under desks overnight or when not required for processing,
- f) Do not remove any personal information or devices containing personal information from our premises unless appropriate security measures are in place,
- g) Where data is transferred between locations and / or staff members (or to eligible third parties such as SQA (Scottish Qualification Authority) it must be transferred securely in an appropriate manner, relative to the risk of such data being lost.
- h) Particular care and attention should be made when transferring data electronically to ensure that all data transferred in this way via email or storage device, is appropriately password protected or encrypted,
- i) Only necessary volumes of data should be retained on laptops or storage devices and all data of a sensitive nature stored on a laptop or hard drive must be password protected,
- j) All data no longer required must be securely archived, deleted or destroyed when no longer required. Where personal data is being shredded this will be carried out in compliance with General Data Protection Regulations 2018,
- k) All McCrae Training Ltd staff members will be aware that in certain circumstances McCrae Training Ltd has a duty of care if there is cause for concern if a young person or vulnerable adult suffers or is in threat of abuse, and to notify the appropriate agencies. Any such disclosures will be made by the centre manager only.

- l) You must immediately contact the Data Protection Officer (or Managing Director) if you are concerned or suspect that one of the following may have taken place:
- a. processing of personal data without a lawful basis
  - b. any data breach as defined in the section below
  - c. access to personal information without proper authorisation
  - d. personal information not being kept or deleted securely
  - e. removal of personal information or devices containing personal information from our premises without appropriate security measures being in place, or
  - f. any other breach of this policy or any of the data protection principles set out above

### **Data breaches**

A data breach may take many different forms, for example:

- loss or theft of data or equipment on which personal information is stored;
- unauthorised access to or use of personal information either by a member of staff or a third party;
- loss of data resulting from an equipment or systems (including hardware and software) failure;
- human error, such as accidental deletion or alteration of data;
- unforeseen circumstances, such as a fire or flood;
- deliberate attacks on IT systems, such as hacking, viruses or phishing scams; and
- where information is obtained by deceiving the organisation which holds it.

We will at all times in response to any data breach:

- make a report of a data breach to the Information Commissioner's Office without undue delay and, where possible within 72 hours of becoming aware of it, if it is likely to result in a risk to the rights and freedoms of individuals; and
- notify the affected individuals if a data breach is likely to result in a high risk to their rights and freedoms and notification is required by law.

### **McCrae Training Ltd Standards - Subcontractors / Associates**

All contractual relationships with subcontractors and associates should be confirmed with a written contract that must comply with GDPR requirements.

Written agreements should contain confirmation that the third party holds standards that are equivalent to those listed within this document, that the third party will comply with this policy and where applicable confirm data protection registration with the Information Commissioner's Office.

Subcontractors and Associates who process personal data for and on behalf of McCrae Training Ltd are likely to be deemed Data Controllers under the GDPR 2018. Any Data Controller shall be required to enter into a contract with McCrae Training Ltd which meets the specific requirements of GDPR. In addition, Data Controllers are subject to their own obligations directly under GDPR and must satisfy McCrae Training that they are able to comply with these obligations.

### **Employee and Associate Personal Data**

Access to personnel records by management will be strictly controlled at all times complying with the standards detailed within this document.

In the event of a potential, intended or actual transfer of undertaking, McCrae Training Ltd will take all reasonable steps to prevent disclosure of personal data about employees to any of the third parties concerned by, for instance, the omission of names or other identifying particulars.

## **Data Retention**

Under our information management procedures data will be retained as follows:

<b>Data Description</b>	<b>Period of Retention</b>
All data relating to "Modern Apprenticeships"	5 Years from the completion date of each Modern Apprenticeship
All data relating to the "Scottish Apprenticeship Employer Grant" scheme	5 years from date the full grant was paid to the employer
Training Course Attendance Registers	2 Years from the completion date of training
Assessment & Verification Records for "Modern Apprenticeships" & General Candidates	1 Calendar Year from the completion date of the Qualification
Assessment & Verification records for core skills units	1 Calendar Year from the completion date of the Qualification
Customer Complaints	2 Years from the date of complaint
Learner Portfolios	1 Calendar Year from the completion date of the Qualification
Higher National Units	1 Calendar Year from the completion date of the Qualification
Learner Certificates	1 Calendar Year from the completion date of the Qualification
Contracts and Contractual Agreements	6 Years following the completion date of the contract
Financial records inclusive of invoices, payment records, purchase orders	5 Years
Ex-Employee files and information	10 Years from the date of termination of service
Job Applicants	24 Months from date of applicant information received
Unsuccessful applications for employment	6 months from the date of application
Quality Management Systems documentation, minutes of meetings and audit information.	3 Years
Candidate Appeals Documentation	6 Years
Malpractice Investigation Information	6 Years

As the requirements for retention of evidence as set by the awarding body SQA may be amended the hyperlink below will provide information on the most up to date information.

[https://www.sqa.org.uk/files\\_ccc/Retention\\_of\\_candidate\\_assessment\\_records\\_table.pdf](https://www.sqa.org.uk/files_ccc/Retention_of_candidate_assessment_records_table.pdf)

## **International transfers**

We will not transfer personal information outside the European Economic Area (EEA), which comprises the countries in the European Union and Iceland, Liechtenstein and Norway.

## **Glossary of Terms**

Data Controller – the person or organisation that determines when, why and how to process Personal Data. McCrae Training Ltd is the Controller of all Personal Data relating to our company personnel and Personal Data used in our business for our own commercial purposes. Subcontractors and Associates are also likely to be Data Controllers in relation to the Personal Data that they handle on behalf of McCrae Training and must satisfy McCrae Training that they comply with the requirements of GDPR.

Data Processor – means an individual who is acting upon the behalf of the Data Controller to receive, process and return personal data.

Personal Data – means data about a living individual (or data subject) that can be identified from that information (or from that and other information in the possession of McCrae Training Ltd).

Data Protection Officer – means a nominated person within an organisation who has the responsibility to ensure compliance with GDPR 2018 associated with avoidance of Data Breaches and reports directly to Senior Management in the event of a Data Breach.

Sensitive Personal Data – means personal data relating to one or more of an individual's:

- race;
- ethnic origin;
- politics;
- religion;
- trade union membership;
- genetics;
- biometrics (where used for ID purposes);
- health;
- sex life; or
- sexual orientation.

**Authorised by:** **SCOTT MCCRAE**

**Signed:** *Scott McCrae*

**Date:** **08/01/2024**