

Data Protection Principles and Policy

Introduction

CITB NI was formally established as an Industrial Training Board (ITB) under the Industrial Training Act (Northern Ireland) 1964 and subsequently repealed by the 1984 Industrial Training Order, to encourage the adequate training of those employed or intending to be employed in the construction industry in Northern Ireland.

Section 28 of the Industrial Training (NI) Order 1984 outlines the power to obtain information from employers. The Industrial Training Levy (Construction Industry) Order made annually also provides powers to undertake assessment of levy payable.

CITB NI therefore needs to keep certain personal data, for example about registered employers, to fulfil its purpose and to meet its legal obligations. To comply with the Principles, which are set out in the UK General Data Protection Regulations (GDPR) from 25 May 2018, personal information must be collected and used fairly, stored safely and not disclosed to any other person unlawfully. In this regard CITB NI has the role of a data controller.

Aim

The aim of this document is to inform CITB NI and partnering organisations that the process or use any personal information follows the policy and principles of UK GDPR.

Principles of UK GDPR

Under the UK GDPR, the seven data protection principles set out the main responsibilities for organisations:

Article 5 of the UK GDPR requires that personal data shall be:

- (a) processed lawfully, fairly and in a transparent manner in relation to the data subject
- b) collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes.
- c) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed
- d) accurate and, where necessary, 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
- e) kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or

statistical purposes subject to implementation of the appropriate technical and organisational measures required by UK GDPR in order to safeguard the rights and freedoms of individuals; and

f) 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.

g) CITB NI as a data controller is also accountable for what we do with personal data and must have in place technical and organisational measures to meet the requirements of accountability.

Lawful basis for processing

The lawful basis for processing is set out in Article 6 of UK GDPR. At least one of these must apply whenever personal data is processed:

(a) Consent: the individual has given clear consent for you to process their personal data for a specific purpose.

(b) Contract: the processing is necessary for a contract you have with the individual, or because they have asked you to take specific steps before entering into a contract.

(c) Legal obligation: the processing is necessary for you to comply with the law (not including contractual obligations).

(d) Vital interests: the processing is necessary to protect someone's life.

(e) Public task: the processing is necessary for you to perform a task in the public interest or for your official functions, and the task or function has a clear basis in law.

(f) Legitimate interests: the processing is necessary for your legitimate interests or the legitimate interests of a third party unless there is a good reason to protect the individual's personal data which overrides those legitimate interests. (This cannot apply if you are a public authority processing data to perform your official tasks.).

The majority of the functions undertaken by CITB NI as an Industrial Training Board are under legal obligation or public task linked to our statutory legislation.

Individual rights

Individuals have the right to be informed about the collection and use of their personal data.

Individuals have the right to access their personal data and supplementary information.

UK GDPR includes a right for individuals to have inaccurate personal data rectified, or completed if it is incomplete.

UK GDPR introduces a right for individuals to have personal data erased.

Individuals have the right to request the restriction or suppression of their personal data.

The right to data portability allows individuals to obtain and reuse their personal data for their own purposes across different services.

Individuals have the right to object to:

processing based on legitimate interests or the performance of a task in the public interest/exercise of official authority (including profiling); direct marketing (including profiling); and processing for purposes of scientific/historical research and statistics.

UK GDPR has provisions on:

automated individual decision-making (making a decision solely by automated means without any human involvement); and

profiling (automated processing of personal data to evaluate certain things about an individual). Profiling can be part of an automated decision-making process.

CITB NI Policy

CITB NI is based at Nutts Corner Training Centre, which has:

- CCTV covering access areas to the building.
- Access codes implemented for entry to the main building and all floors have access code only doors.
- Staff have been provided with key fobs and access codes to gain entry to particular parts of the building and individual offices.
- Secure locked cabinets are in use to hold personal data records and keys are kept in access coded safe in each office.

Personal Information

CITB NI shall collect, retain, use, amend, disclose and delete personal information in accordance with UK GDPR.

The principle lawful basis for CITB NI's data collection is its statutory legislation

The processes and procedures in place can be found in the General Privacy Notice on CITB NI website www.citbni.org.uk/Freedom-of-information.aspx.

Notification of data held and processed

All staff, registered employers and other users are entitled to:

- Know what information CITB NI holds and processes about them and why.
- Know how to gain access to it.
- Know how to keep it up to date.
- Know what CITB NI is doing to comply with its obligations under UK GDPR

Responsibilities of staff

All staff are responsible for:

- Checking that any personal data they provide to CITB NI is accurate and up to date.
- Informing CITB NI of any changes to personal information which they have provided e.g. changes of address.
- Checking any information that CITB NI may send out from time to time, giving details of information that is being kept and processed.

If and when, as part of their responsibilities, staff collect information about other people, (i.e. about registered employers, training organisations, trainees, Government Departments), they must comply with GDPR.

Data security

The need to ensure that all data is kept securely means that precautions must be taken against physical loss or damage, and that both access and disclosure must be restricted. All staff are responsible for ensuring that:

- Any personal data which they hold is kept securely
- Personal information is not disclosed either orally or in writing or otherwise to any unauthorised third party.

Personal information should be:

- kept in a locked filing cabinet; or
- in a locked drawer; or
- if it is computerised, in a password protected device

Data Breach

CITB NI has in place a Data Breach procedure, which will be followed in the event of a breach of personal information.

Rights of access to information (Subject Access Request)

Registered employers and other users of the CITB NI have the right to access any personal data that is being kept about them either on computer or in certain files. Any person who wishes to exercise this right should make their request in writing.

Retention of personal data

CITB NI will keep some forms of information for longer than others. CITB NI has developed a Register of Data Held incorporating data retention and disposal, which is available to all staff and can be obtained via the internal file management system

Approval

The Board approved the Data Protection Principles and Policy on 21 June 2018 and available on CITB NI website. The policy is subject to regular review.