



Data Protection and Retention Policy

Policy Aims

Think Different Consulting aims to ensure that all personal data collected about clients (which may include children, families, school staff and other individuals) is collected, stored and processed in accordance with the [General Data Protection Regulation \(EU\) 2016/679 \(GDPR\)](#) and the [Data Protection Act 2018 \(DPA 2018\)](#).

This policy applies to all personal data, regardless of whether it is in paper or electronic format.

Legislation and Guidance

This policy meets the requirements of the [UK-GDPR](#) and the DPA 2018. It is based on guidance published by the Information Commissioner's Office (ICO) on the UK-GDPR. It also reflects the [ICO's code of practice](#) for the use of personal information.

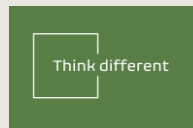
Think Different Consulting has a responsibility and obligation to consistently maintain its records and record keeping systems to the highest standards. When doing this, we will take account of the following six Data Protection Principles. Data must:

- Be processed fairly, lawfully and transparently
- Be collected and processed only for specified, explicit and legitimate purposes
- Be adequate, relevant and limited to what is necessary for the purposes for which it is processed
- Be accurate and kept up to date. Any inaccurate data must be deleted or rectified without delay
- Not be kept for longer than is necessary for the purposes for which it is processed
- Be processed securely

Definitions

Term	Definition
Personal Data	Any information relating to an identified, or identifiable, living individual. This may include the individual's: <ul style="list-style-type: none">• Name (including initials)• Identification number• Location data• Online identifier, such as a username

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	It may also include factors specific to the individual's physical, physiological, genetic, mental, economic, cultural or social identity.
Special categories of personal data	Personal data which is more sensitive and so needs more protection, including information about an individual's: <ul style="list-style-type: none">• Racial or ethnic origin• Political opinions• Religious or philosophical beliefs• Trade union membership• Genetics• Biometrics (such as fingerprints, retina and iris patterns), where used for identification purposes• Health– physical or mental• Sexual orientation
Processing	Anything done to personal data, such as collecting, recording, organising, structuring, storing, adapting, altering, retrieving, using, disseminating, erasing or destroying. Processing can be automated or manual.
Data subject	The identified or identifiable individual whose personal data is held or processed.
Data controller	A person or organisation that determines the purposes and the means of processing of personal data.
Data processor	A person or other body, other than an employee of the data controller, who processes personal data on behalf of the data controller.
Personal data breach	A breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data.

Roles and Responsibilities

Think Different Consulting processes personal data relating to clients (which may include children, families, school staff and other individuals), and therefore is a data controller. Think Different Consulting is registered with the ICO, as legally required.

Collecting Personal Data

We will only process personal data where we have one of 6 'lawful bases' (legal reasons) to do so under data protection law:

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- The data needs to be processed so that Think Different Consulting can fulfil a contract with the individual, or the individual has asked Think Different Consulting to take specific steps before entering into a contract
- The data needs to be processed so that Think Different Consulting can comply with a legal obligation
- The data needs to be processed to ensure the vital interests of the individual or another person i.e. to protect someone's life
- The data needs to be processed so that Think Different Consulting can perform a task in the public interest or exercise its official authority
- The data needs to be processed for the legitimate interests of Think Different Consulting (where the processing is not for any tasks Think Different Consulting performs as a public authority) or a third party, provided the individual's rights and freedoms are not overridden
- The individual (or their parent/carer when appropriate in the case of a child) has freely given clear consent

For special categories of personal data, we will also meet one of the special category conditions for processing under data protection law:

- The individual (or their parent/carer when appropriate in the case of a child) has given explicit consent
- The data needs to be processed to perform or exercise obligations or rights in relation to social protection law
- The data needs to be processed to ensure the vital interests of the individual or another person, where the individual is physically or legally incapable of giving consent
- The data has already been made manifestly public by the individual
- The data needs to be processed for the establishment, exercise or defence of legal claims

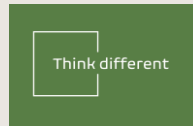
Whenever we first collect personal data directly from individuals, we will provide them with the relevant information required by data protection law. We will always consider the fairness of our data processing. We will ensure we do not handle personal data in ways that individuals would not reasonably expect, or use personal data in ways which have unjustified adverse effects on them.

We will only collect personal data for specified explicit and legitimate reasons. We will explain these reasons to the individuals when we first collect their data. If we want to use personal data for reasons other than those given when we first obtained it, we will inform the individuals concerned before we do so and seek consent where necessary.

In addition, when we no longer need data we hold, it is deleted or anonymised. This will be done in accordance with Think Different Consulting's **Date Retention Schedule** which can be found at the end of this document.

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Sharing Personal Data

We will not normally share personal data with anyone else without consent, but there are certain circumstances where we may be required to do so. These include, but are not limited to, situations where:

- There is an issue with a child or parent/carer that puts Think Different Consulting at risk
- We need to liaise with other agencies – we will seek consent as necessary before doing this
- We will also share personal data with law enforcement and government bodies where we are legally required to do so.

Subject Access Requests

Individuals have a right to make a subject access request to gain access to personal information that Think Different Consulting holds about them. This includes:

- Confirmation that their personal data is being processed
- Access to a copy of the data
- The purposes of the data processing
- The categories of personal data concerned
- Who the data has been, or will be, shared with
- How long the data will be stored for, or if this isn't possible, the criteria used to determine this period
- Where relevant, the existence of the right to request rectification, erasure or restriction, or to object to such processing
- The right to lodge a complaint with the ICO or another supervisory authority
- The source of the data, if not the individual
- Whether any automated decision-making is being applied to their data, and what the significance and consequences of this might be for the individual
- The safeguards provided if the data is being transferred internationally

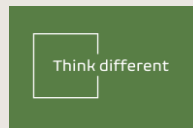
Subject access requests can be submitted in any form, but we may be able to respond to requests more quickly if they are made in writing and include:

- Name of individual
- Correspondence address
- Contact number and email address
- Details of the information requested

Personal data about a child belongs to that child, and not the child's parents or carers. For a parent or carer to make a subject access request with respect to their child, the child

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must either be unable to understand their rights and the implications of a subject access request or have given their consent. Children aged 12 and above are generally regarded to be mature enough to understand their rights and the implications of a subject access request. This is not a rule and a child's ability to understand their rights will always be judged on a case-by-case basis.

When responding to requests, we:

- May ask the individual to provide 2 forms of identification
- May contact the individual via phone to confirm the request was made
- Will respond without delay and within 1 month of receipt of the request (or receipt of the additional information needed to confirm identity, where relevant)
- Will provide the information free of charge
- May tell the individual we will comply within 3 months of receipt of the request, where a request is complex or numerous. We will inform the individual of this within 1 month, and explain why the extension is necessary.

We may not disclose information for a variety of reasons, such as if it:

- Might cause serious harm to the physical or mental health of the child or another individual
- Would reveal that the child is being or has been abused, or is at risk of abuse, where the disclosure of that information would not be in the child's best interests
- Would include another person's personal data that we can't reasonably anonymise, and we don't have the other person's consent and it would be unreasonable to proceed without it
- Is part of certain sensitive documents, such as those related to crime, immigration, legal proceedings or legal professional privilege, management forecasts, negotiations, confidential references, or exam scripts
- If the request is unfounded or excessive, we may refuse to act on it, or charge a reasonable fee to cover administrative costs. We will take into account whether the request is repetitive in nature when making this decision.

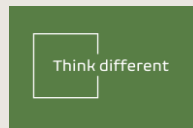
When we refuse a request, we will tell the individual why, and tell them they have the right to complain to the ICO or they can seek to enforce their subject access right through the courts.

Other Data Protection Rights of The Individual

In addition to the right to make a subject access request (see above), and to receive information when we are collecting their data about how we use and process it, individuals also have the right to:

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- Withdraw their consent to processing at any time
 - Ask us to rectify, erase or restrict processing of their personal data (in certain circumstances)
 - Prevent use of their personal data for direct marketing
 - Object to processing which has been justified on the basis of public interest, official authority or legitimate interests
 - Challenge decisions based solely on automated decision making or profiling (i.e. making decisions or evaluating certain things about an individual based on their personal data with no human involvement)
 - Be notified of a data breach (in certain circumstances)
 - Make a complaint to the ICO
 - Ask for their personal data to be transferred to a third party in a structured, commonly used and machine-readable format (in certain circumstances)
- Individuals should submit any request to exercise these rights to the DPO. If staff receive such a request, they must immediately forward it to the DP

Further Information

We will put measures in place to show that we have integrated data protection into all of our data processing activities, including:

- Only processing personal data that is necessary for each specific purpose of processing, and always in line with the data protection principles set out in relevant data protection law
- Completing data protection impact assessments where Think Different Consulting's processing of personal data presents a high risk to rights and freedoms of individuals, and when introducing new technologies (the DPO will advise on this process)
- Integrating data protection into internal documents including this policy, any related policies and privacy notices
- Regularly training members of staff on data protection law, this policy, any related policies and any other data protection matters; we will also keep a record of attendance
- Regularly conducting reviews and audits to test our privacy measures and make sure we are compliant
- Appropriate safeguards being put in place if we transfer any personal data outside of the European Economic Area (EEA), where different data protection laws will apply
- Maintaining records of our processing activities, including:
 - For the benefit of data subjects, making available the name and contact details of the Think Different Consulting DPO and all information we are required to share about how we use and process their personal data (via our privacy notices)
 - For all personal data that we hold, maintaining an internal record of the type of data, type of data subject, how and why we are using the data, any third-party

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recipients, any transfers outside of the EEA and the safeguards for those, retention periods and how we are keeping the data secure.

Storage of Records

We will protect personal data and keep it from unauthorised or unlawful access, alteration, processing or disclosure, and against accidental or unlawful loss, destruction or damage. In particular:

- All personal data will be stored on a secure cloud based drive that can only be accessed using two step authentication.
- Passwords that are at least 8 characters long containing letters and numbers are used to access Think Different Consulting computers, laptops and other electronic devices.

Where we need to share personal data with a third party, we carry out due diligence and take reasonable steps to ensure it is stored securely and adequately protected. Where it is necessary to share information about a child with a third party, such as a commissioning borough or medical professional, the child will only be referred to by their initials in any covering email.

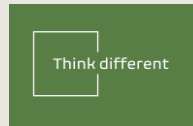
Disposal of Records

Personal data that is no longer needed will be disposed of securely. Personal data that has become inaccurate or out of date will also be disposed of securely, where we cannot or do not need to rectify or update it. For example, we will delete electronic files. We may also use a third party to dispose of records on Think Different Consulting's behalf. If we do so, we will require the third party to provide sufficient guarantees that it complies with data protection law.

Think Different Consulting will make all reasonable endeavours to ensure that there are no personal data breaches. When appropriate, we will report the data breach to the ICO within 72 hours after becoming aware of it. Such breaches in an Think Different Consulting context may include, but are not limited to:

- Think Different Consulting safeguarding information being made available to an unauthorised person.
- The theft of an Think Different Consulting laptop containing personal data about clients on the hard drive.

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Types of Data I Hold

Client data may include: Name; Address; Emergency contact details; Date of birth; Email address; Emails related to a client's needs/narrative; EHCP information; Reports from other professionals; Medical information including diagnoses and other relevant medical needs.

Generally emails may need to fall under different retention periods (for example, an email regarding a health and safety report will be subject to a different time frame to an email which forms part of a report). It is important to note that the retention period will depend on the content of the email.

Fair, Lawful and Transparent Processing

Personal Information must be processed lawfully. Under data protection laws, there are a number of grounds that make it lawful to process personal information. We will only process personal information if one or more of the following apply:

- The Data Subject has given his or her consent;
- The Processing is necessary for the performance of a contract with the Data Subject;
- The Processing is necessary to meet our legal obligations;
- The Processing is necessary to protect the Data Subject's vital interests;
- The processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority (often referred to as Public Task)

We recognise that some categories of Personal Information are more sensitive and further conditions must be satisfied if we are to Process this information (Special category and criminal conviction data). Where we Process these categories of Personal Information, we will ensure that we do so in accordance with the additional conditions for Processing set out under the GDPR and the DPA.

We are required to provide information to Data Subjects which sets out how we use their personal information as well as other information required by law. We will provide this information by issuing Privacy Notices which will be concise, transparent, intelligible, easily accessible, and in clear, plain language.

Consent

Where it is necessary for us to obtain consent to process personal Information, we will ensure that we do so in accordance with data protection laws. Generally, we will only obtain consent where there is not another lawful ground for processing. Some examples

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as to when we will obtain your consent is if we want to use a photograph or quote on Think Different Consulting's website.

We recognise that under data protection laws, there are stricter rules as to how consent is obtained. We will ensure that when we obtain consent, we:

- Take steps to ensure that we make it clear to Data Subjects what they are being asked to consent to
- Ensure that the Data Subject, either by a statement or positive action, gives their consent. We will never assume that consent has been given simply because a Data Subject has not responded to a request for consent
- Never use pre-ticked boxes as a means of obtaining consent
- Ensure that a Data Subject is informed that they can withdraw their consent at any time and the means of doing so
- Keep appropriate records evidencing the consents we hold

Data Retention

This policy sets out how long data will normally be held by us and when that information will be confidentially destroyed in compliance with the terms of the UK General Data Protection Regulation (UK GDPR) and the Freedom of Information Act 2000.

Data will be stored and processed to allow for the efficient operation of Think Different Consulting. Think Different Consulting Data Protection Policy outlines its duties and obligations under the UK GDPR.

Information (electronic) will be retained for at least the period specified in the Think Different Consulting **Data Retention Schedule** which can be found at the end of this document. When managing records, Think Different Consulting will adhere to the standard retention times listed within that schedule.

The **Data Retention Schedule** lists the many types of records used by Think Different Consulting and the applicable retention periods for each record type. The retention periods are based on business needs and legal requirements.

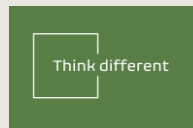
Data Disposal

Where records have been identified for destruction they will be disposed of in an appropriate way. All information must be reviewed before destruction to determine whether there are special factors that mean destruction should be delayed, such as potential litigation, complaints or grievances.

Think Different Consulting will maintain a database of records which have been destroyed and who authorised their destruction. When destroying documents, we will record in this list at least:

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- File reference)
- File title/description
- Number of files
- Date destroyed or deleted from system
- Person(s) who undertook the destruction
-

Any allegations made that are found to be malicious must not be part of the personnel records.

For any other allegations made, Think Different Consulting must keep a comprehensive summary of the allegation made, details of how the investigation was looked into and resolved and any decisions reached. This should be kept on the personnel files of the accused.

Data Retention Schedule

I will check with you whether you wish any exceptions to be made to the below, when we stop our agreed work together.

Type of data	Period Retained For
Names, home address, phone number, email address, school address	For 12 months after ceasing working with Think Different Consulting
Emails sent to me from you, and replies to email I have sent to you	For 12 months after ceasing working with Think Different Consulting
Reports I have written for you, minutes of meetings connected to my work with you	For 12 months after ceasing working with Think Different Consulting
Reports or written information you have shared with me	For six months after ceasing working with Think Different Consulting
The tracking log I have of our work together. This includes dated summaries of work undertaken, including any meetings attended, and any significant email correspondence.	For two years after ceasing working with Think Different Consulting
Safeguarding concerns or written records of actions taken to safeguard a child or young person.	For three years after ceasing working with Think Different Consulting