



**Asset Training & Consultancy Ltd**

## **Privacy Notice- Learners (GDPR)**

<b>DOCUMENT CONTROL</b>			
Documents	• Privacy Notice – Learners (GDPR)	Document Reference: GDPR REC 4.1 (ii)	
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## 1) Scope:

All learners, whose personal data is collected, in line with the requirements of the GDPR, are data subjects.

## 2) Responsibilities:

2.1 The Data Protection Officer / GDPR Owner is responsible for ensuring that this notice is made available to data subjects prior to ATC collecting/processing their personal data.

2.2 All staff at ATC, who interact with data subjects, are responsible for ensuring that this notice is drawn to the data subject's attention and their consent to the processing of their data is secured.

## 3) Privacy Notice:

### 3.1 Who are we?

Asset Training & Consultancy Ltd (ATC) is an ESFA funded Prime Independent Training Provider, located throughout Liverpool City Region; centres are in Bootle (Head Office) and Hillside (Sefton). ATC offer a wide range of Apprenticeship and Sector based skills development programmes.

Our Data Protection Officer / GDPR Owner and data protection representatives can be contacted directly by telephone on 0151 933 6393

**The personal data we would like to collect from you is:**

<b>Personal data type:</b>	<b>Source:</b> (where ATC obtained the personal data from, <b><u>if it has not been collected directly from you, the data subject.</u></b> Note, if the personal data has been accessed from publicly accessible sources):
<ul style="list-style-type: none"><li>personal details (name, address, post code, date of birth, age, gender, national insurance number, ULN, contact numbers, email address)</li><li>nationality and residency information</li><li>residency card information</li></ul>	

<ul style="list-style-type: none"> <li>• Ethnicity</li> <li>• household information</li> <li>• details of previous qualifications, employment and educational history</li> <li>• employment details ( company information, contracted hours of employment, length of employment, current job roles and duties)</li> <li>• unemployment details ( length of unemployment, benefit claimed, benefit office)</li> <li>• additional needs ( learning difficulty and/or disability)</li> <li>• other health, wellbeing and/or medical issues ( such as mental health, other medical conditions, medication details)</li> <li>• education, health and care plan information</li> <li>• additional support needs information</li> <li>• family details ( parents/ carers/ guardians for under 18's and emergency contact information)</li> <li>• lifestyle and social circumstances</li> <li>• financial details</li> <li>• Learner Records Service information</li> <li>• Personal, career and progression objectives</li> <li>• IAG outcomes</li> <li>• attendance information (sessions attended, absences, reasons for absences)</li> <li>• progression and achievement information</li> <li>• client interview record information</li> <li>• visual images (CCTV, photographs)</li> </ul>	
<ul style="list-style-type: none"> <li>• offences and alleged offences</li> <li>• criminal proceedings, outcomes and sentences</li> </ul>	

<ul style="list-style-type: none"> <li>external support services/ specialist services ( such as Probation, Mental Health and Health care services, Drug and Alcohol services, leaving care support services, Social Services)</li> </ul>	
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The personal data we collect will be used for the following purposes:

- Learner Records Management
- Examinations and Achievement
- Safeguarding
- Funding Claims
- Learner Support
- Learning - IT Systems (Onefile, email, storage, e-learning)
- Marketing and publicity

We sometimes need to share the personal information we process with the individual themselves and also with other organisations. Where this is necessary we are required to comply with all aspects of the GDPR. What follows is a description of the types of organisations we may need to share some of the personal information we process with for one or more reasons.

Where necessary or required we share information with:

- family, associates and representatives of the person whose personal data we are processing
- professional advisers
- current or prospective employers
- examining bodies ( awarding organisations)
- trade, employer and professional organisations
- ESFA
- LRS
- Healthcare, social and welfare organisations
- local and central government
- survey organisations
- persons making an enquiry or complaint
- financial organisations
- Careers Service
- Local press and media
- Police forces and probation services
- Community organisations

Our legal basis for processing the personal data:

ATC processes data in order to fulfil contractual obligations such as:

- Education and Skills Funding Agency (ESFA)
- Learner Records Service
- Exam Boards/ Awarding Organisations (OCR, ICQ ,Highfield City and Guilds, Pearson, Edexcel, AAT)
- Healthcare, social and welfare organisations
- Police and Probation
- Local and central government

**Privacy notice for this personal data processing is recorded on ATC's Website: [www.assettraining.co.uk](http://www.assettraining.co.uk)**

### **3.2 Consent**

By consenting to this privacy notice you are giving us, Asset Training & Consultancy Ltd, permission to process your personal data specifically for the purposes identified.

Consent is required for ATC to process both types of personal data but it must be explicitly given. Where we are asking you for sensitive personal data we will always tell you why and how the information will be used.

You may withdraw consent at any time by completing the Data Subject Consent Withdrawal Form (GDRP DOC 2.7A, Withdrawal of Consent Procedure)

### **3.3 Disclosure**

ATC will not pass on your personal data to third parties without first obtaining your consent. The following third parties will receive your personal data for the following purpose(s) as part of the processing activities:

<b>Third Party Organisation:</b>	<b>Safeguards in place to protect your personal data:</b>	<b>Access to safeguards in place:</b>
Cognisoft (YETI)	CogniSoft and	<a href="https://www.cognisoft.co.uk/about_cognisoft/privacy/">https://www.cognisoft.co.uk/about_cognisoft/privacy/</a>
Onefile	Onefile: ISO 27001 (Information Security Standard)	<a href="https://www.onefile.co.uk/policies/information-security-policy/index.html">https://www.onefile.co.uk/policies/information-security-policy/index.html</a>
ESFA and LRS	The security of the ESFA's systems which	

	<p>process and store data are regularly reviewed in accordance with Government requirements, and assessments and checks promoted by the Information Commissioner's Office. Data is securely deleted when it is no longer required for the purposes collected.</p>	<p><a href="http://www.gov.uk/government/publications/esfa-privacy-notice">www.gov.uk/government/publications/esfa-privacy-notice</a></p> <p><a href="http://www.gov.uk/government/publications/lrs-privacy-notices">www.gov.uk/government/publications/lrs-privacy-notices</a></p>
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### **3.4 Retention Period:**

ATC will process personal data whilst you are a learner and will store the personal data for a number of years. The retention period for different classifications of personal data has been established in line with information management guidelines.

### **3.5 Your rights as a data subject**

At any point while we are in possession of, or processing your personal data, you, the data subject, have the following rights:

- Right of access – you have the right to request a copy of the information that we hold about you.
- Right of rectification – you have a right to correct data that we hold about you that is inaccurate or incomplete.
- Right to be forgotten – in certain circumstances you can ask for the data we hold about you to be erased from our records.
- Right to restriction of processing – where certain conditions apply to have a right to restrict the processing.
- Right of portability – you have the right to have the data we hold about you transferred to another organisation.
- Right to object – you have the right to object to certain types of processing such as direct marketing.
- Right to object to automated processing, including profiling – you also have the right to be subject to the legal effects of automated processing or profiling.
- Right to judicial review: in the event that ATC refuses your request under rights of access (as cited under the exemptions list within the Subject Access Request Procedure, ref GDPR DOC 2.2) , we will provide you with a reason as to why. You have the right to complain as outlined in clause 3.6 below.

All of the above requests will be forwarded on should there be a third party involved (as stated in 3.4 above) in the processing of your personal data.

### **3.6 Complaints**

In the event that you wish to make a complaint about how your personal data is being processed by ATC (or third parties as described in 3.4 above), or how your complaint has been handled, you have the right to lodge a complaint directly with the supervisory authority and ATC’s data protection representatives; Data Protection Officer / GDPR Owner.

The details for each of these contacts are:

	<b>Supervisory authority contact details:</b>	<b>Data Protection Officer (DPO) / GDPR Owner contact details:</b>
<b>Contact Name:</b>	ICO	DPO
<b>Address line 1:</b>		Asset Training
<b>Address line 2:</b>		1 <sup>st</sup> Floor St Hugh’s House
<b>Address line 3:</b>		Stanley Precinct
<b>Address line 4:</b>		Bootle, Merseyside
<b>Address line 5:</b>		L20 6HG
<b>Website</b>	<a href="https://ico.org.uk/concerns">https://ico.org.uk/concerns</a>	<a href="http://www.assettraining.co.uk">www.assettraining.co.uk</a>
<b>Telephone</b>	0303 123 1113	0151 933 6393

## 4) LRS Privacy Notice

### **Privacy notice for pupils, students, learners and trainees**

#### **Tier 1 privacy notice text**

The information you supply is used by the Education and Skills Funding Agency, an executive agency of the Department for Education (DfE), to issue you with a Unique Learner Number (ULN) and to create your Personal Learning Record, as part of the functions of the DfE. For more information about how your information is processed, and to access your Personal Learning Record, please refer to:

<https://www.gov.uk/government/publications/lrs-privacy-notice>



## **2. Tier 2 privacy notice text**

The Education and Skills Funding Agency (ESFA) is an executive agency of the Department for Education (DfE). This privacy notice explains how we use your personal information. For the purposes of relevant data protection legislation, the DfE is the data controller for personal information processed.

### **How we (LRS) use your personal information**

The Learning Records Service (LRS) is operated by the ESFA. The LRS collects information about learners registering for relevant post-14 qualifications, for example:

- GCSEs and A-Levels
- Entry to Employment Certificates
- Regulated Qualifications Frameworks
- Welsh Baccalaureate and associated units

The LRS uses your information to:

- issue you with a Unique Learner Number (ULN)
- create your Personal Learning Record (PLR)

The ULN enables education and training sector organisations, and Awarding Organisations regulated by Ofqual in England, Qualifications in Wales (QiW) in Wales and CCEA in Northern Ireland, to share information about participation and achievement in a consistent and approved manner, promoting good information management practice, and helping to improve accuracy and efficiency. It benefits you through enhancing the application processes to Awarding Organisations, learning providers, learning advisors and other third parties.

The PLR stores your education and training participation and achievement information collected directly from educational institutions and other bodies.

### **How we collect your personal information**

The ESFA collects information from:

- DfE, schools and training / learning providers
- information provided by you when enrolling with the training/learning provider

- qualification/unit data held by Ofqual and Qualifications in Wales (QiW)
- participation and achievement data held by the Welsh Government
- accredited achievement data supplied by awarding organisations

### **How we share your personal information**

All organisations that have control of personal data about you and that we store in the LRS are required to register with the Information Commissioner's Office and to handle your information in accordance with the latest data protection legislation.

The LRS is accessible by organisations under agreement with the DfE. Your personal information is only accessed through the LRS by organisations linked to your education and training, including those organisations specified in Regulations made under section 537A of the Education Act.

Awarding organisations are able to access limited achievement data that we hold about you, in order to verify its accuracy.

### **How long we will keep your personal information**

We will only keep your personal information for as long as we need it after which it will be securely destroyed. Your personal information stored in the Personal Learning Record is retained for 66 years. We may need to keep your other personal information where held indefinitely for research and statistical purposes.

### **Your data protection rights**

You have the right:

- to ask us for access to information about you that we hold
- to have your personal data rectified, if it is inaccurate or incomplete
- to request the deletion or removal of personal data where there is no compelling reason for its continued processing
- to restrict our processing of your personal data (i.e. permitting its storage but no further processing)
- to object to direct marketing (including profiling) and processing for the purposes of scientific/historical research and statistics
- not to be subject to decisions based purely on automated processing where it produces a legal or similarly significant effect on you

If you need to contact us regarding any of the above, please do so via the [DfE site](#).

### **Contacting us about your information**

If you would like:

- more information about how we process your personal information or your data protection rights
- to make a request about your information – for example to request a copy of your information or to ask for your information to be changed

Please follow the guidance on the [how to access your personal learning record](#).

If you wish to complain about our handling of your information or contact our Data Protection Officer, you can use our secure [online contact form](#) or write to:

Ministerial and Public Communications Division  
Department for Education  
Piccadilly Gate  
Store Street  
Manchester  
M1 2WD

## 5) Online privacy statement

### **Personal data**

Under the EU's General Data Protection Regulation (GDPR) personal data is defined as:

“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”.

## How we use your information

This privacy notice tells you, how we, ATC, will collect and use your personal data for;

- Creating a ULN
- Creating a PLR
- Checking programme and funding eligibility
- Processing personal data captured at Initial Assessment
- Processing personal data obtained in the Enrolment and Learning Agreement form
- Obtaining participation/ retention and achievement data
- Funding and contractual requirements
- Complying with statutory requirements, for e.g. monitoring of equal opportunities, processing and responding to subject access requests and information requests
- Provision of administration, IAG and programme guidance in relation to education, training, employment and wellbeing
- Processing referral data ( from referral sources organisations such as DWP)
- Processing personal data to match learner preferences to apprenticeship and job vacancies
- Providing support to learners such as additional learning support
- Monitoring learner progress
- Capturing 'Learner Voice' and assessing the quality of our services
- Promoting services and developing marketing materials, including displaying learner 'good news' stories and case studies ( where appropriate) on our website, including taking photographs or films on ATC premises / at events
- Safeguarding and promoting the welfare of learners
- Dealing with complaints
- Carrying out audits
- Registering with Awarding Organisations for qualifications undertaken
- To comply with the law regarding data sharing

## Why does ATC need to collect and store personal data?

In order for us to provide you with the services as outlined in the paragraph above, we need to collect personal data for your education and training related services which includes enrolment, programmes and qualification undertaken, funding routes, examinations, support needs, compliance requirements and contractual obligations. In any event, we are committed to ensuring that the information we collect and use is appropriate for this purpose, and does not constitute an invasion of your privacy. In terms of being contacted for marketing purposes ATC would contact you for additional consent. The ICO have produced guidance on marketing (see the Guide to PECR – Privacy and Electronic Communications Regulations), this can be accessed at: <https://ico.org.uk/for-organisations/guide-to-pecr>

### Will ATC share my personal data with anyone else?

We may pass your personal data on to third-party service providers contracted to ATC in the course of dealing with you. Any third parties that we may share your data with are obliged to keep your details securely and to use them only to fulfil the service they provide you on our behalf (the processing of learner funding, achievement data, examinations and certification). When they no longer need your data to fulfil this service, they will dispose of the details in line with their procedures. If we wish to pass your sensitive personal data onto a third party we will only do so once we have obtained your consent, unless we are legally required to do otherwise.

### How will ATC use the personal data it collects about me?

ATC will process (collect, store and use) the information you provide in a manner compatible with the EU's General Data Protection Regulation (GDPR). We will endeavour to keep your information accurate and up to date, and not keep it for longer than is necessary. ATC is required to retain information in accordance with the law, such as information needed for audit purposes. How long certain kinds of personal data should be kept may also be governed by specific educational requirements and agreed practices. Personal data may be held in addition to these periods depending on individual business needs.

### Under what circumstances will ATC contact me?

Our aim is not to be intrusive and we undertake not to ask irrelevant or unnecessary questions. Moreover, the information you provide will be subject to rigorous measures and procedures to minimise the risk of unauthorised access or disclosure.

### Can I find out the personal data that ATC holds about me?

ATC at your request, can confirm what information we hold about you and how it is processed. If ATC does hold personal data about you, you can request the following information:

- Identity and the contact details of the person or organisation that has determined how and why to process your data. In some cases, this will be a representative in the EU.
- Contact details of the data protection officer, where applicable.
- The purpose of the processing as well as the legal basis for processing.
- If the processing is based on the legitimate interests of ATC or a third party, information about those interests.
- The categories of personal data collected, stored and processed.
- Recipient(s) or categories of recipients that the data is/will be disclosed to.
- If we intend to transfer the personal data to a third country or international organisation, information about how we ensure this is done securely. The EU

has approved sending personal data to some countries because they meet a minimum standard of data protection. In other cases, we will ensure there are specific measures in place to secure your information.

- How long the data will be stored.
- Details of your rights to correct, erase, restrict or object to such processing.
- Information about your right to withdraw consent at any time.
- How to lodge a complaint with the supervisory authority.
- Whether the provision of personal data is a statutory or contractual requirement, or a requirement necessary to enter into a contract, as well as whether you are obliged to provide the personal data and the possible consequences of failing to provide such data.
- The source of personal data if it wasn't collected directly from you.
- Any details and information of automated decision making, such as profiling, and any meaningful information about the logic involved, as well as the significance and expected consequences of such processing.

#### What forms of ID will I need to provide in order to access this?

ATC accepts the following forms of ID when information on your personal data is requested:

- Valid and in date passport
- Driving Licence
- Birth Certificate
- Utility bill ( dated within the last 3 months)

#### 5) Document Owner and Approval:

ATC's Data Protection Officer/ GDPR Owner is the owner of this document and is responsible for ensuring that this procedure is reviewed in line with the review requirements of the GDPR.

A current version of this document is available to all members of staff on ATC's main server (I Drive) and is accessible to learners on the company website, [www.assettraining.co.uk](http://www.assettraining.co.uk)

#### **Change History Record**

Issue	Description of Change	Approval	Date of Policy
01	Initial issue	Approved	25/04/2018