



## Heart of Worcestershire College Privacy Notice

### College Students

Date July 2018

#### **Who is the Data controller?**

Heart of Worcestershire College

Address: Osprey House, Albert Street Redditch B97 4DE.

Web: [www.howcollege.ac.uk](http://www.howcollege.ac.uk)

Email: [dataprotection@howcollege.ac.uk](mailto:dataprotection@howcollege.ac.uk)

#### **What personal information does the organisation collect and what lawful reasons do we have to collect and process it?**

Type of data	What lawful reason do we have to collect and process it?
Name, date of birth, gender, residency, Details of previous educational history, qualifications, and employment. Details of learning difficulties or disabilities, or medical conditions.	We need this data to fulfil our Legal Obligations to share with the DfE and other agencies, and to fulfil our Public Task of providing students with the most appropriate learning opportunities and the best possible education, training and pastoral support to meet their goals. We also use this data to carry out our obligations to monitor and improve the way we carry out public tasks as an FE College. We will also process details of medical conditions which do not directly impact on learning if they are needed to protect the vital interests of yourself or other learners.
Contact details – address, phone numbers, emails	We need this data to fulfil our Legal Obligations to share with the DfE and other agencies. We also need it to communicate with our students in order to carry out our public task to provide education. We will seek consent where we wish to use this information for other purposes such as marketing courses or surveys
Attendance information, including sessions attended, absences, reasons for absence Progress information including assessment details and marks. Details of tutor meetings, learning and behavioural targets and summaries. References, details of applications for jobs, courses at other educational institutions	We need this data to fulfil our Public Task of providing students with the most appropriate learning opportunities and the best possible education, training and pastoral support to meet their goals. We also use this data to carry out our obligations to monitor and improve the way we carry out public tasks as an FE College.  For students aged under 19 on 1 <sup>st</sup> September at the start of the academic year, we will ask the student for consent to share attendance, progress and other information which impacts on their education, with parents and carers.
Criminal convictions which are relevant to safeguarding or the safety other others. All criminal convictions, and DBS checks for all students on courses such as Early Years or Social Work, where required by law in order to meet course requirements	We will require criminal convictions to be disclosed where we deem this to be in the vital interests of the student themselves or others. Advice will be provided as to whether criminal convictions need to be collected and processed. For certain courses with safeguarding implications, convictions must be disclosed and DBS checks will be carried out.
Parent/Carers contact details	For students aged under 19 on 1 <sup>st</sup> September at the start of the academic year, and for those aged 18-25 with an Educational Health Care Plan, we will require contact details of a parent or carer to be used in emergencies to protect the vital interest of the learner.

Household details – including number in household, income and benefits claimed, and bank account details	This will be required when the college is under a legal obligation to collect and share this information with the government or its agencies, or when it is required to assess eligibility for fee remission or bursaries in order for the college to fulfil its public task Students who apply for financial support such as bursaries will be required to provide further details and evidence. This is required to meet our legal requirements to administer financial support fairly and to collect and retain evidence to support our decisions, and to enable us to administer payments
Photos and images	The college will take photos of students which will be used to maintain security and to assist staff in carrying out their tasks. Photos or videos taken for marketing or education purposes will not be published without consent

### **Why do we collect personal information?**

The organisation collects and processes personal data relating to its learners to effectively manage your learning and to meet its statutory obligations as an FE College. HoW College is committed to being transparent about how it collects and uses that data and to meeting its data protection obligations.

We use learner data to:

Manage the delivery of learning

Support teaching and learning

Provide pastoral care and other learner support

Assess and improve the quality of our services

Comply with the law in terms of data sharing and the Equality Act

To invoice any necessary fees payable

### **Special Category Data and Convictions**

Under GDPR, certain types of data are termed “special category”. These include ethnicity, medical conditions and disabilities. Where these are collected on behalf of the DfE or other government agencies, the reasons for processing under article 9 of the GDPR are explained in their privacy statements. Links to these are provided in this document. In addition, we need the data to carry out our obligations under social protection laws (GDPR article 9b) and where it is necessary for reasons of substantial public interest (GDPR article 9g). In certain cases it may be required to support your own vital interests (health, safety), or the vital interests of others. Where these reasons do not apply, we would seek your consent to collect and process the information

### **Where do we obtain your personal data?**

Most of the information above is collected directly from yourself via an application or enrolment form. However some information such as previous qualifications or special needs may be collected from other organisations such as the DfE, the LRS, the Local Education Authority, or your previous school.

### **How and where do we store data?**

Data will be stored in a range of different places, including the student information management systems, on paper, stored secure places, or on electronic documents within a secure network.

### **Why does the organisation need to process personal data?**

HoW College needs to process data so we can provide you with the highest standards of education and training we are able to give, and to meet its legal obligations from government organisations including the DfE and HEFCE. Data regarding employment status and benefits is required to assess your eligibility for fee remission or support.

Where the organisation processes other special categories of personal data, such as information about ethnic origin, disability or health, this is done for the purposes of equal opportunities monitoring and monitor our service provision to improve our services to specific groups. We also use the data so we can personalise the provision to each learner to provide him or her with best possible opportunities to succeed. Any information that has been supplied under the lawful basis of “consent”, can be withdrawn at any time, by contacting the data protection officer.

Contact details will not be used for marketing or survey purposes without your consent, which can be withdrawn at any time. However the college will use the contact information to contact you in order to carry out our duties to you, for example to notify you of a change of course date, and also to obtain data where legally required, such as destination surveys.

### **Who has access to data?**

Your information may be shared internally, including with any HoW staff who need the data to provide services to the learner. This will include special categories of data where appropriate.

Where HoW College engages non-statutory third parties to process personal data on its behalf, we require them to do so on the basis of written instructions, under a duty of confidentiality and they are obliged to implement appropriate technical and organisational measures to ensure the security of data in keeping with GDPR. Such third parties might include debt collectors, software providers, and delivery partners.

Where an employer has paid all or part of a student’s fees, we will share information with them about course details, attendance and progress.

We share data with previous schools in order for them to compile destination information, and we share with educational institutions and employers where you request us to do so, in order for us to provide the educational history they require in order to process your application.

We are required by law to provide the LEA with information about students aged 16-18, including contact information, dates of arrival and leaving, and the course followed.

### **Do we process data outside the EEA?**

HoW College will not transfer your data to countries outside the European Economic Area.

### **How does the organisation protect data?**

The organisation takes the security of your data seriously. The organisation has internal policies and controls in place to try to ensure that your data is not lost, accidentally destroyed, misused or disclosed, and is not accessed except by its employees in the performance of their duties. The Data Protection policy is available to view on our website, or can be obtained in a paper version by contacting our reception.

### **For how long does the organisation keep data?**

All data collected and processed on behalf of the ESFA or HEFCE will be held for as long as we are legally required to do so, currently until at least 2030. Other data will be held as long as is necessary to fulfil our duty as a college. Any data provided by consent may be deleted on request. Details are available on the website, or from reception

### **What rights do you have?**

As a data subject, you have a number of rights. You can:

- access and obtain a copy of your data on request;
- require the organisation to change incorrect or incomplete data;
- require the organisation to delete or stop processing your data, for example where the data is no longer necessary for the stated purposes of processing
- object to the processing of your data where the organisation is relying on its legitimate interests as the legal ground for processing. The college will only use “legitimate interests” as grounds for processing where the processing is not in relation to our core purpose of education.

Prevent processing for the process of direct marketing, although we will continue to contact where necessary in order to provide you learning – for example to notify you about a change of class. Also we need to contact you to obtain destination information as required by ESFA or OfS.

If you would like to exercise any of these rights, please contact the data protection officer at [dataprotection@howcollege.ac.uk](mailto:dataprotection@howcollege.ac.uk) or contact the college reception

### **Who can I complain to?**

If you believe that HoW College has not complied with your data protection rights, please contact the Data Protection Officer in the first instance. If you are unhappy with the response, you have the right to contact the Information Commissioner by going to their website ([ico.org.uk](http://ico.org.uk)) or by ringing 0303 123 1113

### **What if I do not provide personal data?**

Failure to provide data required to meet lawful obligations (except where consent is required) will result in us not being able to enrol you as a student. Failure to provide other information (except that requiring consent), for example learning difficulty information, may result in the college being unable to provide the standard of education and training that we wish to provide.

### **Does HoW College use automated decision-making?**

No decisions are not based solely on automated decision-making.

### **Glossary of Acronyms**

Dfe – Department for Education

ESFA – Education and Skills Funding Agency

HEFCE – Higher Education Funding Council

OfS – Office for Students

HESA – Higher Education Statistical Agency

LRS – Learner Registration Service

LEA – Local Education Authority

GDPR – General Data Processing Regulations

### **Data Sharing Agreements**

The college will share data with government agencies such as ESFA, OfS, LRS, as required by law.

The college will share data with the LEA as required by law, for students aged 16-18 on 1<sup>st</sup> September at the start of the academic year. It will also share information with the appropriate council and other statutory other agencies when required for safeguarding reasons. It will provide local district councils with information regarding enrolled courses when requested, lawful in the public interest. For students aged 16-18, it will provide information about enrolled courses to their previous schools to enable them to track destinations in the public interest.

Where special category data is shared with organisations contracted by the college to provide support to the student, the data will only be shared where it is used solely for that purpose. This is lawful in the public interest (GDPR article 9g).

The college will also share data with awarding organisations such as City and Guilds and Pearsons in order for them to carry out their duties.

The ESFA and LRS provide short privacy notices, provided below. We also provide a link to their full privacy notices, together with OfS, City and Guilds and Pearsons (BTEC) below. Links to the privacy notices of other organisations with whom we are required to share personal data, either by law, or in order to carry out our public task, e.g. awarding bodies, will be published on our website, or made available on request

#### ESFA Privacy Notice

This privacy notice is issued by the Education and Skills Funding Agency (ESFA), on behalf of the Secretary of State for the Department of Education (DfE). It is to inform learners how their personal information will be used by the DfE, the ESFA (an executive agency of the DfE) and any successor bodies to these organisations. For the purposes of relevant data protection legislation, the DfE is the data controller for personal data processed by the ESFA.

Your personal information is used by the DfE to exercise its functions and to meet its statutory responsibilities, including under the Apprenticeships, Skills, Children and Learning Act 2009 and to create and maintain a unique learner number (ULN) and a personal learning record (PLR). Your information will be securely destroyed after it is no longer required for these purposes.

Your information may be shared with third parties for education, training, employment and well-being related purposes, including for research. This will only take place where the law allows it and the sharing is in compliance with data protection legislation.

The English European Social Fund (ESF) Managing Authority (or agents acting on its behalf) may contact you in order for them to carry out research and evaluation to inform the effectiveness of training.

You can agree to be contacted by agencies of the DfE or by the college for either surveys or research, or about courses or learning opportunities. You can choose your preferred method of contact, post,

phone or email, when you complete your enrolment form.

Further information about use of and access to your personal data, details of organisations with whom the ESFA regularly share data, information about how long we retain your data, and how to change your consent to being contacted, please

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

OfS Data Sharing Agreement: <https://www.officeforstudents.org.uk/privacy/>

LRS Data Sharing Agreement:

The information you supply will be used by the 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. For more information about how your information is processed and shared refer to the Extended Privacy Notice available on Gov.UK

<https://www.gov.uk/government/publications/learning-records-service-the-plr-for-learners-and-parents>

Awarding Organisation Privacy Notice Links:

City and Guilds [www.cityandguilds.com/learner-policy](http://www.cityandguilds.com/learner-policy)

BTEC <https://www.pearson.com/corporate/privacy-notice.html>