

Date: 17<sup>th</sup> May 2018

Review Date: 17<sup>th</sup> May 2019

## **Learners' Data Protection Compliance Statement. (Privacy Notice)**

This data protection compliance statement (privacy notice) applies to learners and former learners.

This document demonstrates The CADcentre's commitment to protecting the privacy and security of your personal information. It contains information regarding how we collect and use personal data or personal information about you in accordance with the General Data Protection Regulation (GDPR) and all other data protection legislation currently in force.

Pursuant to that legislation, when processing data we will:

- process it fairly, lawfully and in a clear, transparent way.
- collect your data only for reasons that we find proper for the delivery of our services in ways that have been explained to you.
- only use it in the way that we have told you about.
- ensure it is correct and up to date.
- keep your data for only as long as we need it.
- process it in a way that ensures it will not be lost or destroyed or used for anything that you are not aware of or have consented to (as appropriate).

“Personal data”, or “personal information”, means any information relating to an identified, or identifiable individual 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.

There are “special categories” of sensitive personal data, meaning data relating to racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, physical or mental health conditions, sex life or sexual orientation, genetic data, and biometric data which require a higher level of protection.

The learning programme you are about to be enrolled on, or have previously enrolled on, is funded by the Welsh Government and the European Social Fund (through the Welsh Government).

The CADcentre UK Ltd is a “data controller” and a data processor. This means that we are responsible for determining the purpose and means of processing personal data relating to you.

Taking part in this programme is dependent upon you providing personal data, and as well as the CADcentre, the Welsh Government is also a Data controller for the personal data it receives from us about you. (See Welsh Government Privacy Notice)

The Welsh Government uses personal data for a variety of reasons. The CADcentre will process your data in the delivery and provision of our services in line with our contract with the Welsh Government, and Welsh Government and European Social Fund and awarding body requirements.

## **DETAILS OF INFORMATION WE WILL HOLD ABOUT YOU**

The list below identifies the kind of data that we will hold about you:

- personal contact details such as name (including surname at 16), title, addresses, telephone numbers, and personal email addresses
- unique learner number
- learning programme code
- postcode at start of programme
- date of birth
- gender
- ethnic group
- national insurance number
- last school attended, and year leaving school
- college attended, and college leave date
- level of highest qualification
- national identity
- if you are a migrant worker
- if you are a lone parent
- household status
- if you have caring responsibilities
- preferred language of learning
- first language Welsh speaker / level of Welsh language
- employment status at start of programme
- employer details: name, address, postcode, contact name and number
- size of employer
- length of employment with same employer
- location of employment or workplace
- job role
- hours worked per week
- work limiting condition i.e. disability
- length of employment with same employer
- evidence to prove eligibility for funding which may include: passport, driving licence, utility bill, wage slip, employer letter
- awarding body enrolment number and registration details
- details about the work you produce for your portfolio

The following list identifies the kind of data that that we will process and which falls within the scope of “special categories” of more sensitive personal information:

- information relating to your race or ethnicity
- information about your health, including any medical conditions and disabilities

## **METHOD OF COLLECTION OF PERSONAL INFORMATION**

Your personal information is obtained through the application and initial assessment process at the beginning of your programme.

Personal data is kept in secure administration files and in our IT systems with access to authorised people only.

## **PROCESSING INFORMATION ABOUT YOU**

We will only administer personal information in accordance with the lawful bases for processing. At least one of the following will apply when we process personal data:

- consent: You have given clear consent for us to process your personal data for a specific purpose.
- contract: The processing is necessary for a contract we have with you, or because we have asked you to take specific steps before entering into a contract.
- legal obligation: The processing is necessary for us to comply with the law (not including contractual obligations).
- vital interests: the processing is necessary to protect someone’s life.
- public task: the processing is necessary for us to perform a task in the public interest or for our official functions, and the task or function has a clear basis in law.
- legitimate interests: the processing is necessary for our legitimate interests or the legitimate interests of a third party unless there is a good reason to protect your personal data which overrides those legitimate interests.

## **LAWFUL BASIS FOR PROCESSING YOUR PERSONAL INFORMATION**

We consider that the basis for which we will process the data contained in the list above (see section above - **details of information we will hold about you**) is necessary for the delivery of the learning programme and provision of our service, and to enable us to comply with our legal obligations.

Occasionally, we may process personal information about you to pursue legitimate interests of our own or those of third parties, provided there is no good reason to protect your interests and your fundamental rights do not override those interests.

The circumstances in which we will process your personal information are listed below:

- providing the required information to the Welsh Government / ESF who are funding your programme
- enrolment/registration with awarding bodies and complying with requirements of Awarding Bodies: Agored, NOCN and City & Guilds
- maintaining comprehensive up to date records about you for administrative purposes
- assessing and delivering the programme requirements
- dealing with legal claims made against us
- preventing fraud
- ensuring our administrative and IT systems are secure and robust against unauthorised access

There may be more than one reason to validate the reason for processing your personal information.

## **LAWFUL BASIS FOR PROCESSING “SPECIAL CATEGORIES” OF SENSITIVE DATA**

“Special categories” of particularly sensitive personal information require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal information. We may process special categories of personal information in the following circumstances:

- consent: You have given clear consent for us to process your personal data for a specific purpose.
- contract: The processing is necessary for a contract we have with you, or because we have asked you to take specific steps before entering into a contract.
- legal obligation: The processing is necessary for us to comply with the law (not including contractual obligations) and meets the obligations under our data protection policy.
- vital interests: the processing is necessary to protect someone’s life.
- public task: the processing is necessary for us to perform a task in the public interest or for our official functions, and the task or function has a clear basis in law and meets the obligations under our data protection policy. (For example, in the case of equal opportunities monitoring)
- legitimate interests: the processing is necessary for our legitimate interests or the legitimate interests of a third party unless there is a good reason to protect your personal data which overrides those legitimate interests (For example, to assess your capacity to work on the grounds of ill health)

Occasionally, special categories of data may be processed where you are not capable of giving your consent, where you have already made the information public or in the course of legitimate business activities or legal obligations and in line with the appropriate safeguards.

Examples of the circumstances in which we will process special categories of your particularly sensitive personal information are listed below (this list is non-exhaustive):

- in order to protect your health and safety in the workplace
- to determine if reasonable adjustments are needed or are in place
- In order to fulfill equal opportunity monitoring or reporting obligations

Where appropriate, we may seek your written authorisation to process special categories of data. Upon such an occasion we will endeavor to provide full and clear reasons at that time in order for you to make an informed decision. In any situation where consent is sought, please be advised that you are under no contractual obligation to comply with a request. Should you decline to consent you will not suffer a detriment.

## **SHARING DATA**

Your data will be shared with colleagues within the CADcentre where it is necessary for them to undertake their duties in the provision of our services. This includes, for example, directors, general manager, managers, IQAs, trainer/assessors, and administrators.

It may be necessary for us to share your personal data with a third party or third party service provider (including, but not limited to, contractors, agents or other associated/group companies) within, or outside of, the European Union (EU). Data sharing may arise due to a legal obligation, as part of the performance of a contract or in situations where there is another legitimate interest (including a legitimate interest of a third party) to do so.

The list below identifies which activities are carried out by third parties:

- IT services for the provision of on line e-portfolios
- IT services for the on-line administration of data
- Awarding bodies: City & Guilds, NOCN and Agored external quality assurance

Data may be shared with 3<sup>rd</sup> parties in the following circumstances:

- in the process of regular reporting activities regarding our performance
- with regards to a business or group reorganisation, sale or restructure
- in relation to the maintenance support and/or hosting of data
- to adhere with a legal obligation
- in the process of obtaining advice and help in order to adhere with legal obligations

If data is shared, we expect third parties to adhere and comply with the GDPR and protect any data of yours that they process. We do not permit any third parties to process personal data for their own reasons. Where they process your data it is for a specific purpose according to our instructions.

We do not anticipate that we will transfer data to other countries.

## **DATA SECURITY**

As part of our commitment to protecting the security of any data we process, we have put the following measures in place: Increased IT security, and IT security Management systems including: compliance with standards: ISO27001 and Cyber Essentials Plus, increased email and internet protections, updated policies, standards, and procedures.

We have put security measures in place to avoid data from being accessed, damaged, interfered with, lost, damaged, stolen or compromised. In cases of a breach, or suspected breach, of data security you will be informed, as will any appropriate regulator, in accordance with our legal obligations.

If you would like further details, please contact the DPO: Karen Smith, on [karen@cadcentreuk.com](mailto:karen@cadcentreuk.com).

Any data that is shared with third parties is restricted to those who have a business need, in accordance with our guidance and in accordance with the duty of confidentiality. In such cases, an appropriate information security agreement will be in place.

## **DATA RETENTION**

We anticipate that we will retain your data for no longer than is necessary for the purpose for which it was collected.

Data collected for Welsh Government / ESF funded programmes is retained in line with Welsh government/ ESF requirements.

Data regarding your portfolio and assessment decisions is retained according to awarding body requirements.

At the end of the retention period, or until we are no longer legally required to retain it, it will be reviewed and deleted, unless there is some special reason for keeping it. Occasionally, we may continue to use data without further notice to you. This will only be the case where any such data is anonymised and you cannot be identified as being associated with that data.

## **YOUR RIGHTS IN RELATION TO YOUR DATA**

We commit to ensure that any data we process is correct and up to date. It is your obligation to make us aware of any changes to your personal information.

In some situations, you may have the:

- **Right to be informed.** This means that we must tell you how we use your data, and this is the purpose of this privacy notice.
- **Right to request access.** You have the right to access the data that we hold on you. To do so, you should make a subject access request.
- **Right to request correction.** If any data that we hold about you is incomplete or inaccurate, you are able to require us to correct it.
- **Right to request erasure.** If you would like us to stop processing your data, you have the right to ask us to delete it from our systems where you believe there is no reason for us to continue processing it (In some circumstances).

- **Right to object to the inclusion of any information.** In situations where we are relying on a legitimate interest (or those of a third party), you have the right to object to the way we use your data where we are using it.
- **Right to request the restriction of processing.** You have the right to ask us to stop the processing of data of your personal information. (in some circumstances)
- **Right to portability.** You may transfer the data that we hold on you for your own purposes.
- **Right to request the transfer.** You have the right to request the transfer of your personal information to another party.

Where you have provided consent to our use of your data, you also have the unrestricted right to withdraw that consent at any time. Withdrawing your consent means that we will stop processing the data that you had previously given us consent to use. However, in some cases, we may continue to use the data where so permitted by having a legitimate reason for doing so.

If you wish to exercise any of the rights explained above, please contact Karen Smith, Director, on [karen@cadcentreuk.com](mailto:karen@cadcentreuk.com), or in her absence, Linda Thomas, General Manager, on [linda.thomas@cadcentreuk.com](mailto:linda.thomas@cadcentreuk.com).

#### **Consequences of your failure to provide personal information**

If you neglect to provide certain information when requested, it may affect our ability to provide you with the funded training programme, and it may prevent us from complying with our legal obligations.

#### **Change of purpose for processing data**

We commit to only process your personal information for the purposes for which it was collected, except where we reasonably consider that the reason for processing changes to another reason and that reason is consistent with the original basis for processing. Should we need to process personal information for another reason, we will inform you of this and advise you of the lawful basis upon which we will process.

Important note: We may process your personal information without your knowledge or consent, in compliance with the above rules (see above section - **lawful basis for processing your personal information**).

#### **QUESTIONS OR COMPLAINTS**

Should you have any questions regarding this statement, please contact the DPO: Karen Smith (Director), on [karen@cadcentreuk.com](mailto:karen@cadcentreuk.com), or in her absence, Linda Thomas (General Manager), on [linda.thomas@cadcentreuk.com](mailto:linda.thomas@cadcentreuk.com).

The supervisory authority in the UK for data protection matters is the Information Commissioner (ICO). If you think your data protection rights have been breached in any way by us, you are able to make a complaint to the ICO. Details are on the Information Commission website.