



Weston College **Group**


## PRIVACY NOTICE

# PRIVACY NOTICE

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### Change Control

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<b>Date approved by CLB:</b>	19/06/2020
<b>Date approved by Corporation:</b>	02/07/2020   Andrew Leighton Price Chair of Corporation – Weston College
<b>Name of policy holder:</b>	Matt Beaver
<b>Date issued:</b>	03/07/2020

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<b>Review date:</b>	12/06/2021
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<b>Version</b>	<b>Type – New/Replacement/Review</b>	<b>Date</b>	<b>History</b>
2.0	Replacement		To replace GDPR Policy
2.1	Review	05/10/2019	Comments and recommendations from One West
2.2	Update	07/10/2019	Updated document based on One West recommendations
2.3	Update	19/05/2020	Updated and removed One West mark up comments
2.10	Review	11/06/2020	DPMG reviewed and approved
3.0	Approval	02/07/2020	Corporation Approval

This policy applies to Weston College Group and all wholly owned subsidiary companies of the Weston College Corporation which include OLASS, Forward Futures, SOMAX, West of England Institute, Releasing New Potential, Inspirational Events and Investments

# PRIVACY NOTICE

## 1 PURPOSE

- 1.1 This privacy notice is intended to explain what personal information Weston College Group (WCG) collect, how we'll use that information, who we'll share it with and what steps we'll take to make sure it stays private and secure. It provides information about the following seven principals set out within Article 5 of the GDPR
- Lawfulness, fairness and transparency
  - Purpose limitation
  - Data minimisation
  - Accuracy
  - Storage limitation
  - Integrity and confidentiality (security)
  - Accountability
- 1.2 WCG ensure the processing of personal information complies with all UK data protection legislation including
- Data Protection Act 2018
  - General Data Protection Regulation 2016
- 1.3 This privacy notice highlights your rights concerning your personal information and how you can exercise your rights within section 14.
- 1.4 You should read this data privacy notice alongside any terms and conditions, contracts agreements or policies issued.
- 1.5 We aim to clearly explain the personal information we are using and why we are using it. We endeavour to keep the language in our privacy notice as simple as possible, however, if anything is unclear or if you have any concerns then you can email [data.protection@weston.ac.uk](mailto:data.protection@weston.ac.uk) to request further clarification.

## 2 SCOPE

- 2.1 This policy applies to the collection, storage & handling of personal data where WCG is the Data Controller including when using 3rd party 'Data Processors'
- 2.2 This forms part of a wider family of data policies including Freedom of Information Policy, Information Security Policy, IT Acceptable Use Policy & Document Retention and Storage Policy and Procedure.
- 2.3 It is intended for our learners, staff, contractors & visitors and we encourage all to read it. It will continue to apply even when you no longer have an active relationship with WCG.
- 2.4 This is our overarching privacy notice and it applies generally to personal information that's collected and used across the WCG.

## 3 WHY WE COLLECT AND USE YOUR INFORMATION

- 3.1 WCG collect, handle and share your personal information to ensure we are providing the best possible training & services and to meet our legal and regulatory responsibilities.
- 3.2 WCG use personal information to make sure that we can provide excellent services and look after our learners, staff and other service users appropriately.
- 3.3 WCG may collect personal information directly from you or may also collect some personal information from third parties.
- 3.4 Most of the personal information collected by WCG is mandatory and required to deliver services to you however some personal information is requested on a voluntary basis. Where this is the case, we will clearly

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describe how the information will be used and ask for your consent to use it, you may withdraw your consent to us using this information at any time.

- 3.5 Where we identify the handling of personal information could result in a high risk to individuals rights or freedoms we complete a Data Privacy Impact Assessment (DPIA) to ensure best practice is followed and any risks are minimised. DPIA's are reviewed regularly and monitored by the Data Protection Management Group (DPMG) and the appointed Data Protection Officer (DPO).
- 3.6 Your legal rights are described in section 14 of this document, your rights apply all personal information held by WCG.

## 4 TYPES OF PERSONAL INFORMATION WE PROCESS

- 4.1 We have grouped the types of personal information that we may collect and use about you into categories of personal data. These are described in the table below. This is non-exhaustive however it aims to provide you with an overview of some of the main categories of personal information that is processed by the WCG and our subsidiaries. For more information please contact [data.protection@weston.ac.uk](mailto:data.protection@weston.ac.uk).
- 4.2 Examples of personally identifiable information we collection and process include

Type of Information	Examples
<b>Personal Information</b>	Personal information is information that relates to an identified or identifiable individual. It may include general information about you including your title, name/s, date of birth & gender, car registration number.
<b>Special Category Information</b>	We may also collect, store, and use information about you that falls into "special categories" of more sensitive personal information which has extra protection in law including; race, ethnic origin, politics, religion, trade union membership, genetics, biometrics, health, sex life, sexual orientation & criminal convictions.
<b>Contact Details</b>	Any information used to contact you including postal addresses, phone numbers & email addresses.
<b>Professional Information</b>	Any information relating to qualifications, employment history & character/working references.
<b>Study-related Information</b>	Any information relating to your studies including work you have submitted, workbooks, assignments & photographic / audio/video recorded evidence of your work.
<b>Identification Information</b>	Any information used to confirm your identity including your photograph, national insurance number, passport & CCTV images.
<b>Welfare Information</b>	Any information about your welfare including pastoral care records, counselling records & grievance / disciplinary information. Health & sex life information is categorised as Special Category Information.
<b>Financial Information</b>	Any financial information including bank details, bursary information & payment history
<b>Authentication Information</b>	Your signature or password used to authenticate your identity
<b>Technical Data</b>	Any information used to confirm your digital presence including IP addresses, login information, location data & device information.

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<b>Market Research Data</b>	Any information relating to marketing preferences or surveys you have completed.
<b>Other Information You Give Us</b>	Any other information you submit via forms or communicate verbally, by phone, emails, digital messages & social media.

4.3 In addition to this information WCG also collects, stores, processes and shares a range of information which is anonymised and cannot be directly associated to you as an individual, this aggregated statistical data is used for business intelligence purposes. This is not included within the scope of this policy as it is not personally identifiable information.

## 5 HOW WE COLLECT YOUR INFORMATION

5.1 We use various methods to collect your personal information either directly from you or via third parties. We will provide any relevant privacy information including our lawful basis for processing at the point at which we collect personal information from you unless there is a lawful or other legitimate reason not to do so (for example where it is for the prevention or detection of crime).

5.2 Examples of how we collect your personal information include

Collection Method	Examples
<b>Directly from you</b>	We collect personal information directly from you by submitting forms, sending post/emails or giving information via the telephone.
<b>Indirectly</b>	We may record some information about you indirectly for example about your attendance, performance & behaviour for example notes taken from your tutorials or appraisals.
<b>Automated / Computer Logs and CCTV</b>	We collect personal information when you use College equipment or interact with websites or online services. All College campuses record CCTV footage for security purposes.
<b>Third Parties</b>	<p>We may collect publicly available personal information from the following 3<sup>rd</sup> party sources for example:</p> <ul style="list-style-type: none"> <li>• Companies House</li> <li>• Electoral Register</li> <li>• Internet Search Engines</li> <li>• Social Media</li> </ul> <p>We may collect personal information from the following 3<sup>rd</sup> Party sources for example:</p> <ul style="list-style-type: none"> <li>• Education Skills Funding Agency (ESFA)</li> <li>• Exam Bodies</li> <li>• Previous Educational Establishments</li> <li>• Previous Employers</li> <li>• UCAS</li> <li>• University Partners</li> <li>• www.gov.uk</li> </ul> <p>WCG is a member of the Multi-Agency Panel for safeguarding and prevent terrorism as part of this panel, we may collect personal information from:</p> <ul style="list-style-type: none"> <li>• Counter-Terrorism Intelligence Unit</li> <li>• Local Authority</li> <li>• Other Members of the Multi-Agency Panel</li> <li>• Police Authority</li> </ul>

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	<p>We may collect information from the following sources to assist you with Additional Learning Support (ALS) or to enable us to understand and meet the requirements of an Education Health Care Plan (EHCP) for example:</p> <ul style="list-style-type: none"> <li>• Child &amp; Adolescent Mental Health Services (CAMHS)</li> <li>• Coast Resource Centre</li> <li>• Counselling Services</li> <li>• Doctor / General Practitioner (GP)</li> <li>• Health Professionals</li> <li>• Local Authority</li> <li>• Mentoring Services</li> <li>• Police Authority</li> <li>• School</li> <li>• Social Care</li> <li>• Speech and Language Therapist</li> </ul> <p>Commercial driving courses</p> <ul style="list-style-type: none"> <li>• DVLA</li> </ul> <p>Prison Education may use the following sources to confirm or correct any personal information you give us</p> <ul style="list-style-type: none"> <li>• Management Information System (pNOMIS)</li> <li>• Ministry of Justice (MOJ) - Prison National Offender</li> </ul> <p>For employment opportunities, we may collect personal information about you from the following organisations</p> <ul style="list-style-type: none"> <li>• HM Government Disclosures &amp; Barring Service</li> <li>• Ministry of Justice Security Clearance Service</li> <li>• Recruitment Agencies</li> </ul>
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## 6 LAWFUL BASIS FOR PROCESSING YOUR INFORMATION

- 6.1 Data Protection law requires us to have a lawful reason ('lawful basis') for processing the personal information we use. These reasons are provided under Article 6 of the GDPR.
- 6.2 WCG processes a wide range of personal information for a variety of purposes and the lawful bases that we rely upon may, therefore, vary depending on our purpose for processing. Some of the reasons that we use for collecting and using information may overlap and there may be several grounds allowing us to use personal information.

Lawful Basis	Examples
<b>Consent</b>	Where you have asked us to and have provided your consent (for example a photo of you for promotional purposes or our website). You may withdraw your consent at any time.
<b>Contract</b>	Where we need to process personal information to enter into a contract with you for example Learner Agreement or Employment Contract.
<b>Legal Obligation</b>	Where we need to process personal information to comply with the law and we have a legal or regulatory requirement to do so for example [To report Safeguarding concern or to meet EHCP requirements]
<b>Vital Interest</b>	Where we need to protect your vital interests (or someone else's interests). This is only used in life and death situations.

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<b>Public Task</b>	Where we need to carry out a task in the public interest, for example where some of the collection and use of student information is necessary for us to perform our role as an education provider in line with The Further and Higher Education Act 1992.
<b>Legitimate Interest</b>	When it is in ours or a third party's legitimate interests to process personal information. Where we use this lawful basis, we will ensure that we have considered whether or not our legitimate interests are overridden by your rights and freedoms

## 7 SHARING YOUR PERSONAL INFORMATION

- 7.1 To ensure we can deliver excellent services and meet our legal and regulatory obligations WCG may need to share your personal information with other organisations.
- 7.2 WCG will only share personal information with other organisations where it is necessary and lawful to do so. All organisations are risk assessed before sharing your data and we establish agreed terms with data sharing/non-disclosure agreements to ensure your data remains secure and is only used for the agreed purposes.
- 7.3 Examples of where we may share your data (where it is fair and lawful to do so) include parents/guardians, previous or subsequent school/college/universities, Local Authority, careers advisory services, employers, Awarding Bodies, university partners, health professionals, law enforcement agencies, Student Loans Company and UCAS.
- 7.4 There are also occasions where we need to engage the services of third-party organisations to process personal information on our behalf.
- 7.5 For example, where WCG engages in the use of software for a specific purpose or where we use another organisation to analyse data on our behalf. In these circumstances, it should be considered that WCG is the Data Controller and the 3<sup>rd</sup> Party are Data Processors unless otherwise indicated. Where this is the case a written contract will be entered into with the third-party data processor as per Article 28 of the GDPR.

## 8 SPECIAL CATEGORY CONDITIONS

- 8.1 We take care to ensure we meet the additional conditions for processing described in Article 9 of the GDPR when processing special category data.
- 8.2 The following personal information is defined as "Special category data" by GDPR:
- **racial or ethnic origin**
  - political opinions
  - religious or philosophical beliefs
  - trade union membership
  - genetic data
  - **biometric data** for the purpose of uniquely identifying a natural person
  - **data concerning health**; or
  - data concerning a natural person's sex life or sexual orientation
- 8.3 WCG will only collect and process the following types of special category data

### Racial or Ethnic Origin

- 8.4 WCG may process data revealing racial or ethnic origin to comply with Chapter 3 of the Equality Act 2010.



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- 8.5 We process this information under the GDPR Article 9 conditions for processing special category data (g) Reasons of substantial public interest (with a basis in law) and the Schedule 1 of the Data Protection Act 2018 substantial public interest conditions 8. Equality of opportunity or treatment

## Biometric Data

- 8.6 WCG may process data revealing Biometric data to enable quick and secure IT authentication.
- 8.7 We process this information under the GDPR Article 9 conditions for processing special category data (a) Explicit consent

## Data Concerning Health

- 8.8 WCG may process data revealing health to comply with Chapter 4 of the Equality Act 2010 & the Children and Families Act 2014.
- 8.9 We process this information under the GDPR Article 9 conditions for processing special category data (g) Reasons of substantial public interest (with a basis in law) and the Schedule 1 of the Data Protection Act 2018 substantial public interest conditions 8. Equality of opportunity or treatment

## 9 CRIMINAL OFFENCE CONDITIONS

- 9.1 Where we process criminal convictions, we must identify additional ground for processing under Article 10 of the GDPR. Information relating to criminal convictions will only be requested and processed by WCG where we have a legal obligation to do so concerning safeguarding, preventing fraud where you have given your consent.

## 10 SAFEGUARDING, PREVENT AND CRIMINAL INVESTIGATIONS

- 10.1 WCG works closely with local authorities and Police to ensure the safety and rights of individuals. Where it is necessary and lawful to do so WCG may share relevant data or information relating to safeguarding, prevent or criminal investigation with an investigating authority.
- 10.2 WCG reserve the right to report any information considered to be fraudulent or related to a cyber offence to the police for investigation.

## 11 DATA RETENTION

- 11.1 WCG only retains personal information for as long as it is necessary to complete the purpose it has been collected for and to complete any legal, regulatory, accounting or reporting requirements.
- 11.2 Personal information is stored in line with our Document Retention and Storage Policy in a range of different places including within student files and our IT systems including WCG's email system.
- 11.3 The information that we create and maintain is kept secure. We may retain certain information about you after your relationship with us has ended, as deemed necessary and in line with our retention policy.
- 11.4 Further details of the retention of data can be found within the College's Data Retention Policy.
- 11.5 Staff data is kept in line with the HR Data Retention Policy.

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11.6 WCG may retain information which anonymised and cannot be directly associated to you as an individual, this aggregated, statistical data is used for business intelligence purposes. This is outside of the scope of this Policy as it is not personal information.

## 12 DATA SECURITY

12.1 All personal information is kept secure and in line with our Information Security Policy.

12.2 WCG take Information Security very seriously and are certified to the following best practice standards

- Cyber Essentials Certificate Number QGCE1054-1
- ISO 27001 Certificate Number IS 656993

12.3 If you have any data security concerns or have any information relating to a potential information security incident please contact the IT Department on 01934 411425 or [it.helpdesk@weston.ac.uk](mailto:it.helpdesk@weston.ac.uk).

## 13 TRANSFERRING DATA INTERNATIONALLY

13.1 Personal information is not normally transferred internationally to a country or territory outside of the UK, however where this is necessary we will do so following data protection law and ensure that we have sufficient safeguards in place.

## 14 Your Rights

14.1 Under the Data Protection Laws of the UK you have the following rights:

- to be informed about how we will use your personal information
- to have access to your personal information
- to request correction of your personal information
- to request the erasure of your personal information
- to object to the processing of your personal information
- to request the restriction of processing your personal information
- to request the transfer of your personal information
- to withdraw consent
- to object to any direct marketing
- to object to any automated decision-making
- to make a complaint to the Information Commissioner's Office about the handling of your personal information

14.2 Some of these rights have conditional requirements

### Exercising Your Rights

14.3 If you would like to exercise any of these rights, please email your request to [data.protection@weston.ac.uk](mailto:data.protection@weston.ac.uk) or contact [01934 411411]

### What We Need From You

14.4 We may need to request specific information from you to enable us to quickly identify your information and ensure we protect the rights of other individuals information.

14.5 Your request must not be manifestly unfounded or excessive

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## Fees

- 14.6 You will not be required to pay a fee for a legitimate request to exercise your rights.
- 14.7 All information will be provided electronically unless otherwise requested. We may charge a “reasonable fee” for the administrative costs of complying with the request if it is manifestly unfounded or excessive; or where someone requests further copies of their data following a request

## Time to Respond

- 14.8 We will **acknowledge your request within 1 week** and you will **receive a response within 1 month**. Occasionally this may need to extend the time to respond by a further two months if the request is complex or if we have received multiple requests from the individual.
- 14.9 Where we need to extend the time to respond to your request we will let you know within one month of receiving the request and explain why the extension is necessary we will inform you if this is the case and keep you up to date with progress.

## Our Right to Refuse a Request

- 14.10 Data Protection laws say that your request must not be manifestly unfounded or excessive if we deem this is the case we may refuse to comply with the request or charge a reasonable fee for processing it.

## 15 COMPLAINTS

- 15.1 If you have a concern or complaint about the way we are collecting or using your personal information, please raise your concern with us in the first instance [data.protection@weston.ac.uk](mailto:data.protection@weston.ac.uk).
- 15.2 The Information Commissioner’s Office, which is the supervisory authority, may be contacted on 0303 123 1113, or via their website, [www.ico.org.uk](http://www.ico.org.uk) regarding any complaints about how the way that WCG handles your data. However, under usual circumstances, it may expect you to contact us first to see if we can help to resolve the issues first.
- 15.3 If you would like to discuss anything in this privacy notice, please contact [data.protection@weston.ac.uk](mailto:data.protection@weston.ac.uk) or our Data Protection Officer Peter Sloman.

## 16 RESPONSIBILITIES

### Compliance, monitoring and review

- 16.1 This document will be reviewed annually by the Weston College Group’s Data Privacy Management Group (DPMG)
- 16.2 WCG has appointed a Data Protection Officer (DPO) who can be contacted using the following details

<b>Name</b>	Mr. Peter Sloman
<b>Email</b>	<a href="mailto:data.protection@weston.ac.uk">data.protection@weston.ac.uk</a>
<b>Address</b>	Weston College Knightstone Campus

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	Knightstone Road Weston-super-Mare BS23 2AL
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## Reporting

- 16.3 The Weston College Group's Data Privacy Management Group (DPMG) is responsible for the management, reviewing and reporting of this policy to Leadership Board & the Governing Body

## Records management

- 16.4 This policy will be maintained as part of the Information Management System (ISMS) as part of the College ISO 27001 certification

## 17 RELATED LEGISLATION AND DOCUMENTS

### 17.1 Legislation

- Data Protection Act 2018
- General Data Protection Regulation 2018
- Privacy and Electronic Communications Regulations (PECR) 2003

### 17.2 WCG Policies:

- Data Protection Policy
- Freedom of Information Policy
- Information Security Policy
- Record of Processing Activities