

Learner Privacy Notice

East Riding College (ERC) is committed to protecting your privacy. In the document we set out why we collect information, what we do with information and what your rights are. Personal information or data is any information that can be used to identify you as an individual.

Who is the Data Controller?

East Riding College is the Data Controller and the Director of Human Resources is the acting Data Protection Officer. We have notified the Office of the Information Commissioner of our data processing activities: our Data Protection Notification number is Z6977440. We comply with relevant data protection legislation including the General Data Protection Regulation (GDPR).

The lawful bases for obtaining and using your personal data

One or more of the lawful bases for East Riding College to process your data are where:

- *Consent* of the data subject is given (GDPR Article 6a)
- Processing is necessary for the *performance of a contract* with you, the data subject, or to take steps to enter into a contract (GDPR Article 6b)
- Processing is necessary for *compliance with a legal obligation* (GDPR Article 6c)
- Processing is necessary for the performance of a task carried out in the *public interest* or in the exercise of official authority vested in the controller. (GDPR Article 6e)
- Processing is necessary for the purposes of *legitimate interests*, unless there is a good reason to protect your personal data which overrides those legitimate interests. (GDPR Article 6f)

What personal information does the College collect?

'Personal information' means any information which relates to or identifies you as an individual.

1. We collect the following personal data in order to meet our legal obligations with the Education and Skills Funding Agency (ESFA) and Office for Students (OfS). They are also necessary in order for us to carry out our public task to provide education and training. We are required by the ESFA to retain this data until at least 2030.
 - Details about yourself including your name, date of birth and gender
 - Information about your nationality and residency, and previous address if applicable
 - Information about medical or health conditions, including whether or not you have a learning difficulty or disability or if you have an Education, Health and Care Plan (EHCP).
 - Ethnicity
 - Contact details, to communicate effectively with you – including address, telephone number and email.
 - Details of your previous qualifications, employment and educational history
 - Household information
 - Employment information including current employment and for Apprentices we also collect details of previous employment, contracted hours and job role.
 - Information relating to any student loans you may take out to fund your course or bursary applications.
2. We collect data about criminal convictions in order to protect vital interests of others and also in order to carry out our duty to support those with a conviction.
3. We collect emergency contacts details (we will assume that you have the consent of the individuals before you supply their contact details to us). For those over age 18 at the start of the academic year, the information is optional.
4. We collect parent/carer details for those under 18 (or learners with an EHCP) at the start of the academic year in order to support our duty to provide the education and learning as fully as possible, and meet our statutory obligations in relation to safeguarding. We may send details of non-attendance to parents/carers.

How do we collect your data?

Most of the information 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 Department for Education (DfE), Universities and Colleges Admissions Service (UCAS), the Local Authority, or your previous school.

Where do we store your data?

Data will be stored in a range of different places, including the learner management information systems, on paper stored in secure places, or on electronic documents within a secure network. The College takes the security of your data seriously. The College 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 Handling, Security and Communications policy is available to view on our website.

Why do we need your data?

The College collects and processes personal data relating to its learners to effectively manage your learning and to meet its statutory obligations as a Further Education college. We collect data about criminal convictions in order to protect vital interests of others and also in order to carry out our duty to support those with a conviction.

Who has access to the data?

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

Where ERC 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.

The College shares your data with third parties where there is a legal or statutory obligation, including ESFA, OfS, Learner Records Service (LRS), awarding bodies (including validating universities) and local councils for relevant learners. The College may also share your information with other third parties in order to process applications for financial support. On occasion and where necessary your data may also be shared with auditors and the police or other law enforcement agencies.

For Higher Education learners, your enrolment information may be shared with the validating University or awarding body to enable registration on their systems for the purposes of issuing an identification card and award certificate. This will include sensitive personal data (e.g. disability or ethnicity) where appropriate.

How does the College use your information?

The information will be used for purposes relating to education, training, employment, transport, general advice services, financial support, well-being, safeguarding and research. The College may share non-sensitive personal information about you with other organisations, for example the Local Authority (see below), for these purposes. We do not share your information for purposes that are incompatible, such as product marketing.

Data regarding employment status and benefits is used to assess your eligibility for fee remission or support.

Sensitive personal information you provide (e.g. disability or ethnicity) may be used by the College for the purposes of equality opportunity monitoring, support for your studies and to minimise risk. It may also be used anonymously for statistical purposes. The College will ask your permission before sharing sensitive information with other organisations, unless the sharing is permitted by law and necessary.

Photographs taken for the purposes of learner ID cards are also used in some of the College's other systems such as the Management Information and the Individual Learning Plan systems.

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 or contractually required, such as destination surveys.

The College will not sell your personal data to third parties.

Participation in Learning: Sharing information with Local Authorities

This section applies to the following learners in the Local Authorities (LAs) of East Riding of Yorkshire, Hull City and North Yorkshire:

- 16 and 17 year olds
- 18-25 year olds with an Education Health and Care Plan (EHCP)

The Education and Skills Act 2008 (the Act) places duties on LAs to promote the effective participation in education or training of all 16 and 17 year olds resident in their area, and to make arrangements to identify young people resident in their area who are not participating. It is part of the LA's duties to secure sufficient suitable education and training provision for all 16-19 year olds, and to encourage, enable and assist young people to participate in learning.

Under the Act, it is the College's duty to provide relevant information about their learners to the LA of each student's residence, when requested to do so, and notify local LAs when a young person leaves learning at the College. All educational institutions are required to share information with LAs as part of their duty under the Act.

Section 72 of the Act provides the legal basis for sharing information between LAs and educational institutions. Link to relevant section is referenced here: <http://www.legislation.gov.uk/ukpga/2008/25/section/72>

When you give us your information we will use your details to inform the LA where you live about the learning that you are participating in so that they are able to report monthly to the Department of Education and deliver their duties listed above.

Parents, carers and guardians (For learners under 19 years old or learners with an EHCP)

The College has found that it is very beneficial to the young person's progress if the College is able to engage with the parents (or guardian/carer). Routine performance and progress reports will be sent to the parents (or guardian/carer) of those who are 16 & 17 year old at the start of the academic year and those learners with an EHCP. Non-attendance texts will also be sent to a nominated person in the event of classes being missed. Other attendance and progress information will only be shared with your consent. Therefore it is very important that we have the parents' (or guardian/carer) details recorded.

Under the GDPR, young people aged 13 and over can decide for themselves and give consent for the processing of their personal information (Items not covered under any other lawful basis). There may be exceptions for learners with severe learning difficulties, school link learners and those who are otherwise unable to decide for themselves.

Employers (Excludes new Apprenticeship learners)

Where a course is paid for by an employer, the College has found it is beneficial to the learners' progress if we are able to engage with the employer directly. Information regarding attendance and performance on your course may be disclosed to the employer with your consent.

How do government departments use your information?

ESFA Privacy Notice (Version 1 - 23rd February 2018)

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 for other purposes by ticking the relevant boxes on the Learning Agreement.

Further information about use of and access to your personal data, details of organisations with whom we 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>

LRS Privacy Notice

The information you supply will be 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. For more information about how your information is processed and shared refer to the Extended Privacy Notice available on <https://www.gov.uk/guidance/how-to-access-your-personal-learning-record>.

How long will the College keep your data?

All data collected and processed on behalf of the ESFA or OfS will be held for as long as we are legally or contractually required to do so. 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.

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 (Please complete a Subject Access Request Form)
- Require the College to change incorrect or incomplete data
- Require the College 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 College is relying on its legitimate interests as the legal ground for processing. The College will only use “legitimate interests” as grounds for processing in a very few situations

Where the processing of your data is based on your consent, you have the right to withdraw this consent at any time.

If you would like to exercise any of these rights or for further information, please contact the data protection officer at dataprotection@eastridingcollege.ac.uk or contact the College reception.

How do I make a complaint?

If you wish to make a complaint about how your data has been handled you may do so by contacting ERC’s Data Protection Officer at dataprotection@eastridingcollege.ac.uk

If you are not satisfied with the response you receive, or you believe your data is not being processed in accordance with the law, you should contact the office of the Information Commissioner’s Office at Wycliffe House, Water Lane, Wilmslow, SK9 5AF (<https://ico.org.uk/>).

What if I do not provide personal data?

Failure to provide data required to meet legal obligations will result in us not being able to enrol you as a learner. 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 service we would wish to provide.

Automated decision making

There are no fully automated decision making processes at East Riding College.

When was this document last updated?

The document was last updated on 18th May 2018. The College will keep this Privacy Notice under regular review and reserve the right to change it as necessary or if required by law. Any changes will be immediately posted on the website.

Glossary

DfE - Department for Education

ERC - East Riding College

ESF - European Social Fund

ESFA - Education and Skills Funding Agency

GDPR - General Data Protection Regulation

LRS - Learner Records Service

OfS - Office for Students, previously known as the Higher Education Funding Council for England

UCAS - Universities and Colleges Admissions Service in the UK