

Learner Privacy Statement

Date 23/04/18

Who is the Data controller?

East Sussex College Group (ESCG)

Ecat House,

Cross Levels Way,

Eastbourne,

BN21 2UF

Website: www.escg.ac.uk

Email: dataprotection@escg.ac.uk

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. ESCG is committed to being transparent about how it collects and uses that data and to meeting its data protection obligations.

What personal information does the organisation collect?

1. We collect the following personal data under GDPR Article 6c (Legal Obligation), and 6e (Public Task) in order to meet our legal obligations with the ESFA and HEFCE. They are also necessary in order for us to carry out our public task to provide education and training. We are required by ESFA to retain this data until at least 2030.

- Details about yourself including your name, date of birth and gender;
- Contact details – including address, telephone number and email address
- Details of your previous qualifications, employment and educational history,
- 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 disability or difficulty
- Ethnicity
- Household information (this is collected only for ESFA and are not used by ESCG)

2. We collect data about criminal convictions in order to protect vital interests of others (GDPR Article 6d (Vital Interest) and also in order to carry out our duty to support those with a conviction GDPR Article 6e (Public Task)

3. We collect emergency contacts GDPR Article 6d (Vital Interests). 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 at the start of the academic year under GDPR Article 6e (Public Task) in order to support our duty to support the education and learning as fully as possible

How is this collected?

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 Local Education Authority, or your previous school

Where do we store data?

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

Why does the organisation need to process personal data?

ESCG 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, 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 ESCG staff who need the data to provide services to the learner. This will include special categories of data where appropriate.

Where ESCG engages non-statutory third parties to process personal data on its behalf, we require them to do so on the basis of written instructions, are under a duty of confidentiality and are obliged to implement appropriate technical and organisational measures to ensure the security of data.

Third parties may include bodies such as Qualification Awarding Bodies, Ofsted, the Office for Students and Accreditation UK.

The organisation shares your data with third parties where there is a legal obligation, including ESFA, HEFCE, Learner Records Service (LRS) and East Sussex County Council (ESCC) for learners aged 16-18.

ESFA Data Sharing Agreement:

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.

Further information about use of and access to your personal data, and details of organisations with whom we regularly share data, are available at: 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>

Office for Students (He Students) Privacy 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

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Do we process data outside the EEA?

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

Do we protect your 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 do we keep your 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.

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 in a very few situations.

If you would like to exercise any of these rights, please contact the data protection officer at dataprotection@escg.ac.uk or contact the college reception

Who can I complain to?

If you believe that ESCG has not complied with your data protection rights, you can complain to the Information Commissioner.

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 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 service we would wish to provide.

Does ESCG use automated decision-making?

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