

# Data Protection: Privacy Notice (College)

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## Amendments/Additions Chronology

25 May 2018	Policy live
29 May 2018	Amendment – Page 5, section 4, paragraph 4: To alter wording with regard to the Learner Records Service (LRS) to match the text of the LRS tier 1 Privacy Notice
01 June 2018	Amendment – Page 8, section 4, paragraph 2 and 3: clarification on consent and update to footnote <sup>1</sup>  Addition of Appendix 1 – Summary privacy statement for Isle of Wight College applications and enrolments
25 August 2018	Policy reviewed and new review date revised to December 2018  Amendment – Page 10, ‘Declaration’ – wording altered to clarify that Examination results could be published with consent and on a range of media platforms  Amendment – Page 11, ‘Privacy Notice’ – web links to the Education & Skills Funding Agency (ESFA) and Learner Records Service (LRS) Privacy Notices added  Amendment – Page 11, ‘Privacy Notice’ – paragraph 6: wording altered to match Enrolment Form amendment  Date of Summary privacy statement for Isle of Wight College applications and enrolments revised
05 June 2020	Policy reviewed and new review date revised to July 2021  Addition – Page 6, ‘Purposes for which we process personal data’ – bullet point 2: wording altered to include collection of student destination  Amendment – Page 11, ‘Privacy Notice’ – paragraph 5: wording altered to reflected the use of electronic signatures and online enrolment  Amendment – Page 12, ‘Privacy Notice’ – paragraphs 7 and 8: wording altered to match Enrolment Form amendment and make ways to update personal data more explicit
09 August 2021	Amendment – Page 4, inclusion of term ‘UK GDPR’

Contents

- Amendments/Additions Chronology..... 2
- 1. Introduction..... 4**
- 2. Types of personal data we process..... 4**
- 3. The lawful basis for obtaining and using your personal data..... 5**
- 4. Collecting, handling and sharing personal data ..... 5**
- 5. Purposes for which we process personal data ..... 6**
- 6. How long we keep personal data ..... 7**
- 7. Your rights..... 7**
- 8. Student data ..... 8**
- 9. Change of details ..... 9**
- 10. Relationship to other policies ..... 9**
- 11. Changes to our privacy notice..... 9**
- 12. Data sharing..... 9**
- Appendix 1 – Summary privacy statement for the Isle of Wight College applications and enrolments..... 10**
- Data Protection Statement..... 10
- Declaration ..... 10
- Privacy Notice ..... 10
- What You Agree to on Enrolment ..... 11
- Contact Us ..... 12

## 1. Introduction

This privacy notice explains how The Isle of Wight College (“the college”, “we”, “us”, “our”) collects, uses and shares your personal data, and your rights in respect of their personal data under EU Regulation 2016/679 General Data Protection Regulation (“GDPR”). Since 1 January 2021 the UK’s data privacy law is now known as UK GDPR.

The UK GDPR defines “personal data” as any information relating to an identified or identifiable natural person (a “data subject”); an identifiable natural person is one who can be identified, directly or indirectly, 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.

This Notice sets the College’s obligations regarding the collection, processing, transfer, storage, and disposal of personal data.

The College is committed not only to the letter of the law, but also to the spirit of the law and places high importance on the correct, lawful, and fair handling of all personal data, respecting the legal rights, privacy, and trust of all individuals with whom it deals.

If you have questions regarding your personal data or its use, please contact the Data Protection Officer by email on [info@iwcollege.ac.uk](mailto:info@iwcollege.ac.uk) with subject ‘FAO Data Protection Officer’ or by post at The Data Protection Officer, The Isle of Wight College, Medina Way, Isle of Wight, PO30 5TA.

## 2. Types of personal data we process

We process personal data about prospective, current and past students. The personal data we process takes different forms – it may be factual information, expressions of opinion, images or other recorded information which identifies or relates to an individual. Examples include:

- names, addresses, telephone numbers, e-mail addresses and other contact details
- family details
- criminal convictions
- photos
- admissions, academic, disciplinary, attendance and other education related records, information about special educational needs, references, examination scripts and marks
- education and employment data
- financial information (e.g. for bursary assessment)
- bank details (e.g. when required for the processing of payments or refunds)
- courses, meetings or events attended.

As a college, we need to process special category personal data (e.g. concerning health, ethnicity, gender or biometric data) and criminal records information about some individuals (particularly students and staff). We do so in accordance with applicable law (including with respect to safeguarding or employment) or by explicit consent.

### 3. The lawful basis for obtaining and using your personal data

The Isle of Wight College needs data in order to fulfil its contractual obligations to its students to deliver the education for which they have applied and to participate fully in the services offered to students.

Generally, the information is processed as part of our public interest task of providing education to you.

Where that information is special category personal information (e.g. medical information or your photograph for the purposes of identification) we will process it in the interests of safeguarding and or because there is a substantial public interest for us to do so.

The legal bases for us to process your data are where:

- processing is necessary for the performance of a contract with the data subject or to take steps to enter into a contract
- Or, processing is necessary for compliance with a legal obligation
- Or, 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.
- Or, processing is necessary for the purposes of the legitimate interests pursued by the controller or a third party.

### 4. Collecting, handling and sharing personal data

We collect most of the personal data we process directly from the individual concerned (or in the case of some students, from their parents/guardians). In some cases, we collect data from third parties (for example, referees, previous schools/colleges, the Disclosure and Barring Service, or professionals or authorities working with the individual) or from publicly available resources.

Personal data held by us is processed by appropriate members of staff for the purposes for which the data was provided. We take appropriate technical and organisational steps to ensure the security of personal data about individuals, including policies around use of technology and devices, and access to college systems. We do not transfer personal data outside of the European Economic Area.

Personal data (including sensitive data where required) is passed to Government agencies (including but not limited to the Education and Skills Funding Agency) to meet statutory or contractual funding arrangements. Where necessary it is also shared with the Department for Education (DfE) and the Student Loans Company.

The information is used for the exercise of functions of these Government departments and to meet statutory responsibilities, including under the Apprenticeships, Skills, Children and Learning Act 2009. The information you supply is 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, as part of the functions of the DfE. For more information about how your information is processed, and to access your Personal Learning Record, please refer to:

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

In the course of college business, we share personal data (including special category personal data where appropriate) with third parties such as examination boards and relevant authorities (for example the Local Authority, DBS, UK Visas and Immigration, and Department for Education).

To fulfil our statutory and contractual obligations of education provision some of our systems are provided by external third parties, e.g. hosted student assessment, target, attendance and progression tracking systems, college portal or cloud storage providers. This is always subject to contractual assurances that personal data will be kept securely and only in accordance with our specific directions.

We will share your details with internal and external auditors when required to do so. As a publicly-funded organisation, we are subject to audit and required on occasion to give the auditors access to students' details in order for them to report on the integrity of the college's processes. The auditors will not normally retain personal data once an audit is complete.

We will provide a debt collection agency with personal contact details of any student who has significant outstanding debts to us where we have exhausted our own procedures for pursuing a debt.

We reserve the right to share data with a third party without express consent when it is necessary for protecting the vital interests of a data subject, for example in the case of an emergency.

We will never sell personal data to third parties.

## 5. Purposes for which we process personal data

We process personal data to support the College's operation as an education provider, and in particular for:

- The selection and admission of students
- The provision of education to students including the administration of the college curriculum and timetable; monitoring student progress and educational needs; administration of students' entries to public examinations, reporting upon and publishing the results; providing references for students (including after a student has left); reporting student destinations.
- The provision of educational support and related services to students including the maintenance of discipline; provision of careers and library services; administration of sports fixtures and teams, college trips; provision of the college's IT and

communications system and virtual learning environment (and monitoring the same) all in accordance with our IT policies

- The safeguarding of students' welfare
- Compliance with legislation and regulation including the preparation of information for inspections by OFSTED, submission of Individual Learner Records (ILR) to the ESFA and evidence of achievement to the DfE
- Operational management including the compilation of student records; the administration of invoices, fees and accounts; the management of the College's property; the management of security and safety arrangements (including the use of CCTV in accordance with our CCTV Policies and monitoring of the college's IT and communications systems in accordance with our Acceptable Use Policy); management planning and forecasting; research and statistical analysis; the administration and implementation of the College's rules and policies for students and staff; the maintenance of historic archives and other operational purposes
- The promotion of the College through its own websites, the prospectus and other publications and communications (including through our social media channels)
- We will use your information to ensure and evidence that your place is appropriately funded, to pay/receive payment from you and administrate relevant bursaries.

## 6. How long we keep personal data

We retain personal data only for a legitimate and lawful reason and only for so long as necessary or required by law. We have a Data Retention Policy which sets out the time period for which different categories of data are kept. If you have any specific queries about our record retention periods, or wish to request that your personal data is considered for erasure, please contact the college's Data Protection Officer.

For student's undertaking government funded programmes including the use of Advanced Learning Loan, the college is required to retain personal information in line with the relevant funding regulations

## 7. Your rights

You have a number of rights over your personal information, which are:

1. the right to make a complaint to the Information Commissioner's Office (ICO) if you are unhappy about the way your personal data is being used – please refer to the ICO's website for further information about this (<https://ico.org.uk/>)
2. the right to ask us what personal information about you we are holding and to have access to a copy of your personal information
3. the right to ask us to correct any errors in your personal information

4. the right, in certain circumstances such as where our use of your personal information is based on your consent and we have no other legal basis to use your personal information, to ask us to delete your personal information
5. the right, in certain circumstances such as where we no longer need your personal information, to request that we restrict the use that we are making of your personal information
6. the right, in certain circumstances, to ask us to review and explain our legitimate interests to you, and
7. the right, where our use of your personal information is carried out for the purposes of an agreement with us and is carried out by automated means, to ask us to provide you with a copy of your personal information in a structured, commonly-used, machine-readable format.

## 8. Student data

The rights under Data Protection legislation belong to the individual to whom the data relates. Parents should be aware that we can only release information about its students if it has their consent for this recorded on the College system. There may be exceptions in regards of students with severe learning difficulties, school link students and those who are otherwise unable to decide for themselves.

In general, we will assume that students' consent is required for ordinary disclosure of their personal data to their parents/guardians/nominated individual, e.g. for the purposes of keeping parents informed about the student's activities, progress and behaviour, unless in the college's opinion of the interests in a student's welfare, there is a good reason to do otherwise.

Students over 18,<sup>1</sup> are asked for their consent for sharing information<sup>2</sup> (e.g. attendance) with parents/guardians/nominated individual on the application form or when enrolling face-to-face. Students can also inform us later on with whom we may discuss their college matters. Students may withdraw their consent the same way which they gave it.

Students can make subject access requests for their own personal data, provided that they have sufficient maturity to understand the request they are making. Our students are generally assumed to have this level of maturity. A person with parental responsibility will generally be entitled to make a subject access request on behalf of students, but the information in question is always considered to be the child's at law. A student of any age may ask a parent or other representative to make a subject access request on their behalf. Moreover (if of sufficient maturity) their consent or authority may need to be sought by the parent making such a request.

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<sup>1</sup> Including Students aged over 16 who live independently; or in cases of mental capacity assessments, in the situations of: Appointeeship status/Guardianship status and certain sections of Power of Attorney, where evidence can be provided

<sup>2</sup> Excluding in cases of emergency when the next of kin data supplied is used

## 9. Change of details

We try to ensure that all personal data held in relation to an individual is as up to date and accurate as possible. Please notify the students' records department of any significant changes to important information, such as contact details, held about you.

## 10. Relationship to other policies

Our privacy notice should be read in conjunction with our other policies and terms and conditions which make reference to personal data, including our Safeguarding Policy, Health & Safety Policies, Acceptable Use Policies and IT Policies.

We will update this Privacy Notice from time to time. Any substantial changes that affect how we process your personal data will be notified on our website and to you directly, as far as practicable.

If you believe that we have not complied with this policy or have acted otherwise than in accordance with Data Protection Law, you should notify the Data Protection Officer. You can also make a referral to or lodge a complaint with the Information Commissioner's Office (ICO), although the ICO recommends that steps are taken to resolve the matter with us before involving them.

## 11. Changes to our privacy notice

We keep our privacy notice under regular review. Any changes we make to our privacy notice in the future will be detailed in the document itself which is made available on the staff computer network and to students on the IW College website.

## 12. Data sharing

A separate and regularly updated listing of the organisations we share data with is contained within our Data Sharing Agreement policy.

## Appendix 1 – Summary privacy statement for the Isle of Wight College applications and enrolments

### Data Protection Statement

This document provides you with details of the declaration that you agree to when proceeding with a course enrolment, application or enquiry, or signing up for an account and should be read as an addendum to The Isle of Wight College's full Privacy Notice. The Isle of Wight College will be referred to as the IWC from now on within the declaration and agreement.

The IWC has a legal duty to explain how it adheres to EU Regulation 2016/679 General Data Protection Regulation ("GDPR") in the way it collects, uses and shares your personal data and makes you aware of your rights in respect of your personal data.

If you wish to discuss data protection further you can contact the Data Protection Officer at IWC. Contact the Data Protection Officer by e-mail on [info@iwcollege.ac.uk](mailto:info@iwcollege.ac.uk) with the subject 'FAO Data Protection Officer' or by post at The Data Protection Officer, The Isle of Wight College, Medina Way, Isle of Wight, PO30 5TA.

### Declaration

I understand that data collected by IWC will be used for educational administration, guidance, statistical, research and health and safety purposes. Processing this data will enable the performance of IWC to be monitored and for IWC to operate effectively and plan future provision. The data may be shared with my former school(s) and other educational institutions, Children Services Authorities, Careers Service, DfE (Department for Education), ESFA (Education and Skills Funding Agency) and the local authority. Data will also be sent to Examination Boards and other Awarding Bodies to be processed for the purpose of registration, entry, marking, assessment and the issue of results and certificates. Information may be sent to the above agencies electronically via the Internet. Examination results may be published on media platforms (such as the college website or the local newspaper) with my consent. Examination results and destination after leaving IWC may also be shared with my former school(s), other educational institutions and government agencies. Data will be held securely and confidentially to comply with funding bodies data retention rules and derived statistical data for the purpose of analysing retention and achievement rates and will be retained until it is deemed no longer relevant. My data will be held securely on educational systems such as eTrackr, Smart Assessor and BKSb (skills development) to assist me in my studies.

### Privacy Notice

If you enrol on a government-funded course (including those funded through an Advanced Learning Loan), you will be subject to the privacy notice issued by the Education and Skills Funding Agency (ESFA), on behalf of the Secretary of State for the Department of Education (DfE). It informs learners how their personal information will be used by 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. For further information, please review the ESFA web link:

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

Your personal information is used by the DfE to exercise its functions and to meet its statutory responsibilities, including under the Apprenticeship, 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. For further information about how your details are processed and details of how to access your Personal Learner Record, please review the LRS web link:

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

Your information may be shared with third parties for education, training, employment and well-being related purposes, including research. This will only take place where the law allows it and the sharing complies with data protection legislation. You may be contacted after you have completed your programme of learning to establish whether you have entered employment or gone onto further training.

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.

### **What You Agree to on Enrolment**

The following details the agreement that you will sign on enrolment to a course.

I agree to IWC processing personal data contained in this form, or other data, which IWC may obtain from me or other people. I agree to the processing of such data for any purpose connected with my studies, or my health and safety whilst on the college premises, a work placement premises or for any other legitimate reason. I confirm that the information I have given is true and accurate to the best of my knowledge. A Learning Agreement will be completed with you once you start, please sign in pen or verify with an electronic signature if enrolling online.

The student signature is required to enable ESFA funding to be claimed, where applicable. It also serves to demonstrate that you have read and understood the following conditions: -

I confirm I have been made aware of and agree to the College Data Protection Privacy Notice (<https://iwcollege.ac.uk/information/policies-legal/>) and on those terms the processing of my personal data contained in this form, or other data, which the College may obtain from me or other organisations. I agree for my information to be kept and shared with third parties for education, training, employment and well-being related purposes, including research. This will only occur where the law allows it, and any sharing complies with the relevant data protection legislation.

Understand the cost of my course, that I am liable for these costs and understand the methods of payment available.

Understand that, in the case of Advanced Learning Loans, IWC reserves the right to recover any losses in fee income if I withdraw from my programme. This may be the balance of the equivalent loan value. Where a loan is yet to be approved, the invoice will be held as a debt against me and by signing I agree that the fee is my financial liability until the loan is fully approved. If, after eight weeks from the start of my course, IWC still have not had confirmation of loan approval, IWC will review my place on the course and future attendance may be dependent on the agreement of an instalment plan.

Understand IWC accepts no liability for any additional costs I may incur as a result of undertaking this course of study.

Accept that the information, advice and guidance I have received, in relation to my course, adequately covers:

- The implications of doing my course
- the entry requirements for my course
- a check that the course is suitable for my requirements
- a check to see whether I require any additional support (practical, tutor or financial)

Accept that the IWC reserves the right to pass my debt to a debt collection agency (this may affect my credit rating and I may incur additional costs).

Accept that this Learning Agreement forms part of the contractual agreement between myself and IWC.

Authorise IWC to provide appropriate information to my parent(s)/ guardian(s)/or nominated person on progress and attendance on courses for which I have enrolled or to my emergency contact in the event of any cause for concern or medical emergency.

I understand that I can alter or withdraw the details that I have provided giving permission for my parent(s)/guardian(s)/or nominated person to be contacted regarding my progression and attendance at any time by contacting [smischanges@iwcollege.ac.uk](mailto:smischanges@iwcollege.ac.uk).

I understand it is important for IWC to have up-to-date student records, as the IWC will continue to assume consent where given on enrolment and that information held in the form is accurate. I agree to inform IWC by contacting [smischanges@iwcollege.ac.uk](mailto:smischanges@iwcollege.ac.uk) or a relevant staff member if my address, telephone number or other details change.

I understand that courses may be cancelled or re-scheduled if the required minimum enrolment numbers are not reached and that although information is correct at the time it is given, circumstances can lead to changes.

I undertake to conform to the Regulations of the IWC. If tuition fees are not paid at enrolment, I agree to be invoiced.

I understand that IWC may contact other FE or HE Institutions to check previous learning or on completion of my course, to confirm my progression route.

At no time will your personal information be passed to organisations for marketing or sales purposes. From time to time students are approached to take part in surveys by mail and phone, which are aimed at enabling the ESFA and their partners to monitor performance, improve quality and plan future provision. IWC, the ESFA or its partners may wish to contact you from time to time about courses, or learning opportunities relevant to you.

I authorise the IWC to use my image for the purposes of identification and safeguarding. This could be in printed form as a photograph or student card.

## **Contact Us**

If you have any questions or comments regarding this document, please feel free to contact the Data Protection Officer at IWC.

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