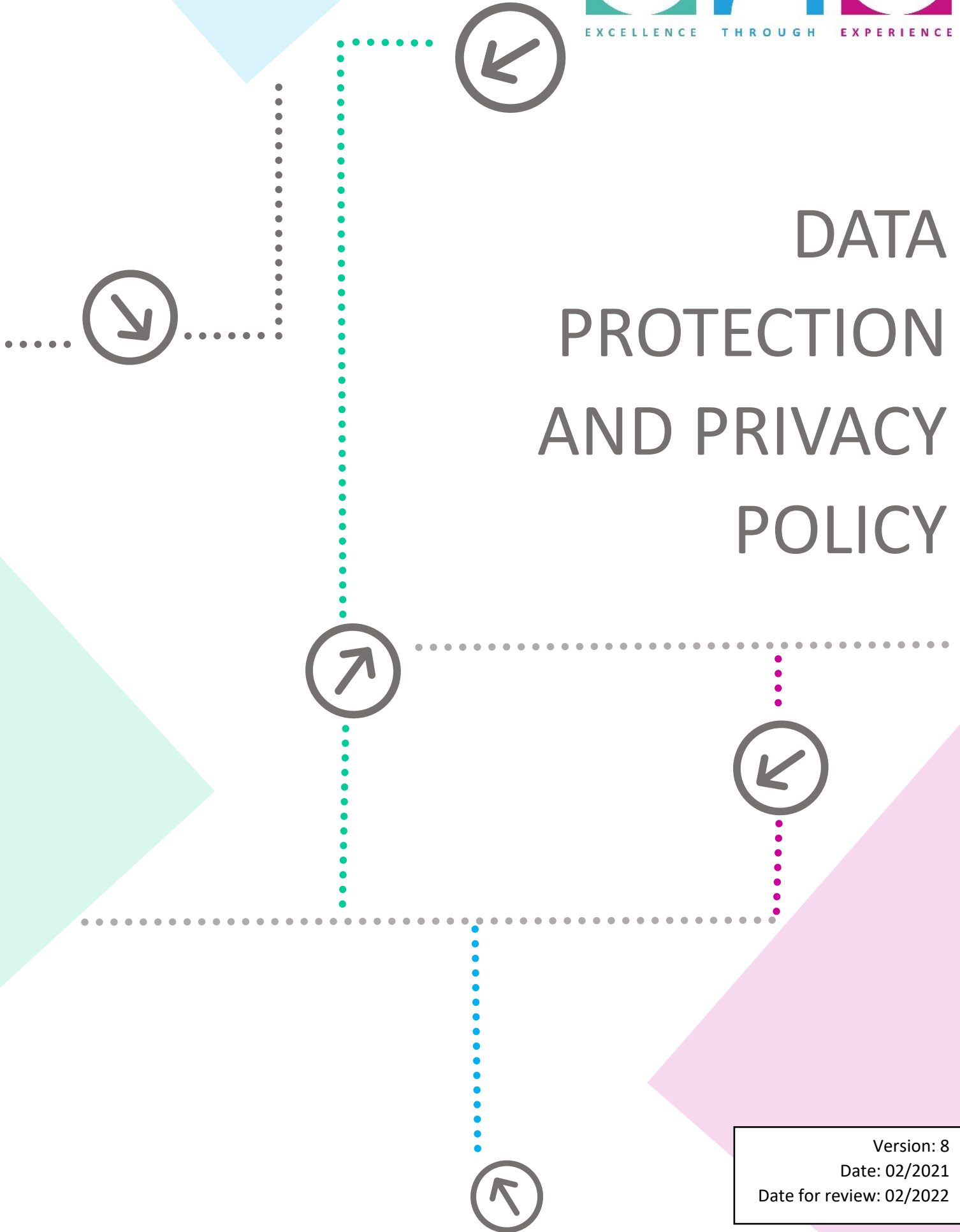


# DATA PROTECTION AND PRIVACY POLICY



## PRIVACY POLICY STATEMENT

C2C Training Limited (C2C) takes privacy very seriously and we ask that you read this Privacy Policy carefully as it contains important information about what to expect when C2C collects personal information, and how we will use this personal data. This policy is in place to ensure that C2C and those outside of C2C are aware of their rights and responsibilities under data protection laws.

Protecting the confidentiality and integrity of personal data is a key responsibility of everyone within C2C and as such we are obliged to comply with this policy at all times to minimise the potential risk of damage and distress to Individuals (Data Subjects) and also the risk of penalties, fines, legal action and reputational damage to our organisation.

All those within C2C must comply with this policy and will ensure that they will:

- ✓ Keep confidential all personal data that they collect, store, use and come into contact with during the performance of their duties.
- ✓ Not release or disclose any personal data to anyone not authorised to access the personal data internally or outside of C2C (this includes phone calls and emails).
- ✓ Take all steps to ensure there is no unauthorised access to personal data whether by those who are not authorised to see such personal data or by people outside the organisation.

## DEFINITIONS AND KEY TERMS

### PERSONAL DATA

“*Personal Data*” is defined under the GDPR as any information relating to an identifiable person (data subject) who can be directly or indirectly identified in particular by reference to an identifier. This definition provides for a wide range of personal identifiers to constitute personal data, including name, identification number, location data or online identifier, reflecting changes in technology and the way organisations collect information about people.

### SENSITIVE DATA

Article 9 of the GDPR refers to sensitive personal data as “special categories of personal data”, this data is classified as more sensitive and so needs more protection. For example, information about an individual’s:

- Race
- Ethnic origin
- Politics
- Religion
- Trade Union membership
- Genetics
- Biometrics (where used for ID purposes)
- Health
- Sexual Orientation

Personal data relating to criminal convictions and offences are not included, but similar extra safeguards apply to its processing - Article 10 of the GDPR. To process data about criminal convictions or offences, you must have both a lawful basis (Article 6) and either legal authority or official authority for the process under Article 10.

## DATA CONTROLLER

Is a person who (either alone or jointly or in common with other persons) determines the purposes for which and the manner in which any personal data are, or are to be processed

## DATA PROCESSOR

In relation to personal data, means any person (other than an employee of the data controller) who processes the data on behalf of the data controller

## DATA PROTECTION LEAD

C2C have an appointed Data Protection Lead to implement our privacy policy and procedures.

## **LAWFUL BASES FOR PROCESSING PERSONAL INFORMATION**

Data will be:

- ✓ Processed lawfully and fairly. It will not be provided to any 3<sup>rd</sup> party that is not involved in the 'learning process'.
- ✓ Collected for a specified purpose, explicit and legitimate purpose and not further processed in a manner that is incompatible with those purposes. Personal data must not be collected for one reason and then processed for another unless we have informed the individual.
- ✓ Adequate, relevant and limited to what is necessary. Personal data collected must be necessary for the purposes for which it is being processed and not be collected "just in case" and forms that are used to collect data will be reviewed to determine whether any sections can be made optional.
- ✓ Accurate and kept up-to-date, meaning that every reasonable step must be taken to ensure that personal data that is inaccurate is erased or rectified as soon as possible and understanding the purpose for which personal data has been collected and is being used and ensuring that irrelevant personal data is not collected. This is known as data minimisation.
- ✓ Checks are carried out on a regular basis to ensure that the data held is accurate. If the data is inaccurate or has changed, C2C will take steps to make sure that it is erased or rectified.
- ✓ Kept for no longer than is necessary for the purposes for which it is being processed We should not keep personal data for longer than it is needed. This is not a "one size fits all" basis and when personal data is no longer needed, it should be securely deleted/destroyed in accordance with retention periods outlined in the Information and Records Management Policy. Some records relating to former students or employees may be kept for an extended period for legal reasons, but also to enable the provision of references or academic transcripts.
- ✓ Processed in a manner that ensures appropriate security of the personal data. It is a requirement of GDPR that appropriate technical and organisational security measures are used, monitored, controlled and audited to protect against unauthorised processing, accidental loss, destruction or damage of personal data. We take security very seriously and have in place policies, procedures and technologies to maintain the security of personal data.

## PROCESSING PERSONAL DATA

GDPR requires us to rely on one or more lawful bases to process personal data and we consider the bases listed below to be relevant:

### LEGITIMATE INTERESTS

We process personal data mainly where there is legitimate interest in us doing so, particularly if it is reasonably necessary to achieve our, or others' legitimate interests (as long as the process is fair, balanced and does not unduly impact on the rights of the data subject).

"Legitimate interests" means our interest in conducting and managing our business functions as a further education and commercial training provider. Our training and education services are funded either by employers, individuals the ESFA, or 3<sup>rd</sup> party sub-contractors, and as such our business functions must also comply with their requirements for processing and managing personal data to effectively access, facilitate and manage good quality learning opportunities.

### LEGAL OBLIGATION

We process some personal data where we have a legal obligation to do so; this is usually to meet our duty as an employer or where we are accessing government funding for the purposes of delivering training. Certain business functions require that we report financial records to HMRC that will inevitably include details of employees and related costs.

C2C are also regulated by qualification regulatory bodies, such as the SIA, who require personal data access to carry out their functions in relation to administering qualifications and registering associated licenses to practice.

### CONTRACT

We process some of the personal data we collect based on a contract drawn up on behalf of: the ESFA (and DoE), any 3<sup>rd</sup> party sub-contracting partner, the learner and C2C Training Ltd. This is primarily to deliver a set programme of learning and to meet the requirements of funding bodies and awarding organisations.

### VITAL INTERESTS

Although unlikely, we acknowledge that we may, from time to time, process and share personal data for the purpose of protecting someone's welfare. This falls under our employer, safeguarding and prevent obligations and includes employees, learner and disclosure to external agencies.

### CONSENT

Where our processing does not fall into the above categories we will seek explicit consent from the data subject to process their personal data for a specific purpose. Any enquiries received regarding our services (via our website, by email, over the phone or face to face) will be dealt with fairly and proportionately in response to the data subject's enquiry.

## **WHAT PERSONAL INFORMATION MAY WE COLLECT**

We collect and process a wide range of personal information through the course of our business operations: where the law allows it, if we have a legal obligation to do so, or because we have a legitimate business interest to carry out our functions as a training provider and employer.

The information we collect, and process may include (but is not limited to) the following "*personal information*":

- Name & Address
- DOB & NI number
- Telephone number and email address

- Employment history
- Passport or other ID numbers
- Evidence of nationality, immigration or residency status
- Car registration and driving license details
- Next of kin contact details
- Bank details
- Unique learner numbers
- Benefit status
- Photos and videos
- Tutor ID numbers
- Prior and current employment details
- Prior qualifications and educational information

The information we collect may include the following “*sensitive personal information*”:

- Race
- Ethnicity
- Legal gender
- Religion
- Health & disability information

Other personal information that we may collect:

- Criminal convictions and offences (covered under Article 10 of the GDPR) – for the purpose of assessing suitability to work with learners and for completing risk assessments prior to delivery of training.

## HOW WE COLLECT YOUR PERSONAL INFORMATION

Personal information is collected in the following ways, both directly from individuals (i.e. the “*data subject*”) and indirectly from authorised 3<sup>rd</sup> parties:

- Face to face
- Over the telephone
- Via our online enquiry form
- Via email

Through partner organisations such as:

- The Job Centre
- The DfE
- The Learner Record Service
- Your employer
- Awarding Bodies
- Regulatory Bodies (Such as Security Industry Authority - SIA)

## HOW WE USE PERSONAL INFORMATION

### PERSONAL INFORMATION

We may process any of the “*personal information*” identified in this policy, where necessary, for the purposes of:

- ✓ Administering our legal obligations as an employer
- ✓ Legitimate business functions including (but not limited to) invoicing and responding to enquiries
- ✓ To employ a fair recruitment and selection process

- ✓ To validate employment history and experience
- ✓ Monitoring and managing work performance
- ✓ Processing payroll and expenses
- ✓ Monitoring and reporting workforce data as required by any contracts we hold
- ✓ Complying with regulatory bodies
- ✓ Planning and delivering individualised training for our funded and commercial learners
- ✓ Identifying support needs (staff and learners)

#### SPECIAL CATEGORY INFORMATION

We may process any of the “*special category information*” identified in this policy, where necessary, for the purposes of:

- ✓ Assessing suitability to perform work-related tasks
- ✓ Identifying reasonable adjustments for the work environment
- ✓ Identifying support needs (employees and learners)

#### CRIMINAL CONVICTION AND OFFENCES INFORMATION

We may process any of the “*criminal conviction and offences information*” identified in this policy, where necessary, for the purposes of:

- ✓ Completing DBS checks to confirm suitability of employees to work with vulnerable adults
- ✓ To meet our obligations to safeguard employees and vulnerable adults

#### **SHARING PERSONAL INFORMATION**

Through the course of our business functions there will be occasions when it is necessary to share personal information with partner organisations or other people in so far as is reasonably necessary for the purposes, and on the legal bases, set out in this policy.

Depending upon your qualification, we *may* share personal data with:

- The Job Centre
- The Department for Work and Pensions
- The DfE
- The Learner Record Service
- Your employer
- Awarding Bodies
- Regulatory Bodies (Such as the Security Industry Authority - SIA)
- Institute for Apprenticeships
- The Education and Training Foundation (Sir Data Insights)
- Sub-contracting partners (funding)
- Police or other law enforcement or investigatory institutions
- Professional bodies (e.g. solicitors, GP’s or child protection agencies)
- External auditors
- Ofsted
- HM Revenue and Customs
- Protocol Education (online DBS checking service)

We may also share your personal information with qualification awarding bodies, such as: HABC, iCQ and IQ, our insurers and external auditors for the purpose of training, compliance and quality.

## **SHARING YOUR PERSONAL INFORMATION OUTSIDE THE EEA**

Since our registered office and customer base is not located outside of the UK, we have no reason to transfer your information outside the European Economic Area (EEA). Where we use third party IT services (e.g. cloud-based software) we shall ensure wherever possible that their data centres are either within the EEA, or that there are lawful safeguards in place to protect your information to the same standard as if it were held in the EEA.

Our main systems service provider is Microsoft Office 365; the following link confirms their storage locations for UK data is within the EEA:

<https://products.office.com/en-GB/where-is-your-data-located?ms.officeurl=datamaps&geo=UnitedKingdom#UnitedKingdom>

## **HOW WE PROTECT YOUR INFORMATION**

We take the security of personal information seriously and have controls in place to ensure it is not lost, accidentally destroyed, misused or accessed, except by our authorised employees to enable them to perform their duties.

## **RETENTION OF PERSONAL INFORMATION**

The length of time that we retain personal information varies dependant on the type of information but is always the minimum we are required to do so by law, or as stated in our own internal policies.

## **RECRUITMENT AND SELECTION**

For the purpose of recruitment and selection, our policy is to retain information from unsuccessful applicants for up to 1 month, this is to facilitate future vacancy matching and to investigate any discrimination challenges. After this duration, information is then securely destroyed.

## **LEARNER DATA**

Personal details will usually include (but may not be limited to) a learner's name, date of birth, gender, telephone number and qualification awarded.

For certain qualifications, such as those within the security industry, data held will include photo images and signatures in line with the Security Industry Authority's ("SIA") requirements.

In line with regulatory requirements and requirements to deliver future services such as certificate re-prints and the confirmation of awards, basic learner-level data will be held by indefinitely.

Information processed and retained as part of a learner's qualification, such as their portfolio, will be held for a maximum of 24 months. At the annual quality visit or inspection, the portfolio maybe accessed by external quality assurers and auditors, and then destroyed or deleted within 14 working days of the visit.

Under the ESF funding rules, evidence relating to the services linked to the ESF contract of the learner, may be audited by up to 31<sup>st</sup> December 2030. Therefore, we may retain evidence of the necessary enrolment and funding documentation, to comply with the following rules:

<https://www.gov.uk/government/publications/record-keeping-and-retention-guidance-for-fe-training-providers/record-keeping-and-retention-information-for-training-providers>

## YOUR PERSONAL INFORMATION RIGHTS

Unless subject to an exemption, individuals have the following rights with regards to the personal information we process:

- ✓ The right to request a copy of the personal information that we hold on you as an individual (see Personal information request form)
- ✓ The right to request that we correct any mistakes in the personal information we hold on you
- ✓ The right to request your personal information is erased, where we are no longer required to retain it
- ✓ The right to request we transfer ('Port') your personal information to another provider
- ✓ The right to object to or request a restriction on processing your personal information. Only applicable under certain circumstances

## HOW TO REQUEST YOUR INFORMATION OR REQUEST A CORRECTION/ERASURE

You have the right to request access to some, or (in some circumstances) all of the information that we hold relating to you. You also have the right to ask us to correct any information we hold relating to you, or request that your personal information is erased (the 'right to be forgotten') in certain circumstances.

All requests relating to your personal information should be made using the 'Personal information request form' (*Appendix 1*). Provided we have all the necessary information to process your request, you will receive a response email/post within 30 days of receipt of your request.

## FURTHER INFORMATION

Any queries or questions relating to our use of personal information, should be directed to Data Protection Lead at the following address: **Melanie HORAK – Director**, C2C Training Ltd, Derwent Business Centre, Clarke Street, Derby, DE1 2BU, 01332 987090, [mmachin@c2ctrainingltd.com](mailto:mmachin@c2ctrainingltd.com).

We are confident that our Data Protection Lead, **Melanie Horak**, can resolve any query or concern you raise about our use of your personal information. However, if we're unable to resolve your concerns, you can contact the Information Commissioner directly at: <https://ico.org.uk/concerns/> Or you can call them on: 0330 123 1113





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## APPENDIX 1 PERSONAL INFORMATION REQUEST FORM

Please email your completed form and identification to: [mmachin@c2ctrainingltd.com](mailto:mmachin@c2ctrainingltd.com) or you can post your request form to: **C2C Training Ltd, The Derwent Business Centre, Clarke Street, Derby, DE1 2BU.**

Provided we have all the necessary information to process your request, you will normally receive a response email/post within 30 days of receipt of your request. We may refuse your request if it is considered manifestly unfounded or excessive.

PERSONAL DETAILS	
Full Name	
Address	
Postcode	
Contact telephone no.	
Contact email address	
ARE YOU THE DATA SUBJECT? Please tick one:	
YES <input type="checkbox"/>	Please provide a copy of proof of ID (such as copy of passport or driving licence – do not send originals). ID is returned when your request has been processed. If you are requesting for information to be sent to you via post we will also require proof of address (such as an original bank statement, utility bill or similar).
NO <input type="checkbox"/>	If you are acting on behalf of the data subject, complete this form and provide us with their written authority and include the ID requirements listed in the box above. Please note that we may take further steps to confirm that their authority has been freely given.
WHAT YOU ARE ENTITLED TO:	
You are entitled to know if we are using or storing your personal information and can request a copy of the personal information that we hold about you in line with Article 15 of the EU General Data Protection Regulation. The process may take up to a month and we reserve the right to provide information in electronic formats.	
Please describe as precisely as possible the information you seek, together with any additional information which will help us to locate it:	
I certify that the information given on this application form is true and accurate, and accept the terms laid out. I understand that it is necessary for C2C Training Ltd to confirm my/the Data Subject's identity and it may be necessary for them to obtain more detailed information in order to locate the correct personal information. I understand that the response period of one month, stipulated in the EU General Data Protection Regulation will not commence until C2C Training Ltd is satisfied in this regard and has received the ID requirements stipulated on this form.	
Signature	
Date	