



Weston College **Group**

Privacy Notice for Learners & Parents

Privacy Notice for Learners & Parents

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Change Control

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Name and title of policy holder:	Matt Beaver – Head of IT
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Version	Type	Date	History
1.0	New	10/12/2020	N/a – new policy
2.0	Replacement	05/11/2021	Replacement policy – includes format changes in response to our Y2 DPO Compliance Report from Nov 2020 – includes minor mods to the reflect the change of DPO and changing “GDPR” to “UK-GDPR”
2.1	Review	17/10/2022	Revised some wording to align with the Governments suggested privacy notice text

Privacy Notice for Learners & Parents

1 PURPOSE

- 1.1 Individuals have a legal right to be informed about how we use their personal information. This Privacy Notice explains how we collect, store and use personal information. It is intended for Learners and parents (including carers or guardians who we refer to in this privacy notice as 'parents') and we encourage all to read it.
- 1.2 We aim to always provide clear information about the personal information we are using and why we are using it. We have tried to keep the language in this privacy notice as simple as possible, however, if anything is unclear or if you have any concerns then please contact data.protection@weston.ac.uk.
- 1.3 Whilst much of the personal information that we collect is mandatory (i.e. it must be provided so that we can manage the college, fulfil our legal obligations and provide an education), some of it is requested on a voluntary basis. Where this is the case, we will request consent at the point we collect the information. We will explain to you whether there is a requirement to provide certain information to us, or whether you have a choice in doing so.
- 1.4 For the purposes of data protection law, Weston College Group is the 'data controller'. Our Data Protection Officer is Dr Darran George, contact details are provided at the end of this privacy notice.

2 SCOPE

- 2.1 This is Weston College Groups main 'overarching' privacy notice and it applies generally to the personal information that we collect and use. It is based on the model privacy notice produced for schools & colleges by the Department for Education (DfE). Unless there is a lawful reason not to do so, we will also provide more specific privacy information at the point at which we collect or use personal information, for example, if we collect personal data via an online or paper form.

3 PERSONAL INFORMATION WE HOLD

- 3.1 We process personal information to be able to run Weston College Group, to provide learners with an education and to make sure that we can look after our learners appropriately. We may collect information directly from learners or parents or other places including schools, the local council and the Department for Education (DfE). Examples of the types of personal data that we may collect, use, store and share (when appropriate) are listed in **Appendix 1**.

4 LAWFUL REASONS FOR PROCESSING

- 4.1 Data Protection law requires us to have a lawful reason ('lawful basis') for processing the personal data we use. These reasons are listed under Article 6 of the 'UK General Data Protection Regulation' (UK-GDPR). Our lawful basis for processing will be explained at the point at which we collect personal information unless there is a lawful reason not to do so (for example where it is for the prevention or detection of crime).
- 4.2 Weston College Group processes a wide range of personal data for a variety of purposes, as described above. The lawful bases we rely on will therefore vary. However, generally, the lawful bases we mainly use concerning Learners and parents are:
- 4.3 We need to comply with the law (we have a legal obligation):
 - For example, we collect and use pupil information under legal and statutory obligations within the
 - Education Act 1996
 - The Children Act 2004
 - Education and Inspections Act 2006
 - Education Act 2011
 - the Family and Children Act 2014
 - Keeping Children Safe in Education (KCSIE)

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- 4.4 We need to carry out a task in the public interest:
For example, the collection and use of learner information is necessary for us to perform our role as a College and to deliver our public task of providing education to our learners.
- 4.5 You have given us your consent
For example, a photo of you for promotional purposes or our website.
- 4.6 We need to protect your vital interests (or someone else's interests).
This relates to life and death situations.
- 4.7 It is in our or a third party's legitimate business interests to process the data.
Where this is the case, we will ensure that we have considered whether our legitimate interests are overridden by your rights and freedoms as the learner or parent.
- 4.8 Where you have provided us with consent to use your data, you may withdraw this consent at any time. We will make this clear when requesting your consent and explain how you go about withdrawing consent if you wish to do so. We will then cease this aspect of processing.
- 4.9 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 data. Other lawful bases may apply, and this will be made clear wherever possible.
- 4.10 Our lawful basis for processing will be explained at the point at which we collect personal information unless there is a lawful reason not to do so (for example where it is for the prevention or detection of crime).

Lawful Basis for Communicating with you

- 4.11 Weston College Group may use the contact details you provide to communicate with you and other contacts via a range of platforms including post, email, phone, SMS, messaging services & social media. These communications will be done using the following lawful basis
- 4.11.1 Public Task – Messages relating to the health and safety or safeguarding of learners and staff will be sent to you and/or your Emergency Contact using the lawful basis of Public Task.
- This is to ensure we comply with the statutory guidance for schools and colleges on safeguarding which includes the Keeping Children Safe in Education guidance, Working Together to SafeGuarding Children 2015 & Statutory Guidance to the Care Act
- 4.11.2 Legitimate Interest – Messages directly related to courses you are enrolled on or exams you are taking will be sent to you (and your parent/carer contact if you are under 19 at the time of enrolment (31 August)) using the lawful basis of Legitimate Interest.
- We do this to keep learners/parents/carers informed of important information to maximise the learners course/qualification outcomes.
- 4.11.3 Consent – Marketing messages will only be sent to you if you have provided your consent to receive them, you may remove this consent at any point.
- 4.12 Weston College Group will also use internal messaging systems for example student email, teams & pro portal to communicate with you

5 SPECIAL CATEGORY (SENSITIVE) PERSONAL INFORMATION

- 5.1 We may also collect, store, and use information about you that falls into "special categories" of more sensitive personal data which has extra protection in law and requires us to identify a condition for processing under Article 9 of the UK-GDPR.
- 5.2 Special category data is personal data revealing:

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- racial or ethnic origin
- political opinions
- religious or philosophical beliefs
- trade union membership
- genetic data
- biometric data to uniquely identify a natural person (for example fingerprints)
- data concerning health; or
- data concerning a natural person's sex life or sexual orientation

5.3 The Article 9 grounds which we may rely on to process special category data include:

- Legal obligation
- Substantial public interest including:
 - Statutory and government purposes
 - Equality of opportunity or treatment
 - Preventing and detecting unlawful acts
 - Preventing fraud
 - Public Health
 - Safeguarding
- Support for individuals with a particular disability or medical condition
- Explicit consent, for example to the use of biometric data, eg fingerprints.
- To maintain your vital interests

5.4 Please refer to our special category of data policy which forms part of our data protection policy for further information.

6 CRIMINAL CONVICTIONS

6.1 We may process data about criminal convictions or offences. This will usually be where such processing is necessary to carry out our obligations, to exercise our rights, to look after our learners and staff or to support the police and other relevant agencies.

6.2 We will only use information about criminal convictions or offences where the law allows us to.

6.3 Usually, this will either be based on our legal obligations concerning safeguarding, preventing fraud, health and safety or with your consent. We also need to identify the relevant condition for the processing, this will usually be substantial public interest.

7 COLLECTING PERSONAL INFORMATION

7.1 The reasons that we collect and use personal information enable us to provide our learners with an education and to help us run the college. Please refer to **Appendix 2** for examples.

7.2 We collect and use information about you in a variety of ways including through the college's application and admissions process, from correspondence with you and through assessing learners' educational progress. How we collect information about you may also include methods as outlined in **Appendix 3**.

7.3 We may also collect information about you from third parties such as information from schools or other third parties engaging with you outside the college

8 SHARING PERSONAL INFORMATION

8.1 Information about learners and parents will not be shared with any third party without consent unless the law allows us to do so.

8.2 The Department for Education (DfE) collects personal data from educational settings and local authorities via various statutory data collections. We are required to share information about our pupils with the Department

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for Education (DfE) either directly or via our local authority for the purpose of those data collections. All data is transferred securely and held by the Department for Education (DfE) under a combination of software and hardware controls, which meet the current

- 8.3 To find out more about the data collection requirements that are placed upon us by the DfE including the data that we share with them go to: <http://esfahelp.education.gov.uk>
- 8.4 Where the College is providing the Services to Learners claiming out of work benefits, the Secretary of State for Work and Pensions (or their successor) is the Data Controller in relation to Personal Data which the College is required to provide to the Secretary of State for Work and Pensions. This Clause 20 will be enforceable by the Secretary of State for Work and Pensions in relation to any Personal Data processed by the College on its behalf.
- 8.5 Where the College is providing the Service to Learners who are subject to active management by the Offender Manager in respect of an order or licence, the Secretary of State for Justice (or their successor) is the Data Controller in relation to Personal Data, which the College is required to provide to the Secretary of State for Education.
- 8.6 Where the College is providing the Services to Learners who are subject to claiming Industrial Injuries Disablement Benefit (IIDB), the Department for Work and Pensions (or their successor) is the Data Controller in relation to Personal Data, which the College is required to provide to the Secretary of State for Education. This Clause 20 will be enforceable by the Secretary of State for Work and Pensions in relation to any Personal Data processed by the College on its behalf.
- 8.7 Parents may have access to and be included in communication about learners progress for all learners who are under 19 years old at the start of the academic year (on the 31st August) & all learners learners who have an Educational Health Care Plan (EHCP)
- 8.8 As a condition of our registration Weston College Group is required to share HE Learner data with a number of third party companies for statistical and research analysis.
- 8.9 We do not use data for profiling, and only for marketing if you have opted in e.g. to our newsletter.
- 8.10 Further examples of with whom we share data are listed in **Appendix 4**

9 STORING PERSONAL INFORMATION

- 9.1 Personal data is stored in line with our Information Security Management System, Information Security Policy & IT Security Policy in a range of different places including within Weston College IT systems, within Weston College Office 365 tenancy and other Weston College cloud-based systems.
- 9.2 The information that we create and maintain is kept secure. Once a pupil's education with us has ended, we may retain such information beyond their attendance at the college as deemed necessary and in line with our retention policies.

10 INTERNATIONAL TRANSFER OF PERSONAL INFORMATION

- 10.1 Where we transfer personal data to a country or territory outside the UK and European Economic Area, we will do so following data protection law and ensure that we have sufficient safeguards in place.

11 REQUESTING ACCESS TO YOUR PERSONAL INFORMATION

- 11.1 Individuals have the right to request access to information about them that we hold. This is known as making a 'Subject Access Request' (SAR). If you make a subject access request, and if we hold information about you, we will:
- Give you a description of it
 - Tell you why we are holding and processing it, and how long we will keep it for

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- Explain where we got it from, if not from you
- Tell you who it has been, or will be, shared with
- Let you know whether any automated decision-making is being applied to the data and any consequences of this
- Give you a copy of the information in an intelligible form within a month, unless an extension is necessary on the ground of the complexity of the request

11.2 Those with parental responsibility can submit a request concerning their child's data where the child is not considered mature enough to understand their rights over their own data (a benchmark may be under the age of 12 however this will be judged by the college on a case by case basis), or where the child has provided consent and it is considered to be in the best interests of the child.

11.3 Parents have the right to make a subject access request concerning personal data the college holds about themselves. If you would like to make a request please contact data.protection@weston.ac.uk.

12 OTHER RIGHTS

12.1 Under data protection law, individuals have certain rights regarding how their personal data is used and kept safe. You have the right to:

- to ask us for access to information about you that we hold
- to have your personal data rectified, if it is inaccurate or incomplete
- to request the deletion or removal of personal data where there is no compelling reason for its continued processing
- to restrict our processing of your personal data (i.e. permitting its storage but no further processing)
- to object to direct marketing (including profiling) and processing for the purposes of scientific/historical research and statistics
- not to be subject to decisions based purely on automated processing where it produces a legal or similarly significant effect on you

12.2 If you have a concern or complaint about the way we are collecting or using your personal data, you should raise your concern with us in the first instance or directly to the Information Commissioner's Office at <https://ico.org.uk/concerns/>

12.3 For further information on how to request access to personal information held centrally by the Department for Education (DfE), please see the 'How Government uses your data' section of this notice.

13 CONTACTS & COMPLAINTS

13.1 We take any complaints about our collection and use of personal information very seriously.

13.2 If you have any questions, concerns or would like more information about anything mentioned in this privacy notice, please use the contact details below to let us know

13.3 If you think that our collection or use of personal information is unfair, misleading or inappropriate, or have any other concerns about our data processing, please use the contact information below

Address : Dr Darran George
Data Protection Officer
Weston College
Knightstone Campus
Weston-super-Mare
BS23 2AL

Email : data.protection@weston.ac.uk
Telephone : 01934 411411

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13.4 You can also complain to the ICO if you are unhappy with how we have used your data, but they would generally expect you to have raised the issue with us first. The ICO's address:

Address : Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Telephone : 0303 123 1113

ICO website : <https://www.ico.org.uk>

14 DEFINITIONS

- 14.1 **Processing** - Anything was done to personal data, such as collecting, recording, organising, structuring, storing, adapting, altering, retrieving, using, disseminating, erasing or destroying. Processing can be automated or manual.
- 14.2 **Data subject** - The identified or identifiable (living) individual whose personal data is held or processed.
- 14.3 **Data controller** - A person or organisation that determines the purposes and the means of the processing of personal data.
- 14.4 **Data processor** - A person or other body, other than an employee of the data controller, who processes personal data on behalf of the data controller.
- 14.5 **Personal data breach** - A breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to personal data.
- 14.6 **DPA:** - Data Protection Act 2018 – Law that controls how your personal information is used by organisations, businesses or the government
- 14.7 **UK-GDPR:** - UK General Data Protection Regulation 2018 - a legal framework that sets guidelines for the collection and processing of personal information from individuals who live in the UK and the European Union (EU)
- 14.8 **ICO:** - Information Commissioner Office - The ICO is the UK's independent body set up to uphold information rights. Find out more about our organisation and structure.
- 14.9 **SAR:** - Subject Access Request – Individuals have the right to request a copy of any information
- 14.10 **Multi-Factor Authentication (MFA):** A code sent to mobile by SMS message or via an App which is required to login as well as your password
- 14.11 **User Account:** Username & Password used to login to the Weston College Group network
- 14.12 **Users:** Enrolled students, members of staff and associates

15 COMPLIANCE MONITORING & REVIEW

- 15.1 This document will be reviewed annually by the Weston College Group's Data Privacy Management Group (DPMG)
- 15.2 The Weston College Group's Data Privacy Management Group (DPMG) is responsible for the management of this document reporting to the College Leadership Board & the Governing Body.

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

16 RELATED LEGISLATION AND DOCUMENTS

16.1 Legislation

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

16.2 WCG Policies:

- Freedom of Information Policy
- Information Security Policy
- Record of Processing Activities (RoPA)
- WCG Data Protection Policy

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APPENDIX 1 – Examples of Personal Data We Collect

- Personal identifiers and contacts (such as name, unique pupil number, contact details and address).
- Characteristics (such as ethnicity, language, and free meal eligibility).
- Safeguarding information (such as court orders and professional involvement).
- Special educational needs (including the needs and ranking).
- Medical conditions (such as doctor information, child health, dental health, allergies, medication and dietary requirements).
- Attendance record (such as sessions attended, number of absences, absence reasons and any previous schools attended).
- Test results, assessment and attainments
- Behavioural information (such as exclusions and any relevant alternative provision put in place).
- Photographs and CCTV
- We may use online platforms to deliver lessons remotely, if we intend to record the lesson we will let you know

This list is not exhaustive. To access further details of the categories of personal information we process, please contact data.protection@weston.ac.uk.

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APPENDIX 2 – Examples of The Purposes We Process Personal Data

- To meet the statutory and regulatory duties placed upon us.
- To apply for and manage your course/apprenticeship application and enrolment
- To apply for and manage bursary or financial assistance
- To apply for and manage exams, tests and assessments
- To apply for and manage work placements
- To manage Additional Learner Support (ALS) requirements
- To support learning
- To monitor and report on your progress and check whether any extra help is needed.
- To communicate with you and or your parents with information relating to your programme of study
- To look after the wellbeing of learners, staff & visitors.
- To investigate and manage complaints & disciplinary processes
- To promote Weston College Group products, services and reputation
- To keep track of how well we're performing and assess the quality of our services.
- To provide and manage access to learning resources (including IT access)
- To take payment and manage the delivery of goods, services and events
- To arrange and manage trips and events
- To audit the quality standards & validate financial claims made by the Weston College Group

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APPENDIX 3 – Examples of How We Collect Personal Information

We collect and use information about you in a variety of ways including through the college application and admissions process, from correspondence with you and through assessing Learners educational progress. How we collect information about you may also include:

- Application / Enrolment forms
- Other education partners
- Your employer
- Examination bodies
- The Government's Learning Records Service (LRS) / Personal Learning Record (PLR)
- Local Authority
- Attendance registers
- Tutorials
- Submissions of work
- NHS, Welfare support agencies and charities
- The Police and multi-agency organisations
- Computer logs
- CCTV

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APPENDIX 4 – Examples of Who We Share Your Data With

- The Department for Education (DfE).
- Education Skills Funding Agency (ESFA)
- West of England Works (WoEW)
- National Lottery Community Fund (NLCF)
- Office for Students (OFS)
- Other education partners
- Your employer
- Examination, testing & accreditation organisations
- Local Authority
- Border Agencies
- Your family and or representatives
- Contractors, suppliers and service providers (when your information is required to deliver a service)
- Cloud system service providers
- OFSTED, inspection teams and auditors
- NHS, Welfare support agencies and charities
- The Police and multi-agency organisations
- Health & Safety Executive (HSE)
- Environmental Health
- Survey and research organisations.
- Security organisations.
- Health and social welfare organisations.
- Travel & accommodation organisations
- Professional advisers and consultants.
- Police forces, courts, tribunals.
- Insurance, legal advisors
- Counsellors/Educational Psychologists as and when appropriate.
- Charities and voluntary organisations.
- Professional bodies.
- Governing body
- Marketing and PR agencies and publications including social media