

## Data Protection (GDPR) Policy

### 1. Policy Statement

Accrington and Rossendale College is committed to protecting the rights and privacy of individuals, including learners, staff and others, in accordance with the General Data Protection Regulation (GDPR) May 2018.

The new regulatory environment demands higher transparency and accountability in how colleges manage and use personal data. It also accords new and stronger rights for individuals to understand and control that use. The GDPR contains provisions that the college will need to be aware of as a data controller, including provisions intended to enhance the protection of individual's personal data.

Accrington and Rossendale College need to process certain information about its staff, students, parents and guardians and other individuals with whom it has a relationship for various purposes such as, but not limited to:

- Student enrolment.
- The recruitment and payment of staff.
- The administration of programmes of study and courses.
- Examinations and external accreditation.
- Recording student progress, attendance and conduct.
- Collection of fees
- Providing support and guidance to learners through their programmes
- Complying with legal obligations to funding bodies and government including local authorities.

To comply with various legal obligations, including the obligations imposed on it by the General Data Protection Regulation (GDPR) Accrington and Rossendale College will ensure that all information about individuals is collected and used fairly, stored safely and securely, and not disclosed to any third party unlawfully.

Information about how the College collect, process and protect personal information can be obtained from its Privacy Notices which is attached as appendix 1 to this policy.

Details of the College's Data Protection registration can be found on the Office of the Information Commissioner's website at [www.ico.org.uk](http://www.ico.org.uk). Our data registration number is: Z9957243.

### 2. Legal Framework

The General Data Protection Regulation (GDPR) came into force on the 25 May 2018. The GDPR regulates the processing of personal data, and protects the rights and privacy of all living individuals (including children).

Personal data is information relating to an individual and may be in hard or soft copy (paper/manual files; electronic records; photographs; CCTV images), and may include facts or opinions about a person.

### 3. Scope

This policy applies to all staff and students at Accrington and Rossendale College. Any

breach of this policy or of the Regulation itself will be considered an offence and the College's disciplinary Procedure will be invoked.

As a matter of best practice, other agencies and individuals working with the College and who have access to personal information, will be expected to read and comply with this policy. It is expected that college team responsible for dealing with external agencies and contractors will take the responsibility for ensuring that such bodies sign a contract which among other things will include an agreement to abide by this policy.

This policy also applies to all personal data stored electronic, in paper form or otherwise.

#### **4. Statement of Principles**

In order to comply with its obligations, the College will:

- Process personal data fairly and lawfully.
- Process the data for the specific and lawful purpose for which it collected that data and not further process the data in a manner incompatible with this purpose.
- Ensure that the data is adequate, relevant and not excessive in relation to the purpose for which it is processed.
- Keep personal data accurate and, where necessary, up to date.
- Only keep personal data for as long as is necessary.
- Process personal data in accordance with the rights of the data subject under the legislation.
- Put appropriate technical and organisational measures in place against unauthorised or unlawful processing of personal data, and against accidental loss or destruction of data.
- Ensure that no personal data is transferred to a country or a territory outside the European Economic Area (EEA) unless that country or territory ensures adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

#### **5. Organisational responsibilities**

##### **Board of Governors**

Accrington and Rossendale College is the 'data controller' under the terms of the legislation - this means that the Board of Governors is ultimately responsible for controlling the use and processing of the personal data.

The Board is also responsible for approval of the Policy.

##### **Executive Team**

The Executive Team is responsible for strategic level implementation of the policy, oversight of compliance with the policy and reporting identified risks to the Board.

##### **Data Owners**

Data Owners have local responsibility for data protection compliance of personal data processed in their area of work.

##### **Data Protection Officer**

The Data Protection Officer's tasks are defined in Article 39 of the Regulations as:

- to inform and advise the College Board and staff about their obligations to comply with the GDPR and other data protection laws;
- to monitor compliance with the GDPR and other data protection laws, and with all College data protection related policies, including managing internal data protection activities; raising awareness of data protection issues, training staff and conducting internal audits;
- to advise on, and to monitor, data protection impact assessments;
- to cooperate with the supervisory authority; and
- to be the first point of contact for supervisory authorities and for individuals whose data is processed

### **All staff**

All staff, including permanent staff, fixed term contractors and temporary workers must comply with this Policy, the Data Protection (1998) Act and the General Data Protection (2018) Regulations whenever processing personal data held by the College or on behalf of the College.

### **All Students**

All Students must comply with this policy where collecting and processing personal data as part of their course or studies.

### **Contractors and Consultants**

Third parties such as contractors, consultants, or agents, undertaking work on behalf of the College involving personal data, must adhere to this Policy, the Data Protection (1998) Act and the General Data Protection (2018) Regulations. Provision will be made in contracts with external providers to ensure compliance with this Policy.

### **Data Subjects Rights**

Under the Data Protection (1998) Act all individuals have the right to be informed what information the College holds about them and to request copies of that information. This is known as a Subject Access Request.

Under the GDPR, individuals also have the following additional rights:

- to request their personal data is rectified if inaccurate;
- to request erasure of their personal data;
- to request that the processing of their personal data is restricted;
- of portability in relation to their personal data
- to object to the processing of their personal data;
- to object to processing which involves automated decision making or profiling.

Individuals who wish to exercise the above rights should contact the College Data Protection Officer at [dpo@accross.ac.uk](mailto:dpo@accross.ac.uk). Individuals should submit their request in writing and specify exactly what personal data and/or processing they are referring to and which right they wish to exercise.

Any staff member who receives a Subject Access Request or a request from an individual to exercise the above rights under the GDPR must be forwarded to the Data Protection Officer immediately: [dpo@accross.ac.uk](mailto:dpo@accross.ac.uk). All staff are responsible for cooperating with the Data

Protection officer to ensure that the College can comply with an individual's request under the GDPR within the statutory timescales.

## **6. Personal Data Breaches**

The College will respond promptly to any identified personal data breaches and thoroughly investigate those incidents to ascertain whether;

- The breach should or must be reported to the Information Commissioner
- Data subjects should or must be made aware of the breach; and
- It is necessary to amend processes or introduce new measures to mitigate against any further breaches.

Any staff member who knows or suspect an actual or potential personal data breach has occurred must immediately notify the Data Protection Officer: [dpo@accross.ac.uk](mailto:dpo@accross.ac.uk). All staff are responsible for fully engaging and cooperating with the Data Protection Officer in relation to the investigation of a personal data breach.

## **7. Impact Assessment**

- This policy was developed and impact assessed in May 2018 by Sylvester During.

## **8. Reviewing and Monitoring**

- The Executive Team will review this policy annually
- Next review date :- May 2019

## Appendix 1

### PRIVACY NOTICE

#### 1. GENERAL

From time to time you will be asked to tell us personal information about yourself (e.g. name and email address etc) in order to become a student or a client, to use College systems and services and so on. At the point of collecting the information we aim to clearly explain what it is going to be used for and who we may share it with. Generally, the information is processed as part of our public task of providing education.

We would only use it for marketing with your prior consent.

Any **sensitive** personal information will never be supplied to anyone outside the College without first obtaining your consent, unless required or permitted by law. We comply with the Data Protection Act 1998 and the General Data Protection Regulation (GDPR), including removing your personal information from our systems when it is no longer required and ensuring that all personal information supplied is held securely.

Whenever you provide such personal information, we will treat that information in accordance with this statement, current legislation and our [Data Protection Registration](#) (Registration Number: Z9957243). We also aim to meet current best practice.

Individuals whose personal information the College holds have certain rights under the law. More information can be found on the [Information Commissioner's website](#).

#### 2. ENROLMENT

This section explains how the College uses the personal information that you give us on the enrolment form.

##### **How the College uses your information**

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

Sensitive personal information you provide (eg. disability or ethnicity) may be used by the College for the purposes of equality of opportunity, 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.

##### **How government departments use your information**

We pass most of the information to government agencies to meet funding arrangements. The College is a Data Processor for the Education and Skills Funding Agency. This means that the College will pass most of the personal information and some of the sensitive information you provide to the Education and Skills Funding Agency (ESFA), where necessary it is also shared with the Department for Education (DfE) and the Department Business and Skills (BIS).

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. It is also used to create and maintain a unique learner number (ULN) and a Personal Learning Record (PLR).

The information provided may be shared with other organisations for purposes of administration, the provision of career and other guidance and statistical and research purposes, relating to education, training, employment and well-being. This will only take place where the sharing is in compliance with the Data Protection Act 1998 and GDPR 2018.

You may be contacted after you have completed your programme of learning to establish whether you have entered employment or gone onto further training or education.

You may be contacted by the English European Social Fund (ESF) Managing Authority, or its agents, to carry out research and evaluation to inform the effectiveness of the programme.

Further information about use of and access to your personal data, and details of organisations with whom data is regularly shared are available at <https://www.gov.uk/government/publications/esfa-privacy-notice>

### **How the Local Authority uses your information**

We are required, by law, to pass certain information about our learners to our local authority and / or provider of youth support services as they have responsibilities in relation to the education or training of 13-19 year olds under section 507B of the Education Act 1996. This enables them to provide the following services:

- post-16 education and training
- youth support services
- careers advice

If you want to see a copy of information about you that the Local Authority holds, please contact: [freedomofinformation@lancashire.gov.uk](mailto:freedomofinformation@lancashire.gov.uk) or send a letter to

Access to information team  
Lancashire County Council  
PO Box 78  
County Hall, Preston  
PR1 8XJ

### **The legal basis for collecting the information**

Most of the information on the form is collected because it is necessary for your enrolment as a student or is required by law. You must provide it in order to enroll at the College.

The following information we are collecting based on your consent, and you may withdraw your consent without this affecting your status as a student: emergency contact details and parent/carer contact details.

### **3. PARENTS, CARERS AND GUARDIANS**

Under the GDPR, young people aged 16 and over can decide for themselves and give consent for the processing of their personal information. Parental consent is not required. 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.

The College has found that it is very beneficial to the young person's progress as a student if the College is able to engage with the parents (or guardian/carer). Therefore it is very important that we have the parents' details recorded on our systems.

When a student is in Further Education, parents/carers/guardians (or any other third party) are not automatically entitled to the student's information. We can only release information about our students if we have their consent for this recorded on the College system. Students are asked for their consent for sharing information with parents/others when at enrolment. Students can also inform the College later on of who the College may discuss with about their College matters.

Students may withdraw their consent the same way which they gave it.

In general, we can only share information if we have the person's consent, or there is a particular piece of legislation or agreement allowing us to share it without consent.

#### 4. WEBSITES AND COOKIES

This section applies to anyone accessing College websites.

A cookie is a small file, typically of letters and numbers, downloaded on to your device (e.g. your PC) when you access the College website. Cookies allow the website to recognise your device and so distinguish between the different users that access the site.

**Session cookies** will remember your selections as you browse the site. These cookies are for the browsing session and not stored long term. No personal information is collected by these cookies.

**Google Analytics cookies** help us to make the website better for you by providing us with user statistics, for example: which pages are the most visited; how a user navigates the site. No personal information is collected by these cookies.

You may delete or control the use of cookies through your browser settings. Please visit [www.accross.ac.uk/cookie-policy/](http://www.accross.ac.uk/cookie-policy/) for information about how the College use cookies. To find out more about cookies and what cookies might be stored on your device, visit [www.aboutcookies.org](http://www.aboutcookies.org) or [www.allaboutcookies.org](http://www.allaboutcookies.org)

During the course of your study you may be asked to use third party websites or services or access linked content (eg. Youtube) which may collect personal data about you. That site's own privacy notice will explain you how they use your data.

#### 5. RESPONSIBILITIES

The College as a corporate body is the data controller under the Data Protection Act, and the Board of Governors is therefore ultimately responsible for implementation.

The designated Data Controller who is appointed to ensure compliance with the Act is the Director of Strategic MIS; and appointed to deal with day-to-day matters are the Corporate Services Manager and the Director of Human Resources and Organisational Development.

#### 6. FURTHER INFORMATION

The Data Protection Officer (DPO) is Sylvester During. If you have any questions about Data Protection at the College, please contact: [dpo@accross.ac.uk](mailto:dpo@accross.ac.uk) or send a letter to

The Data Protection Officer  
Accrington and Rossendale College  
Accrington, Lancashire  
BB5 2AW

If you have a data protection concern that cannot or has not been resolved by the College, you have the right to raise it with the [Information Commissioner's Office](#).

## 7. PRIVACY NOTICE BY AUDIENCE

Detailed Privacy Notices for specific audiences can be obtained from the following documents

- [Privacy Notice \(Learners\)](#)
- [Privacy Notice \(Staff\)](#)
- [Privacy Notice \(Visitors\)](#)
- [Privacy Notice \(Suppliers\)](#)
- [Privacy notice \(Employers\)](#)