

# Privacy Notice and GDPR Statement

**June 2018**

The Pathway Group and any of its associated branded services such as Lavish Nails, Care Training Partnership, CTP, Logistic Training Solutions, LTS, Engineering Futures, Pathway College, TCI Pathway, Pathways Advantage and Pathway2Grow (herein after known as “the Company”) for the purposes of the Data Protection Act 1998 and the General Data Protection Regulations (GDPR) are pleased to issue a revised Data Protection Policy. We are a data controller for personal data processed by us and other third parties contracted to process data on our behalf. We may also process data as data processor on the instructions of any third parties under relevant agreements or for statutory purposes. The Company’s Data Protection registration can be viewed on the Information Commissioner’s website.

## Changes to this Privacy Notice

The Company has updated its data protection policy to comply with the GDPR, please refer to the summary of key facts below. The company may amend this Privacy Notice from time to time. If we make any substantial changes in the way, we use your personal information we will make that information available by amending this notice.

We have appointed the Data Protection Officer (“DPO”) and established a working party group called WP29 to comply with Article 29 of the GDPR.

We have included Summary of Key Facts sheet (“the Fact Sheet”) below and this Policy refers to the terms used therein.

We have already delivered an awareness workshop to all staff and associates in May 2018 about the compliance and importance of the GDPR and data security and we intend to continue to train our staff in its responsibilities when handling personal data.

## Children and privacy

The Company does not knowingly solicit personal information from children under the age of 13 or send them requests for personal information.

## Data Collection & Sharing

The Company only collects and/or processes data for the lawful basis while adhering to the Fundamental Principles as set out the Fact Sheet. Where the Company shares data with a third party who undertakes work for the Company, the Company requires that the sharing is undertaken under contract and is subject to a data sharing agreement, specifying the secure management of the data. Data might also be shared with other bodies, as informed to learners, for the purposes of those organisations fulfilling their own lawful purposes. Such sharing is undertaken using a standard data sharing agreement for specified legitimate and restricted purposes.

In the event that a third party is unable to continue the delivery of training or provision of any other such services under a contract with the Company (for example, where a training provider is a limited company that is dissolved,) the Company will endeavour to make arrangements for secure transfer of information, including the learner's personal data, from the former training provider to another training provider to support the learner in their continued learning.

## **Security**

The security of the Company's systems which process and store data are regularly reviewed in accordance with legal requirements, and assessments and checks promoted by the Information Commissioner's Office. Data is securely deleted when it is no longer required under the said lawful basis.

## **Rights of the Data Subject**

The law requires the Company in its capacity of the data controller and data processor to provide you, data subject, with Increased Individual Rights as set out in the Fact Sheet.

Where you request any information held on our systems about you, we provide it free subject to

If you have any pertinent questions about your privacy, then please at the first instance get in touch with the Company's DPO at the following address.

We aim to provide a copy of your personal data, upon request, free and within 30 working days of such written request being received by us. We may charge for additional copies. We can only charge a fee or refuse such request if in our reasonable opinion the request is 'manifestly unfounded or excessive' or it contains information about other individuals. If so, we may ask for a reasonable fee for administrative costs associated with the request.

## **Questions or concerns about personal data**

If you have any questions or concerns about our collection, use, or disclosure of your personal information, please write to the Pathway Group, DPO Office, Amington House, 95 Amington Road, Tyseley, Birmingham, B25 8EP.

## **Learner data**

Learner data is collected and/or processed by the Company in accordance with the terms and conditions of funding imposed on providers of funding, for example, ESFA, Further Education colleges and private training organisations. The data collected from learners is processed by the Company, as explained in the Privacy Notice issued by providers to each learner.

The data is primarily used by the Company and third parties acting under a contract with the Company to perform statutory functions as set out in the Apprenticeships, Skills, Children and Learning Act 2009 and for the exercise of functions of the Crown, a Minister of the Crown or that government department or for any such lawful purpose.

Information provided by learners 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. Other organisations include the Department for Works and Pensions, Local and Combined Authorities in England, the Greater London Authority, the Higher Education Statistics Agency, the Higher Education Funding Council for England, educational institutions and organisations performing research and 3 of 5 statistical work on behalf of the Department for Education, or partners of those organisations and carefully selected partner organisations.

The learner data processed by the Company is known as the Individualised Learner Record (ILR). This personal data is used by the ESFA to issue learners with a Unique Learner Number (ULN), and to create and maintain the Personal Learning Record. Information held in the Personal Learning Record is shared with third parties such as providers of learning. Further details of how this personal data is processed for these purposes are published for the Learning Records Service.

## **Apprenticeships**

As part of this service, individuals can apply for and be kept informed of apprenticeship opportunities. Personal data is processed to match registered candidate requirements to vacancies for apprenticeships, including for those employers or providers offering a guaranteed interview scheme. Learning providers may act on behalf of employers to sift and shortlist candidates for interview that meet the criteria set by the employer. This service also enables the Company and organisations funded to deliver the training or support programmes and their employees or agents to search for apprenticeship vacancies and pass details to citizens and clients for the purpose of providing careers advice and guidance.

## GDPR – SUMMARY OF KEY FACTS

Purpose	<ul style="list-style-type: none"> <li>The GDPR provides increased privacy for individuals and gives increased powers to regulatory authorities to take action against data controllers and data processors who don't comply with it.</li> </ul>
Commencement	<ul style="list-style-type: none"> <li>25<sup>th</sup> May 2018</li> </ul>
Penalties	<ul style="list-style-type: none"> <li>Fines of up to 4% of annual worldwide turnover or £20M Euro whichever is greater for non-compliance with GDPR and/or ICO</li> </ul>
Wider Scope	<ul style="list-style-type: none"> <li>Applies to all organisations worldwide who provide goods or services to individuals within the EU or who monitor their behaviour.</li> <li>Data Processors now have direct regulation obligations to fulfil</li> <li>Definition of personal data has been extended</li> <li>Special categories of data defined with additional rules</li> </ul>
Increased Individual Rights	<ul style="list-style-type: none"> <li>Right to be Informed (how &amp; why data is processed)</li> <li>Right of Access - reduced time of 1 month for data controllers response to subject access requests</li> <li>Right to Object</li> <li>Right to be forgotten and erased from records</li> <li>Right to data portability – able to request a copy of personal data in a commonly used electronic format</li> <li>Parental/guardian consent required to process data of children (13 or under)</li> <li>Consent, now means a clear statement or affirmative action which is freely given, specific, informed and unambiguous</li> </ul>
Fundamental Principles	<ul style="list-style-type: none"> <li>Lawfulness, fairness and transparency</li> <li>Purpose Limitation</li> <li>Data Minimisation</li> <li>Accuracy</li> <li>Storage Limitation</li> <li>Integrity and Confidentiality</li> </ul>
Lawful Basis Options	<ul style="list-style-type: none"> <li>Consent</li> <li>Performance of a Contract</li> <li>Compliance with a legal obligation</li> <li>Protection of a vital interest of the data subject</li> <li>Performance of task carried out in the public interest</li> <li>Legitimate interests</li> </ul>
Changes for Data Controllers	<ul style="list-style-type: none"> <li>Need to be able to demonstrate compliance</li> <li>Mandatory appointment of Data Protection Officer for certain data controllers</li> <li>Mandatory Privacy Impact Assessments</li> <li>Privacy by design and default is required</li> <li>Data breaches must be reported within 72 hours</li> </ul>
Supervisory Body in UK	<ul style="list-style-type: none"> <li>The Information Commissioners Office (ICO) remains the supervisory body</li> <li>Former registration scheme with ICO no longer exists but a new Fee regime implemented by UK Data Protection Act.</li> </ul>