

Data Protection Policy

Tutors & Exams collects and uses personal information about staff, learners, parents and other individuals who come into contact with the centre. This information is gathered in order to enable it to provide education and other associated functions. In addition, there may be a legal requirement to collect and use information to ensure that the centre complies with its statutory obligations.

We do not have a duty to be registered, as Data Controllers, with the Information Commissioner's Office (ICO) detailing the information held and its use.

Purpose

This policy is intended to ensure that personal information is dealt with correctly and securely and in accordance with the Data Protection Act 1998, and other related legislation. It will apply to information regardless of the way it is collected, used, recorded, stored and destroyed, and irrespective of whether it is held in paper files or electronically.

All staff involved with the collection, processing and disclosure of personal data will be aware of their duties and responsibilities by adhering to these guidelines.

What is Personal Information?

Personal information or data is defined as data which relates to a living individual who can be identified from that data, or other information held.

Data Protection Principles

The Data Protection Act 1998 establishes eight enforceable principles that must be adhered to at all times:

1. Personal data shall be processed fairly and lawfully;
2. Personal data shall be obtained only for one or more specified and lawful purposes;
3. Personal data shall be adequate, relevant and not excessive;
4. Personal data shall be accurate and where necessary, kept up to date;
5. Personal data processed for any purpose shall not be kept for longer than is necessary for that purpose or those purposes;
6. Personal data shall be processed in accordance with the rights of data subjects under the Data Protection Act 1998;
7. Personal data shall be kept secure i.e. protected by an appropriate degree of security;
8. Personal data shall not be transferred to a country or territory outside the European Economic Area, unless that country or territory ensures an adequate level of data protection.



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General Statement

The centre is committed to maintaining the above principles at all times. Therefore, the centre will:

- Inform individuals why the information is being collected when it is collected
- Inform individuals when their information is shared, and why and with whom it was shared
- Check the quality and the accuracy of the information it holds
- Ensure that information is not retained for longer than is necessary
- Ensure that when obsolete information is destroyed that it is done so appropriately and securely
- Ensure that clear and robust safeguards are in place to protect personal information from loss, theft and unauthorised disclosure, irrespective of the format in which it is recorded
- Share information with others only when it is legally appropriate to do so
- Set out procedures to ensure compliance with the duty to respond to requests for access to personal information, known as Subject Access Requests
- Ensure our staff are aware of and understand our policies and procedures

Complaints

Complaints will be dealt with in accordance with the centre's complaints policy.

Review

This policy will be reviewed as it is deemed appropriate, but no less frequently than every 2 years. The policy review will be undertaken by the Directors, or nominated representative.

Contacts

If you have any enquires in relation to this policy, please contact **Chris Spraggett** who will also act as the contact point for any subject access requests.

Appendix 1

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Procedures for responding to subject access requests made under the Data Protection Act 1998

Rights of access to information

There are two distinct rights of access to information held by centres about learners.

1. Under the Data Protection Act 1998 any individual has the right to make a request to access the personal information held about them.
2. The right of those entitled to have access to curricular and educational records as defined within the Education Pupil Information (Wales) Regulations 2004.

These procedures relate to subject access requests made under the Data Protection Act 1998.

Actioning a subject access request

1. Requests for information must be made in writing; which includes email, and be addressed to Chris Spraggett. If the initial request does not clearly identify the information required, then further enquiries will be made.
2. The identity of the requestor must be established before the disclosure of any information, and checks should also be carried out regarding proof of relationship to the child. Evidence of identity can be established by requesting production of:

- passport
- driving licence
- utility bills with the current address
- Birth / Marriage certificate
- P45/P60
- Credit Card or Mortgage statement

This list is not exhaustive.

3. Any individual has the right of access to information held about them. However, with children, this is dependent upon their capacity to understand (normally age 12 or above) and the nature of the request. The Director should discuss the request with the child and take their views into account when making a decision. A child with competency to understand can refuse to consent to the request for their records. Where the child is not deemed to be competent an individual with parental responsibility or guardian shall make the decision on behalf of the child.



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4. The centre may make a charge for the provision of information, dependant upon the following:

- Should the information requested contain the educational record then the amount charged will be dependant upon the number of pages provided.
- Should the information requested be personal information that does not include any information contained within educational records schools can charge up to £10 to provide it.
- If the information requested is only the educational record viewing will be free, but a charge not exceeding the cost of copying the information can be made by the Director.

5. The response time for subject access requests, once officially received, is 40 days (**not working or school days but calendar days, irrespective of school holiday periods**). However, the 40 days will not commence until after receipt of fees or clarification of information sought.

6. The Data Protection Act 1998 allows exemptions as to the provision of some information; **therefore, all information will be reviewed prior to disclosure.**

7. Third party information is that which has been provided by another, such as the Police, Local Authority, Health Care professional or another school. Before disclosing third party information consent should normally be obtained. There is still a need to adhere to the 40-day statutory timescale.

8. Any information which may cause serious harm to the physical or mental health or emotional condition of the pupil or another should not be disclosed, nor should information that would reveal that the child is at risk of abuse, or information relating to court proceedings.

9. If there are concerns over the disclosure of information then additional advice should be sought.

10. Where redaction (information blacked out/removed) has taken place then a full copy of the information provided should be retained in order to establish, if a complaint is made, what was redacted and why.

11. Information disclosed should be clear, thus any codes or technical terms will need to be clarified and explained. If information contained within the disclosure is difficult to read or illegible, then it should be retyped.

12. Information can be provided at the centre with a member of staff on hand to help and explain matters if requested, or provided at face to face handover.



The views of the applicant should be taken into account when considering the method of delivery. If postal systems have to be used, then registered/recorded mail must be used.

Complaints

Complaints about the above procedures should be made to the Directors who will decide whether it is appropriate for the complaint to be dealt with in accordance with the centre's complaint procedure.

Complaints which are not appropriate to be dealt with through the centre's complaint procedure can be dealt with by the Information Commissioner. Contact details of both will be provided with the disclosure information.

Contacts

If you have any queries or concerns regarding these policies / procedures then please contact **Chris Spraggett, Director**.

The Learner Record Service (LRS) and Unique Learner Numbers (ULN).

This statement is intended to provide you with information as to how the Learning Records Service will collect and use your personal information and data, and how you can exercise choice in respect of the use of your personal data.

The Learning Records Service is operated by the Skills Funding Agency. The Learning Records Service collects data relating to learners registering for relevant post-14 qualifications, for example GCSEs and A-Levels, Entry to Employment Certificates, Regulated Qualifications Frameworks and Welsh Baccalaureate and associated units. The Learning Records Service stores learner participation and achievement data collected directly from awarding organisations. This information is known as the 'Personal Learning Record' (PLR). Permitted organisations will have access to your PLR in order to access your achievements, awards and to enable advice and guidance to be provided to you. You as the learner will be able to get a copy of your PLR.

The Learning Records Service provides:

- a Unique Learner Number (ULN) to individual learners.
- a Personal Learning Record.



Collection of data

The Learning Records Service collects data from:

- DfE, schools and training/learning providers.
- Information provided by you when enrolling with the training/learning provider.
- Qualification/unit data held by Ofqual and Qualifications in Wales (QiW).
- Participation and achievement data held by the Welsh Government.
- Accredited achievement data supplied by awarding organisations.

Use of data

The Unique Learner Number enables education and training sector organisations, and Awarding Organisations regulated by Ofqual in England, Qualifications in Wales (QiW) in Wales and CCEA in Northern Ireland, to share information about participation and achievement in a consistent and approved manner, promoting good information management practice, and helping to improve accuracy and efficiency.

This will benefit you through enhancing the application processes to Awarding Organisations, learning providers, learning advisors and other third parties.

The PLR will be shared with organisations linked to your education and training, including those organisations specified in Regulations made under section 537A of the Education Act (refer to Annex A).

Awarding organisations are able to access limited achievement data that we hold about you, in order to verify its accuracy. All organisations that have control of the personal data about you and that we store in the Learning Records Service are required to be registered under the Data Protection Act 1998 and to use your personal information in accordance with the requirements of the Act. These organisations are required to sign relevant agreements and control documentation that requires them to manage your data responsibly and only to access information where there is a direct relationship between you and the relevant organisation. At no time will your personal information be passed to any organisations for marketing or sales purposes.



Permissions for sharing

The ULN is required to fulfil statutory requirements for administrations of services within the education and training sector. You cannot opt out of being issued with a ULN by the Learning Records Service.

However, you can opt-out of sharing your PLR. For details of how you may opt out of sharing your participation and achievement data refer Gov.UK: Useful Information for Learners and Parents:

<https://www.gov.uk/government/publications/learning-records-service-the-plr-for-learnersand-parents>

A consequence of deciding not to allow data sharing of your participation and achievement data contained in the PLR will be that you may need to provide copies of certificates or other information to verify your achievements.

Reporting inaccuracies on the PLR

A major benefit of the Learning Records Service is that you can check that information held about you is accurate and request that any inaccurate data is corrected.

For more information about how to report a problem on your PLR go to Gov.UK: Useful Information for Learners and Parents documents:

<https://www.gov.uk/government/publications/learning-records-service-the-plr-for-learnersand-parents>

Awarding Organisations are responsible for maintaining the currency and accuracy of any achievement data they upload into your PLR.

Sensitive personal data

The Learning Records Service makes every effort not to display any qualification information which consists of sensitive personal data on the PLR (e.g. data which relates to ethnic origin, physical or mental health, religious beliefs, trade union membership or any criminal offences or proceedings). If you consider that any sensitive qualification data has inadvertently been stored in your PLR, you should contact the LRS service desk.

Sensitive learners

The Learning Records Service recognises that some learners have specific concerns about privacy which mean that additional safeguards are required. The Learning Records Service implements a Sensitive Learners Policy to ensure these safeguards are implemented.

Security

The Learning Records Service recognises the need to keep your information secure and has implemented a Security Policy that provides the appropriate technical and organisational measures aimed at preventing loss of, or unauthorised use of, your information in accordance with Government standards.

How long will we keep your data?

The Learning Records Service is intended to provide a life-long record of learning which will be available to you at any time you choose to participate in education or training. Therefore, the Learning Records Service may continue to hold your ULN, PLR and Regulated Qualification Framework and associated data for 66 years and will be reviewed periodically.

Updates to this policy

The Learning Records Service recognises that privacy and data protection concerns can evolve over time and will keep this policy under review. Any amendments will be posted here and will be notified to learners when they access their PLR.

Summary

- The information you supply will be used by the Skills Funding Agency, an executive agency of the Department for Education (DfE), to issue you with a ULN and your own PLR.
- Your ULN is a ten digit reference number, unique to yourself for use within education. Please keep this number in a safe place.
- Your ULN will also be used to collect and share information amongst education related organisations, careers advisors, and college registration and course enrolment staff.
- Your PLR will include information about your qualifications, awards, training events and learning achievements that you may collect throughout your education lifetime – at all levels and also whilst you are working and learning.
- Your PLR can be shared with organisations who have a responsibility for providing, funding and serving your education and training.
- Your PLR record will help you to share your achievements, including any participation of learning, the training institute details and over what period. Please note that you will always be in control of who accesses your PLR.
- If you have still not reached the age of 16, please discuss this privacy notice explanation with your parent or legal guardian.



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Appendices/Annexes can be found on the LRS PDF here:

[https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/572448/PN02_Privacy_Notice_for_Learners_and_Parents_English language version v3.3 November 2016.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/572448/PN02_Privacy_Notice_for_Learners_and_Parents_English_language_version_v3.3_November_2016.pdf)