

Policy/Procedure Name: GDPR Data Protection Policy

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Role Responsible: Chief Operating Officer

Approved by: Executive Team
Corporation

Policy Version Control & Worksheet

Please ensure you complete the below table once you have checked this policy, to log acknowledgement of the sign off process.

Name	Date	Comments Made (Y/N)
Christine Ricketts	20/03/2025	Yes
Sarah Clancey	20/03/2025	No
Lorne Richardson	20/03/2025	Yes
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1. Introduction

This Policy sets out the obligations of Brooklands Technical College, a Further Education College registered in England, whose registered office is at Weybridge Campus, Heath Road, Weybridge, Surrey, KT13 8TT (“the College”) regarding data protection and the rights of learners, staff, customers, business contacts (“data subjects”) in respect of their personal data under the Data Protection Act 2018.

This Policy sets the College’s obligations regarding the collection, processing, transfer, storage, and disposal of personal data. The procedures and principles set out herein must be followed at all times by the College, its employees, agents, contractors, or other parties working on behalf of the College.

The College is committed not only to the letter of the law, but also to the spirit of the law and places high importance on the correct, lawful, and fair handling of all personal data, respecting the legal rights, privacy, and trust of all individuals with whom it deals.

2. The Data Protection Principles

This Policy aims to ensure compliance with the Data Protection Act. The GDPR sets out the following principles with which any party handling personal data must comply. All personal data must be:

- Processed lawfully, fairly, and in a transparent manner in relation to the data subject.
- Collected for specified, explicit, and legitimate purposes and not further processed in a manner that is incompatible with those purposes. Further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes.
- Adequate, relevant, and limited to what is necessary in relation to the purposes for which it is processed.
- Accurate and, where necessary, kept up to date. Every reasonable step must be taken to ensure that personal data that is inaccurate, having regard to the purposes for which it is processed, is erased, or rectified without delay.
- Kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data is processed. Personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes, or statistical purposes, subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of the data subject.
- Processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction, or damage, using appropriate technical or organisational measures.

3. The Rights of Data Subjects

The GDPR sets out the following rights applicable to data subjects (please refer to the parts of this policy indicated for further details).

- The right to be informed (Part 12);

- The right of access (Part 13);
- The right to rectification (Part 14);
- The right to erasure (also known as the 'right to be forgotten') (Part 15);
- The right to restrict processing (Part 16);
- The right to data portability (Not applicable – no automated process);
- The right to object (Part 17); and
- Rights with respect to automated decision-making and profiling (Not Applicable – no automated decision-making process)

4. Lawful, Fair, and Transparent Data Processing

The Data Protection Act 2018 seeks to ensure that personal data is processed lawfully, fairly, and transparently, without adversely affecting the rights of the data subject. The GDPR states that processing of personal data shall be lawful if at least one of the following applies:

- The data subject has given consent to the processing of their personal data for one or more specific purposes;
- The processing is necessary for the performance of a contract to which the data subject is a party, or in order to take steps at the request of the data subject prior to entering into a contract with them;
- The processing is necessary for compliance with a legal obligation to which the data controller is subject;
- The processing is necessary to protect the vital interests of the data subject or of another natural person;
- The processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the data controller; or
- The processing is necessary for the purposes of the legitimate interests pursued by the data controller or by a third party, except where such interests are overridden by the fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child.
- If the personal data in question is "special category data" (also known as "sensitive personal data") (for example, data concerning the data subject's race, ethnicity, politics, religion, trade union membership, genetics, biometrics (if used for ID purposes), health, sex life, or sexual orientation), at least one of the following conditions must be met:
 - The data subject has given their explicit consent to the processing of such data for one or more specified purposes (unless EU or EU Member State law prohibits them from doing so);
 - The processing is necessary for the purpose of carrying out the obligations and exercising specific rights of the data controller or of the data subject in the field of employment, social security, and social protection law (insofar as it is authorised by EU or EU Member State law or a collective agreement pursuant to EU Member State law which provides for appropriate safeguards for the fundamental rights and interests of the data subject);
 - The processing is necessary to protect the vital interests of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent;
 - The data controller is a foundation, association, or other non-profit body with a political, philosophical, religious, or trade union aim, and the processing is carried out in the course of its legitimate activities, provided that the processing relates solely to the members or former members of that body or to persons who have regular contact with it in connection with its

purposes and that the personal data is not disclosed outside the body without the consent of the data subjects;

- The processing relates to personal data which is clearly made public by the data subject;
- The processing is necessary for the conduct of legal claims or whenever courts are acting in their judicial capacity;
- The processing is necessary for substantial public interest reasons, on the basis of EU or EU Member State law which shall be proportionate to the aim pursued, shall respect the essence of the right to data protection, and shall provide for suitable and specific measures to safeguard the fundamental rights and interests of the data subject;
- The processing is necessary for the purposes of preventative or occupational medicine, for the assessment of the working capacity of an employee, for medical diagnosis, for the provision of health or social care or treatment, or the management of health or social care systems or services on the basis of EU or EU Member State law or pursuant to a contract with a health professional, subject to the conditions and safeguards referred to in Article 9(3) of the GDPR;
- The processing is necessary for public interest reasons in the area of public health, for example, protecting against serious cross-border threats to health or ensuring high standards of quality and safety of health care and of medicinal products or medical devices, on the basis of EU or EU Member State law which provides for suitable and specific measures to safeguard the rights and freedoms of the data subject (in particular, professional secrecy); or
- The processing is necessary for archiving purposes in the public interest, scientific or historical research purposes, or statistical purposes in accordance with Article 89(1) of the GDPR based on EU or EU Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection, and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.

5. Specified, Explicit, and Legitimate Purposes

The College collects and processes the personal data set out in Part 18 of this Policy. This includes:

- Personal data collected directly from data subjects and
- Personal data obtained from third parties.
- The College only collects, processes, and holds personal data for the specific purposes set out in Part 18 of this Policy (or for other purposes expressly permitted by the GDPR).
- Data subjects are kept informed at all times of the purpose or purposes for which the College uses their personal data. Please refer to Part 12 for more information on keeping data subjects informed.

6. Adequate, Relevant, and Limited Data Processing

The College will only collect and process personal data for and to the extent necessary for the specific purpose or purposes of which data subjects have been informed (or will be informed) as under Part 5, above, and as set out in Part 18, below.

7. Accuracy of Data and Keeping Data Up-to-Date

The College shall ensure that all personal data collected, processed, and held by it is kept accurate and up-to-date. This includes, but is not limited to, the rectification of personal data at the request of a data subject, as set out in Part 14, below.

The accuracy of personal data shall be checked when it is collected and at yearly intervals thereafter whilst the data subject is at the College. If any personal data is found to be inaccurate or out-of-date, all reasonable steps will be taken without delay to amend or erase that data, as appropriate.

8. Data Retention

The College shall not keep personal data for any longer than is necessary in light of the purpose or purposes for which that personal data was originally collected, held, and processed.

When personal data is no longer required, all reasonable steps will be taken to erase or otherwise dispose of it without delay.

For full details of the College's approach to data retention, including retention periods for specific personal data types held by the College, please refer to our Data Retention Policy.

9. Secure Processing

The College shall ensure that all personal data collected, held, and processed is kept secure and protected against unauthorised or unlawful processing and against accidental loss, destruction, or damage. Further details of the technical and organisational measures which shall be taken are provided in Parts 19 to 24 of this Policy.

10. Accountability and Record-Keeping

The College's Data Protection Officer can be written to at:

Registered address: Weybridge Campus, Heath Road, Weybridge, Surrey, KT13 8TT

(GDPR) Data Protection Officer,

Brooklands College,

Weybridge Campus,

Heath Road,

Weybridge,

Surrey,

KT13 8TT.

email: FOI@brooklands.ac.uk

The Data Protection Officer shall be responsible for overseeing the implementation of this Policy

and for monitoring compliance with this Policy, the College's other data protection-related policies, and with the GDPR and other applicable data protection legislation.

The College shall keep written internal records of all personal data collection, holding, and processing, which shall incorporate the following information:

- The name and details of the College, its Data Protection Officer, and any applicable third-party data processors;
- The purposes for which the College collects, holds, and processes personal data;
- Details of the categories of personal data collected, held, and processed by the College, and the categories of data subject to which that personal data relates;
- Details of any transfers of personal data to non-EEA countries including all mechanisms and security safeguards;
- Details of how long personal data will be retained by the College (please refer to the College's Data Retention Policy); and
- Detailed descriptions of all technical and organisational measures taken by the College to ensure the security of personal data.

11. Data Protection Impact Assessments

- The College shall carry out Data Protection Impact Assessments for any and all new projects and/or new uses of personal data which involve the use of new technologies and the processing involved is likely to result in a high risk to the rights and freedoms of data subjects under the GDPR.
- Data Protection Impact Assessments shall be overseen by the Data Protection Officer and shall address the following:
 - The type(s) of personal data that will be collected, held, and processed;
 - The purpose(s) for which personal data is to be used;
 - The College's objectives;
 - How personal data is to be used;
 - The parties (internal and/or external) who are to be consulted;
 - The necessity and proportionality of the data processing with respect to the purpose(s) for which it is being processed;
 - Risks posed to data subjects;
 - Risks posed both within and to the College; and
 - Proposed measures to minimise and handle identified risks.

12. Keeping Data Subjects Informed

- The College shall provide the information set out in Part 12.2 to every data subject:

- Where personal data is collected directly from data subjects, those data subjects will be informed of its purpose at the time of collection; and
- Where personal data is obtained from a third party, the relevant data subjects will be informed of its purpose:
- a) if the personal data is used to communicate with the data subject, when the first communication is made; or
- b) if the personal data is to be transferred to another party, before that transfer is made; or
- c) as soon as reasonably possible and in any event not more than one month after the personal data is obtained.
- The following information shall be provided:
 - Details of the College including, but not limited to, the identity of its Data Protection Officer;
 - The purpose(s) for which the personal data is being collected and will be processed (as detailed in Part 18 of this Policy) and the legal basis justifying that collection and processing;
 - Where applicable, the legitimate interests upon which the College is justifying its collection and processing of the personal data;
 - Where the personal data is not obtained directly from the data subject, the categories of personal data collected and processed;
 - Where the personal data is to be transferred to one or more third parties, details of those parties;
 - Where the personal data is to be transferred to a third party that is located outside of the European Economic Area (the “EEA”), details of that transfer, including but not limited to the safeguards in place (see Part 28 of this Policy for further details);
 - Details of data retention;
 - Details of the data subject’s rights under the GDPR;
 - Details of the data subject’s right to withdraw their consent to the College’s processing of their personal data at any time;
 - Details of the data subject’s right to complain to the Information Commissioner’s Office (the “supervisory authority” under the GDPR);
 - Where applicable, details of any legal or contractual requirement or obligation necessitating the collection and processing of the personal data and details of any consequences of failing to provide it; and
 - Details of any automated decision-making or profiling that will take place using the personal data, including information on how decisions will be made, the significance of those decisions, and any consequences.

13. Data Subject Access

- Data subjects may make subject access requests (“SARs”) at any time to find out more about the personal data which the College holds about them, what it is doing with that

personal data, and why.

Employees wishing to make a SAR should do so using a Subject Access Request Form to FOI@brooklands.ac.uk.

- Responses to SARs shall normally be made within one month of receipt, however this may be extended by up to two months if the SAR is complex and/or numerous requests are made. If such additional time is required, the data subject shall be informed.
- All SARs received shall be handled by the College's Data Protection Officer.
- The College does not charge a fee for the handling of normal SARs. The College reserves the right to charge reasonable fees for additional copies of information that has already been supplied to a data subject, and for requests that are manifestly unfounded or excessive, particularly where such requests are repetitive.

14. Rectification of Personal Data

- Data subjects have the right to require the College to rectify any of their personal data that is inaccurate or incomplete.
- The College shall rectify the personal data in question, and inform the data subject of that rectification, within one month of the data subject informing the College of the issue. The period can be extended by up to two months in the case of complex requests. If such additional time is required, the data subject shall be informed.
- In the event that any affected personal data has been disclosed to third parties, those parties shall be informed of any rectification that must be made to that personal data.

15. Erasure of Personal Data

- Data subjects have the right to request that the College erases the personal data it holds about them in the following circumstances:
 - It is no longer necessary for the College to hold that personal data with respect to the purpose(s) for which it was originally collected or processed;
 - The data subject wishes to withdraw their consent to the College holding and processing their personal data;
 - The data subject objects to the College holding and processing their personal data (and there is no overriding legitimate interest to allow the College to continue doing so) (see Part 17 of this Policy for further details concerning the right to object);
 - The personal data has been processed unlawfully;
 - The personal data needs to be erased in order for the College to comply with a particular legal obligation.
 - The personal data is being held and processed for the purpose of providing information society services to a child.

- Unless the College has reasonable grounds to refuse to erase personal data, all requests for erasure shall be complied with, and the data subject informed of the erasure, within one month of receipt of the data subject's request. The period can be extended by up to two months in the case of complex requests. If such additional time is required, the data subject shall be informed.
- In the event that any personal data that is to be erased in response to a data subject's request has been disclosed to third parties, those parties shall be informed of the erasure (unless it is impossible or would require disproportionate effort to do so).

16. Restriction of Personal Data Processing

- Data subjects may request that the College ceases processing the personal data it holds about them. If a data subject makes such a request, the College shall retain only the amount of personal data concerning that data subject (if any) that is necessary to ensure that the personal data in question is not processed further *or is required in relation to any funding claims*.
- In the event that any affected personal data has been disclosed to third parties, those parties shall be informed of the applicable restrictions on processing it (unless it is impossible or would require disproportionate effort to do so).

17. Objections to Personal Data Processing

- Data subjects have the right to object to the College processing their personal data based on legitimate interests, direct marketing (including profiling), and processing for scientific and/or historical research and statistics purposes.
- Where a data subject objects to the College processing their personal data based on its legitimate interests, the College shall cease such processing immediately, unless it can be demonstrated that the College's legitimate grounds for such processing override the data subject's interests, rights, and freedoms, or that the processing is necessary for the conduct of legal claims.
- Where a data subject objects to the College processing their personal data for direct marketing purposes, the College shall cease such processing immediately.
- Where a data subject objects to the College processing their personal data for scientific and/or historical research and statistics purposes, the data subject must, under the GDPR, "demonstrate grounds relating to his or her particular situation". The College is not required to comply if the research is necessary for the performance of a task carried out for reasons of public interest.

Personal Data Collected, Held, and Processed

The following personal data is collected, held, and processed by the College (for details of data retention, please refer to the College's Data Retention Policy):

Data Ref.	Type of Data	Purpose of Data
ILR_01	Student Data – Personal / Course enrolment / Achievement	Data required by Funding bodies to support claim for funding. The data is held in the Student Record system REMS. The Data required by the funding bodies is available from the ESFA website. The system is hosted on the College network. Paper enrolment and application forms are held in locked cabinets in Admissions.
Employee_01	Employee Data	Employee data is held in the Cloud using Unit 4 Business World, hosted by Unit 4.
Finance_01	Finance Data	Finance data is held in the Cloud using Unit 4 Business World, hosted by Unit 4.
Student_Support_01	Support Data – Additional Support Requirements	Student Support data is held to provide evidence of support given to students. Student Support data is hosted on the College network using REMS and local data systems.
Student_01	Student Data – Tutorial interaction / Progression	ProMonitor by One Advanced hosted on the College network.
Student_02	Student Data – Achievement record, based on ILR Data	ProAchieve by One Advanced hosted on the College network.
Student_03	Student Data – Validation of ILR Data	SCORE by Drake Lane Associates hosted on the College network.

*For a full list of systems and data stored please see GDPR Spreadsheet (SLT drive).

18. Data Security - Transferring Personal Data and Communications

The College shall ensure that the following measures are taken with respect to all communications and other transfers involving personal data:

- If an email is sent containing personal data then the data should be sent via an encrypted attachment with the password given by phone.

- All emails containing personal data must be marked “confidential”;
- Personal data may be transmitted over secure networks only; transmission over unsecured networks is not permitted in any circumstances;
- Where personal data is to be transferred in hardcopy form it should be passed directly to the recipient or sent using registered mail and signed for; and
- All personal data to be transferred physically, whether in hardcopy form or on removable electronic media shall be transferred in a suitable container marked “confidential”. Electronic data should be encrypted in a password protected zip file or encrypted on an encrypted memory stick.

19. Data Security - Storage

The College shall ensure that the following measures are taken with respect to the storage of personal data:

- All electronic copies of personal data should be stored securely on the College network and only accessible by using network accounts with appropriate access that are password protected;
- All hardcopies of personal data, along with any electronic copies stored on physical, removable media should be stored securely in a locked box, drawer, cabinet, or similar;
- All personal data stored electronically should be backed up daily with backups stored onsite. All backups should be secured using recognised back up software and accessible only through administrator network accounts via the College network;
- No personal data should be stored on any mobile device (including, but not limited to, laptops, tablets, and smartphones), whether such device belongs to the College or otherwise, and
- No personal data should be transferred to any device personally belonging to an employee and personal data may only be transferred to devices belonging to agents, contractors, or other parties working on behalf of the College where the party in question has agreed to comply fully with the letter and spirit of this Policy and of the GDPR (which may include demonstrating to the College that all suitable technical and organisational measures have been taken).

20. Data Security - Disposal

When any personal data is to be erased or otherwise disposed of for any reason (including where copies have been made and are no longer needed), it should be securely deleted and disposed of. For further information on the deletion and disposal of personal data, please refer to the College’s Data Retention Policy.

21. Data Security - Use of Personal Data

The College shall ensure that the following measures are taken with respect to the use of personal data:

- No personal data may be shared informally and if an employee, agent, sub-contractor, or other party working on behalf of the College requires access to any personal data that they do not already have access to, such access should be formally requested from the Data Protection Officer;
- No personal data may be transferred to any employees, agents, contractors, or other parties, whether such parties are working on behalf of the College or not, without the authorisation of the Data Protection Officer;
- Personal data must be handled with care at all times and should not be left unattended or on view to unauthorised employees, agents, sub-contractors, or other parties at any time;
- If personal data is being viewed on a computer screen and the computer in question is to be left unattended for any period of time, the user must lock the computer and screen before leaving it; and
- Where personal data held by the College is used for marketing purposes, it shall be the responsibility of Marketing Manager to ensure that the appropriate consent is obtained and that no data subjects have opted out, whether directly or via a third-party service such as the TPS.

22. Data Security - IT Security

The College shall ensure that the following measures are taken with respect to IT and information security:

- All passwords must contain a combination of uppercase and lowercase letters, numbers, and symbols. All software used by the College is designed to require such passwords. See BC_GDPR_IT_Security policy for further details;
- Under no circumstances should any passwords be written down or shared between any employees, agents, contractors, or other parties working on behalf of the College, irrespective of seniority or department. If a password is forgotten, it must be reset using the applicable method. IT staff do not have access to passwords;
- All software (including, but not limited to, applications and operating systems) shall be kept up-to-date. The College's IT staff shall be responsible for installing any and all security-related updates as soon as reasonably and practically possible, unless there are valid technical reasons not to do so; and
- No software may be installed on any Company-owned computer or device.

23. Organisational Measures

The College shall ensure that the following measures are taken with respect to the collection, holding, and processing of personal data:

- All employees, agents, contractors, or other parties working on behalf of the College shall be made fully aware of both their individual responsibilities and the College's responsibilities under the GDPR and under this Policy, and shall be provided with a copy of this Policy;
- Only employees, agents, sub-contractors, or other parties working on behalf of the College that need access to, and use of, personal data in order to carry out their assigned duties correctly shall have access to personal data held by the College;
- All employees, agents, contractors, or other parties working on behalf of the College handling personal data will be appropriately trained to do so;
- All employees, agents, contractors, or other parties working on behalf of the College handling personal data will be appropriately supervised;
- All employees, agents, contractors, or other parties working on behalf of the College handling personal data shall be required and encouraged to exercise care, caution, and discretion when discussing work-related matters that relate to personal data, whether in the workplace or otherwise;
- Methods of collecting, holding, and processing personal data shall be regularly evaluated and reviewed;
- All personal data held by the College shall be reviewed periodically, as set out in the College's Data Retention Policy;
- The performance of those employees, agents, contractors, or other parties working on behalf of the College handling personal data shall be regularly evaluated and reviewed;
- All employees, agents, contractors, or other parties working on behalf of the College handling personal data will be bound to do so in accordance with the principles of the GDPR and this Policy by contract;
- All agents, contractors, or other parties working on behalf of the College handling personal data must ensure that any and all of their employees who are involved in the processing of personal data are held to the same conditions as those relevant employees of the College arising out of this Policy and the GDPR; and
- Where any agent, contractor or other party working on behalf of the College handling personal data fails in their obligations under this Policy that party shall indemnify and hold harmless the College against any costs, liability, damages, loss, claims or proceedings which may arise out of that failure.

24. Transferring Personal Data to a Country Outside the EEA

- The College may from time to time transfer ('transfer' includes making available remotely) personal data to countries outside of the EEA.
- The transfer of personal data to a country outside of the EEA shall take place only if one or more of the following applies:
 - The transfer is to a country, territory, or one or more specific sectors in that country (or an international organisation), that the European Commission has determined ensures an adequate level of protection for personal data;

- The transfer is to a country (or international organisation) which provides appropriate safeguards in the form of a legally binding agreement between public authorities or bodies; binding corporate rules; standard data protection clauses adopted by the European Commission; compliance with an approved code of conduct approved by a supervisory authority (e.g. the Information Commissioner's Office); certification under an approved certification mechanism (as provided for in the GDPR); contractual clauses agreed and authorised by the competent supervisory authority; or provisions inserted into administrative arrangements between public authorities or bodies authorised by the competent supervisory authority;
- The transfer is made with the informed consent of the relevant data subject(s);
- The transfer is necessary for the performance of a contract between the data subject and the College (or for pre-contractual steps taken at the request of the data subject);
- The transfer is necessary for important public interest reasons;
- The transfer is necessary for the conduct of legal claims;
- The transfer is necessary to protect the vital interests of the data subject or other individuals where the data subject is physically or legally unable to give their consent; or
- The transfer is made from a register that, under UK or EU law, is intended to provide information to the public and which is open for access by the public in general or otherwise to those who are able to show a legitimate interest in accessing the register.

25. Data Breach Notification

- All personal data breaches must be reported immediately to the College's Data Protection Officer.
- If a personal data breach occurs and that breach is likely to result in a risk to the rights and freedoms of data subjects (e.g. financial loss, breach of confidentiality, discrimination, reputational damage, or other significant social or economic damage), the Data Protection Officer must ensure that the Information Commissioner's Office is informed of the breach without delay, and in any event, within 72 hours after having become aware of it.
- In the event that a personal data breach is likely to result in a high risk (that is, a higher risk than that described under Part 26.2) to the rights and freedoms of data subjects, the Data Protection Officer must ensure that all affected data subjects are informed of the breach directly and without undue delay.
- Data breach notifications shall include the following information:
 - The categories and approximate number of data subjects concerned;
 - The categories and approximate number of personal data records concerned;
 - The name and contact details of the College's data protection officer (or other contact point where more information can be obtained);
 - The likely consequences of the breach;
 - Details of the measures taken, or proposed to be taken, by the College to address the breach including, where appropriate, measures to mitigate its possible adverse effects.

26. Implementation of Policy

No part of this Policy shall have retroactive effect and shall thus apply only to matters occurring on or after this date.

27. Useful Links

Data Protection Act 2018

<https://www.legislation.gov.uk/ukpga/2018/12/contents/enacted>

GDPR Privacy Notice

Introduction

Brooklands Technical College understands that your privacy is important to you and that you care about how your personal data is used. We respect and value the privacy of all of our students and employees and we will only collect and use personal data in ways that are described here, and in a way that is consistent with our obligations and your rights under the law.

This policy covers students attending Brooklands College.

1.0 Information About Us

Brooklands Technical College. A Further Education College registered in England

Registered address: Weybridge Campus, Heath Road, Weybridge, Surrey, KT13 8TT

(GDPR) Data Protection Officer,

Brooklands College,

Weybridge Campus,

Heath Road,

Weybridge,

Surrey,

KT13 8TT.

email: FOI@brooklands.ac.uk

2.0 What Does This Notice Cover?

This Privacy Information explains how we use your personal data: how it is collected, how it is held, and how it is processed. It also explains your rights under the law relating to your personal data.

3.0 What is Personal Data?

Personal data is defined by the General Data Protection Regulation Act 2018 (the “GDPR”) as ‘any information that relates to an identified or an identifiable living person that an individual can be identified directly or indirectly in particular by reference to an identifier or one or more factors specific to the individual’.

Personal data is, in simpler terms, any information about you that enables you to be identified. Personal data covers obvious information such as your name and contact details, but it also covers less obvious information such as identification numbers, electronic location data, and other online

identifiers.

The personal data that we use is set out in Part 5, below.

4.0 What Are My Rights?

Under the Data Protection Act 2018, you have the following rights, which we will always work to uphold:

- a) The right to be informed about our collection and use of your personal data. This Privacy Notice should tell you everything you need to know, but you can always contact us to find out more or to ask any questions using the details in Part 11.
- b) The right to access the personal data we hold about you. Part 10 will tell you how to do this.
- c) The right to have your personal data rectified if any of your personal data held by us is inaccurate or incomplete. Please contact us using the details in Part 11 to find out more.
- d) The right to erasure, i.e. the right to ask us to delete or otherwise dispose of any of your personal data that we have. Please contact us using the details in Part 11 to find out more.
- e) The right to restrict (i.e. prevent) the processing of your personal data.
- f) The right to object to us using your personal data for a particular purpose or purposes.
- g) The right to data portability. This means that, if you have provided personal data to us directly, we are using it with your consent or for the performance of a contract, and that if data is processed using automated means, you can ask us for a copy of that personal data to re-use with another service or business in many cases.
- h) Rights relating to automated decision-making and profiling. We do not use your personal data in this way.

For more information about our use of your personal data or exercising your rights as outlined above, please contact us using the details provided in Part 11.

Further information about your rights can also be obtained from the Information Commissioner's Office or your local Citizens Advice Bureau.

If you have any cause for complaint about our use of your personal data, you have the right to lodge a complaint with the Information Commissioner's Office.

5.0 What Personal Data Do You Collect?

We may collect some or all of the following personal data (this may vary according to your relationship with us or the requirements of the funding and awarding bodies:

- Name;
- Date of birth;
- Gender;
- Address;
- Email address;

- Telephone number;
- Business name (if applicable);
- Job title;
- Employment status;
- Payment information (if applicable);
- Prior achievement;
- Attendance data (including dates of attendance)
- Nationality;
- Religion;
- Former/Current School;
- Health records/conditions (inc. mental health),
- Behaviour record
- Special Needs Details
- Sex-related data
- Computer usage statistics (including access to the college WIFI)

Your personal data is obtained from the following third parties:

- Learning Record Service: provided and managed by the Education and Skills Funding Agency as part of the Learning Records Service (LRS);
- The Hub: provides online services for use by organisations working with the Education and Skills Funding Agency (ESFA).

6.0 How Do You Use My Personal Data?

Under the Data Protection Act 2018, we must always have a lawful basis for using personal data. This may be because the data is necessary for our performance of a contract (providing education) with you, because you have consented to our use of your personal data, or because it is in our legitimate business interests to use it. Generally, the information is processed as part of our public interest task of providing education to you.

Where that information is special category personal information (e.g. medical information) we will process it because there is a substantial public interest for us to do so. Your personal data will be used for the following purposes:

- Providing and managing your account (Finance).
- We will use your information to manage and administer your education. This will include putting together class lists, for sending event invitations, for communicating with you, for dealing with admissions, for putting together reports and registers, to check entrance exam results, to allocate you to the correct classes for assessments, to make arrangements for exams or visits, to consider whether to offer places to students, to consider whether special provision or assistance is required for exams and visits and to be able to tell other colleges

your attendance dates if you leave.

- As part of the delivery of our courses to you, our staff will collect (e.g. for marking purposes), the work that you create. In addition, when you use the IT systems we provide you with access to, we will process the data you input.
- Where you have previously studied at the College or commenced an application process with us before, then we will send you information about the courses we provide on the basis of our legitimate business interests. In doing so, we will comply with the requirements of the “soft opt in” and offer you an opportunity to refuse marketing when your details are first collected and in subsequent messages (by way of own unsubscribe).
- Communicating with you. This may include responding to emails or calls from you.
- Supplying you with information by email AND/OR post that you have opted-in to (you may unsubscribe or opt-out at any time by way of unsubscribe).
- We keep an eye on how you use the College’s equipment and computers and what websites you go on when you are browsing the internet at College. This is because we have legal obligations to protect you, and we also have a legitimate interest in making sure you are using our computer equipment correctly and that you are not looking at any inappropriate content.
- We use CCTV at our buildings for the purposes of crime prevention, security and health and safety and, accordingly, will capture imagery of all visitors to the College which includes staff, students, and suppliers.

With your permission and/or where permitted by law, we may also use your personal data for marketing purposes, which may include contacting you by email AND/OR telephone AND/OR text message AND/OR post with information, news, and offers on our courses AND/OR services. You will not be sent any unlawful marketing or spam. We will always work to fully protect your rights and comply with our obligations under the GDPR and the Privacy and Electronic Communications (EC Directive) Regulations 2003, and you will always have the opportunity to opt-out.

We do not use automated decision making processes

7.0 How Long Will You Keep My Personal Data?

We will not keep your personal data for any longer than is necessary in light of the reason(s) for which it was first collected. Your personal data will therefore be kept for the following periods (or, where there is no fixed period, the following factors will be used to determine how long it is kept):

- Requirement of Exam boards;
- Requirement of the Department for Education;
- Requirement of the Office for Students;
- Requirements of OFSTED.

8.0 How and Where Do You Store or Transfer My Personal Data?

Student Data

We will only store or transfer your personal data within the European Economic Area (the “EEA”). The EEA consists of all EU member states, plus Norway, Iceland, and Liechtenstein. This means that your personal data will be fully protected under the Data Protection Act 2018 or to equivalent standards by law.

Please contact us using the details below in Part 11 for further information about the particular data protection mechanism used by us when transferring your personal data to a third country.

The security of your personal data is essential to us, and to protect your data, we take a number of important measures, including the following:

- Personal data may be transmitted over secure networks only; transmission over unsecured networks is not permitted in any circumstances;
- All electronic copies of personal data should be stored securely on the College network and only accessible by using network accounts with appropriate access that are password protected;
- All hardcopies of personal data, along with any electronic copies stored on physical, removable media should be stored securely in a locked box, drawer, cabinet, or similar;
- All personal data stored electronically should be backed up daily with backups stored onsite. All backups should be secured using recognised back up software and accessible only through administrator network accounts via the College network;
- No personal data should be transferred to any device personally belonging to an employee and personal data may only be transferred to devices belonging to agents, contractors, or other parties working on behalf of the College where the party in question has agreed to comply fully with the letter and spirit of this Policy and of the GDPR (which may include demonstrating to the College that all suitable technical and organisational measures have been taken).

Email Addresses

The college uses MailChimp software (<https://mailchimp.com/> based in the USA) to send notifications by email to the college mailing lists which contain student and partner details collected as part of applications / enrolment or marketing campaigns.

Mailchimp acts as a third party processor and participates in and has certified its compliance with the EU-U.S. Privacy Shield Framework and the Swiss-U.S Privacy Shield Framework. Mailchimp are committed to subjecting all Personal Information received from European Union (EU) member countries and Switzerland, respectively, in reliance on each Privacy Shield Framework, to the Framework’s applicable Principles. To learn more about the Privacy Shield Frameworks, and to view Mailchimp certification, visit the U.S. Department of Commerce’s Privacy Shield website: <https://www.privacyshield.gov/welcome>. A list of Privacy Shield participants is maintained by the Department of Commerce and is available at: <https://www.privacyshield.gov/list>.

9.0 Do You Share My Personal Data?

We are primarily funded through public funds, and as such we are required to keep data for a variety of legal, regulatory or technical reasons. In some cases, records must be maintained for auditory purposes by third parties such as:

- Education and Skills Funding Agency (ESFA)
- Local Councils
- Office for Students (Higher Education)
- Awarding bodies
- Government agencies
- Mailchimp (<https://mailchimp.com/>) autoresponder software

We will make sure that your privacy is protected and only use it for those purposes.

If any of your personal data is required by a third party, as described above, we will take steps to ensure that your personal data is handled safely, securely, and in accordance with your rights, our obligations, and the third party's obligations under the law, as described above in Part 8.

If any personal data is transferred outside of the EEA, we will take suitable steps in order to ensure that your personal data is treated just as safely and securely as it would be within the UK and under the Data Protection Act 2018, as explained above in Part 8.

In some limited circumstances, we may be legally required to share certain personal data, which might include yours, if we are involved in legal proceedings or complying with legal obligations, a court order, or the instructions of a government authority.

The College may share data with the local authority for the purpose of tracking and engaging young people in education or training.

10.0 How Can I Access My Personal Data?

If you want to know what personal data we have about you, you can ask us for details of that personal data and for a copy of it (where any such personal data is held). This is known as a "subject access request".

All subject access requests should be made in writing and sent to the email or postal addresses shown in Part 11.

There is not normally any charge for a subject access request. If your request is 'manifestly unfounded or excessive' (for example, if you make repetitive requests) a fee may be charged to cover our administrative costs in responding.

We will respond to your subject access request within 20 business days and, in any case, not more than one month of receiving it. Normally, we aim to provide a complete response, including a copy of your personal data within that time. In some cases, however, particularly if your request is more complex, more time may be required up to a maximum of three months from the date we receive your request. You will be kept fully informed of our progress.

11.0 How Do I Contact You?

To contact us about anything to do with your personal data and data protection, including to make a subject access request, please use the following details:

(GDPR) Data Protection Officer,

Brooklands College,
Weybridge Campus,
Heath Road,
Weybridge,
Surrey,
KT13 8TT.

12.0 Changes to this Privacy Notice

We may change this Privacy Notice for Students from time to time. This may be necessary, for example, if the law changes, or if we change our business in a way that affects personal data protection.

Any changes will be made available via the Brooklands College website: <http://www.brooklands.ac.uk>.