

Data Protection Notice (GDPR) – For Applicants & Enrolled Students



Under the General Data Protection Regulation (Regulation (EU) 2016/679) and the Data Protection Act 2018, the College has a legal obligation to ensure that all the information held and processed about you complies with the principles of the Act. Your personal data will be treated in confidence and will not be disclosed to any third parties except where:

- You have given your consent
- The disclosure is in the legitimate interests of the College
- There is a legal requirement or duty to the public, or where we may need to protect our interests and those of our students

Disclosing Sensitive Personal Data

The GDPR refers to sensitive personal data as 'special categories of personal data' (see Article 9). The special categories specifically include genetic data, and biometric data where processed to uniquely identify an individual. Personal data relating to criminal convictions and offences are not included, but similar safeguards apply to its processing (see Article 10).

In accordance with Principle 1 of the Data Protection Act, sensitive personal data should not be disclosed to third parties unless one of the following conditions has been met:

- You have given explicit consent (ideally written)
- The College has a statutory obligation (e.g. equal opportunities monitoring)
- Disclosure is in your vital interests (e.g. safeguarding/vulnerable/at risk adult information)

Health Assured (Student Assistance Programme Service)

The Health Assured support line is a separate service offered to students of Hereford College of Arts. Health Assured provides a confidential service and the information you discuss with the helpline support workers is not routinely provided to the College unless your health, wellbeing or welfare is judged to be at imminent risk. In these circumstances and where the support worker thinks that you need additional support, they will seek your consent to share your name and information about their concerns with the wellbeing/safeguarding team at Hereford College of Arts so that they can provide you with further help. In some circumstances where you are not able to provide consent or where you refuse consent, Health Assured may still decide to share relevant information with the College where it is necessary to protect your or another person's vital interests. This approach is consistent with Hereford College of Arts Data Protection Notice which you will be required to sign up to at enrolment.

Student Collection Notice - Higher Education Statistics Agency (HESA)

HESA hold information on students and staff in universities and higher education colleges and specialist providers in the UK. For further information about how HESA process personal data and how HESA complies with data protection legislation, please refer to the following website <https://www.hesa.ac.uk/about/regulation/data-protection>

From December 2018, graduates from the 2017/18 academic year will receive the new Graduate Outcomes survey. Privacy Information for graduates from English Further Education Colleges can be found at the following website <https://www.graduateoutcomes.ac.uk/privacy-info/privacy-information-fecolleges>

Student Collection Notice – Hereford College of Arts

Information held by the College about you, i.e. your student record, will be used both within the College for financial and management purposes and to provide internal and external statistical information. In addition, academic progress/engagement/absence/safeguarding information will be recorded within the student record.

Student Privacy Notice – Education and Skills Funding Agency (ESFA) - Date last updated: 23 May 2023

This privacy notice is issued by the Education and Skills Funding Agency (ESFA) on behalf of the Secretary of State for the Department of Education (DfE) to inform learners about the Individualised Learner Record (ILR) and how their personal information is used in the ILR. Your personal information is used by the DfE to exercise our functions under article 6(1)(e) of the UK GDPR and to meet our statutory responsibilities, including under the Apprenticeships, Skills, Children and Learning Act 2009. Our lawful basis for using your special category personal data is covered under Substantial Public Interest based in law (Article 9(2)(g)) of GDPR legislation. This processing is under Section 54 of the Further and Higher Education Act (1992).

The ILR collects data about learners and learning undertaken. Publicly funded colleges, training organisations, local authorities, and employers (FE providers) must collect and return the data to the ESFA each year under the terms of a funding agreement, contract or grant agreement. It helps ensure that public money distributed through the ESFA is being spent in line with government targets. It is also used for education, training, employment, and well-being purposes, including research.

We retain your ILR learner data for 20 years for operational purposes (e.g. to fund your learning and to publish official statistics). Your personal data is then retained in our research databases until you are aged 80 years so that it can be used for long-term research purposes. For more information about the ILR and the data collected, please see the ILR specification at <https://www.gov.uk/government/collections/individualised-learner-record-ilr>

ILR data is shared with third parties where it complies with DfE data sharing procedures and where the law allows it. The DfE and the English European Social Fund (ESF) Managing Authority (or agents acting on their behalf) may contact learners to carry out research and evaluation to inform the effectiveness of training.

For more information about how your personal data is used and your individual rights, please see the DfE Personal Information Charter

(<https://www.gov.uk/government/organisations/department-for-education/about/personal-information-charter>) and the DfE Privacy Notice

(<https://www.gov.uk/government/publications/privacy-notice-for-key-stage-5-and-adult-education>)

If you would like to get in touch with us or request a copy of the personal information DfE holds about you, you can contact the DfE in the following ways:

- Using an online contact form
[https://form.education.gov.uk/service/Contact the Department for Education](https://form.education.gov.uk/service/Contact%20the%20Department%20for%20Education)
- By telephoning the DfE Helpline on 0370 000 2288
- Or in writing to: Data Protection Officer, Department for Education (B2.28), 7 & 8 Wellington Place, Wellington Street, Leeds, LS1 4AW

If you are unhappy with how we have used your personal data, you can complain to the Information Commissioner's Office (ICO) at: Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. You can also call their helpline on 0303 123 1113 or visit <https://www.ico.org.uk>

Learning Records Service

The information you supply is also used by the Learning Records Service (LRS). The LRS issues Unique Learner Numbers (ULN) and creates Personal Learning records across England, Wales and Northern Ireland, and is operated by the Education and Skills Funding Agency, an executive agency of the Department for Education (DfE). For more information about how your information is processed, and to access your Personal Learning Record, please refer to: <https://www.gov.uk/government/publications/lrs-privacy-notice>.

How long we will keep your personal data

Your information will be securely destroyed in accordance with the ESFA's retention and disposal schedule after it is no longer required for these purposes.

How we share your personal data

Your information may also be shared with other third parties for the above purposes, but only where the law allows it, and the sharing is in compliance with data protection legislation.

Your data protection rights

Under data protection law, you have rights including:

- Your right of access - You have the right to ask us for copies of your personal information
- Your right to rectification - You have the right to ask us to rectify personal information you think is inaccurate. You also have the right to ask us to complete information you think is incomplete
- Your right to erasure - You have the right to ask us to erase your personal information in certain circumstances
- Your right to restriction of processing - You have the right to ask us to restrict the processing of your personal information in certain circumstances
- Your right to object to processing - You have the right to object to the processing of your personal information in certain circumstances
- Your right to data portability - You have the right to ask that we transfer the personal information you gave us to another organisation, or to you, in certain circumstances
- You are not required to pay any charge for exercising your rights. If you make a request, we have one month to respond to you

How to withdraw consent

For further information about use of and access to your personal data, details of organisations with whom we regularly share data, information about how long we retain your data, and how to change your consent to being contacted, please visit:

<https://www.gov.uk/government/publications/esfa-privacy-notice>

How to complain

If you have any concerns about our use of your personal information, you can make a complaint to the Data Protection Officer at: Ministerial and Public Communications Division, Department for Education, Piccadilly Gate, Store Street, Manchester M1 2WD

You can also complain to the Information Commissioner's Office if you are unhappy with how we have used your data by writing to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF. Helpline number: 0303 123 1113 ICO website:

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

Changes to this privacy notice

We may change this privacy notice and we encourage you to check this privacy notice from time to time. Date last updated: 16/08/23.

Where information is used for statistical purposes it will be used in anonymised form and precautions are taken to minimise the risk that you will be identified from the data.

The College also collects 'emergency contact details' and your doctor's name/telephone number as they play a vital part in ensuring a student's health and safety. You should inform the College immediately if these details require amendment. Please advise your named emergency contact that you have disclosed their details to the College for this purpose.

The College will collect information about disability status, learning difficulties and health problems, initially at the application stage, to ensure that as full a range of services as possible are available, health and safety procedures are complied with and appropriate support is put in place. This information will also be passed to the Student Support Department/Academic Mentoring Team, Course Teams and any relevant staff for health and safety purposes/safeguarding. Following enrolment, some of this information will be passed to relevant Awarding/Validating Bodies for students requiring extra time/special arrangements during exams and also for monitoring purposes.

Where there is a need to disclose disability data to external organisations, your prior consent will be obtained for each disclosure and you will be informed of the nature of the information to be disclosed, the intended recipient and the purpose of disclosure.

Information from applications for Learner Support Funds and other discretionary funding held by the College may be used for statistical purposes. Precautions are taken to minimise the risk that you will be able to be identified from the data.

The College reserves the right to provide personal data to lawyers and other recognised collection agencies should monies owing to the College not be paid in full.

Examination results may be posted locally i.e. on College notice boards and published in the newspaper. They may include your name unless you notify the MIS Officer (Exams) in writing of your objection.

Student work may be exhibited in the College foyer, studios, externally and also on the College website/prospectus. They will include student names unless you notify the Registrar in writing of your objection. The College may reproduce and share images of the work you generate in the course of your studies and/or images of the creative process by which your work is made, including photographs, digital artwork and film/video footage, in whole or part; and produce, reproduce and share adapted material. This can be used in perpetuity by the College for promotional purposes, for example but not limited to: College prospectus and website, flyers, posters and course literature.

Student photographs will be taken at enrolment and the image will be stored within your student file on the student database. The image may be used for a variety of reasons including; student identification card, health & safety, general identification, publicity purposes and for exams. In addition, the College may use video footage of students for publicity purposes.

Please note that it is College policy, for Further Education students, to contact your parents/guardians regarding your progress, attendance, attitude and/or behaviour where relevant and also to send details of College events that may be of interest to them via email/post.

The College/external agencies working on behalf of the College, will contact you by e-mail, post or telephone to take part in College generated surveys.

The College may upload your mobile telephone number to the College's texting software to enable the College to inform students/applicants about important events/changes to time-tables/exam reminders and interviews.

The College will upload your personal details to WisePay to enable students to use the College's on-line payment software.

Retention of Records

Records whether computerised or manual will be held by the College for such a period of time to enable the College to comply with statutory requirements. Please note that records in relation to ESF Match Funded students will be retained until 31 December 2030.

College Statement

The College is registered as a data user with the Office of the Information Commissioner. The College's Data Protection Officer is Mr Tim Williams (Finance Director), to whom enquiries should be addressed.

The College processes student data for a variety of purposes including:

- The maintenance of student records, both personal and academic
- Management of academic processes, examination entry, awarding body registration, academic audits, access to computer facilities
- The arrangement of student accommodation as undertaken by the Accommodation Officer
- Alumni operations/Launchgrad activities
- Student support, the provision of financial and counselling advice, disability services and Education Team at the Local Authority
- Student bursaries

The College through Finance, Registry and Academic Administration discloses student information to a range of recipients. The main recipients are listed below:

- Employees of the College and their agents, where information is required in the performance of their duties
- Students' sponsors, third parties with whom students have a contract e.g. Local Authorities, Student Finance, external providers of DSA
- Central Government Departments, HESA, Council Tax Officers
- Current or potential employers of our students
- Current or potential providers of education to our students
- Local Authorities (including transport)
- Awarding/Validating Bodies (the College will provide Awarding Bodies with copies of the student's application form for approval where relevant)
- UK Visas and Immigration
- Careers Advisors
- Office for Students
- Graduation gown hire company
- Hereford & Ludlow College (Artist Blacksmithing students only)

Please note that the College does not need to seek the consent of the student for data processing that is within the legitimate interests of the College, your consent to disclosure will be made as defined within the Principles of the Data Protection Act 2018. The College undertakes to retain

student data in secure conditions and to process and disclose data within the terms of the above guidelines.

In certain instances, we are reliant upon you for much of the data that we hold and you should inform Registry immediately of any change to your address or other personal details.

Your Right

Under the Data Protection Act 2018 you have a right to a copy of the current personal information held on you by the College and a right to object to data processing that causes damage and distress. For further information, please contact the Data Controller.