

# Student Privacy Notice

## Company Contact Details

Theorise Ltd's Data Protection Lead is Dany Brunton, who is contactable on 07725 986185 or by e-mailing [dany@theorise ltd.com](mailto:dany@theorise ltd.com), if you have any queries relating to anything outlined in this document please contact Dany.

Theorise acts a third party providing external support to colleges and universities in the way of individuals to assist students. The basis for the support provided to students with a disability, health condition or specific learning difficulty is determined partly by legal requirements (The Equality Act 2010) but also by the College or University's standards, strategy and values which incorporate being 'inclusive'. Effective support to students is, therefore, extremely important to all the Colleges & Universities we work with and we provide our services to fulfil the performance of a contract with all the Colleges & Universities we work with.

The Company must therefore process personal data (including sensitive personal data) so that it can provide these services – in doing so, the Company acts as a data controller.

You may give your personal details to the Company directly, such as through a college or university provided information form or directly via e-mail, or alternatively we may collect them directly from your college or university providing you have consented to doing so.

The Company must have a legal basis for processing your personal data. For the purposes of providing you external support services we will only use your personal data in accordance with the terms of the following statement.

## 1. Collection and use of personal data

### a. Purpose of processing and legal basis

The Company will collect your personal data (which may include sensitive personal data) and will process your personal data for the purposes of fulfilling a contract with your college or university to provide support to their students. The legal bases we rely upon to offer these services to you are:

- Consent
- Contractual obligation
- Statutory requirements

#### **b. Contractual obligation**

Where the Company has relied on a contractual obligation to process your personal data our legitimate interests is/are as follows:

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#### **c. Recipient/s of data**

The Company will process your personal data and/or sensitive personal data with the following recipients:

- OpenCRM – Which is our secure CRM system to track the hours you have worked with one of our external support workers, as well as logging any communication between you and Theorise directly.
- SAAS/SFE/SFW/SFNI/Any other relevant funding body – Theorise will have to pass on basic information relating to your Funding Authority reference number to ensure we can pay our external support workers for providing you support.
- Your College or University – In some instances we may have to contact your College or University directly to discuss any issues or problems in terms of your support or assisting in organising your support.
- Theorise Support Worker(s) – Theorise will pass your information to the employed individual or individuals for who will provide the type of support specified in your Award Letter, this person will then contact you directly in order to arrange support.

#### **d. Statutory requirement**

Your personal data is required by law and/or a contractual requirement (e.g. required by Theorise to fulfil HMRC tax and auditing purposes), and/or a requirement necessary to enter into a contract. You are obliged to provide the personal data and if you do not the consequences of failure to provide the data are:

- On initial contact, Theorise would be unable to assist you in sourcing an external support worker through our agency.
- Following the assignment of a support worker and actively beginning working with this support worker from Theorise, your personal data will be required by law for the purposes of payroll, HMRC & DWP.

## **2. Overseas Transfers**

The Company may transfer only the information you provide to us to countries outside the European Economic Area ('EEA') for the purposes of providing you with work-finding services. We will take steps to ensure adequate protections are in place to ensure the security of your information. The EEA comprises the EU member states plus Norway, Iceland and Liechtenstein.

### 3. Data retention

The Company will retain your personal data only for as long as is necessary. Different laws require us to keep different data for different periods of time.

To comply with certain regulations and for auditing purposes, Theorise will be required to keep your Funding Authority information for a minimum of five years per Award Letter, your contact information will be erased on completion of your academic year.

Where the Company has obtained your consent to process your personal and sensitive personal data, we will do so in line with our Retention Policy a copy of which is attached. Upon expiry of that period the Company will seek further consent from you. Where consent is not granted the Company will cease to process your personal data and sensitive personal data unless otherwise authorised to do so.

### 4. Your Rights

Please be aware that you have the following data protection rights:

- The right to be informed about the personal data the Company processes on you;
- The right of access to the personal data the Company processes on you;
- The right to rectification of your personal data;
- The right to erasure of your personal data in certain circumstances;
- The right to restrict processing of your personal data;
- The right to data portability in certain circumstances;
- The right to object to the processing of your personal data that was based on a public or legitimate interest;
- The right not to be subjected to automated decision making and profiling; and
- The right to withdraw consent at any time.

Where you have consented to the Company processing your personal data and sensitive personal data you have the right to withdraw that consent at any time by contacting Dany Brunton ([dany@theorise ltd.com](mailto:dany@theorise ltd.com)).

### 5. Complaints or queries

If you wish to complain about this privacy notice or any of the procedures set out, please contact: Dany Brunton ([dany@theorise ltd.com](mailto:dany@theorise ltd.com)),

You also have the right to raise concerns with Information Commissioner's Office on 0303 123 1113 or at <https://ico.org.uk/concerns/>, or any other relevant supervisory authority should your personal data be processed outside of the UK, if you believe that your data protection rights have not been adhered to.

#### Annex A

**a) The lawfulness of *processing* conditions for *personal data* are:**

1. *Consent* of the individual for one or more specific purposes.

2. *Processing* is necessary for the performance of a contract with the individual or in order to take steps at the request of the individual to enter into a contract.
3. *Processing* is necessary for compliance with a legal obligation that the controller is subject to.
4. *Processing* is necessary to protect the vital interests of the individual or another person.
5. *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*.
6. *Processing* is necessary for the purposes of legitimate interests pursued by the controller or a third party, except where such interests are overridden by the interests or fundamental rights or freedoms of the individual which require protection of *personal data*, in particular where the individual is a child.

**b) The lawfulness of *processing* conditions for *sensitive personal data* are:**

1. Explicit *consent* of the individual for one or more specified purposes, unless reliance on *consent* is prohibited by EU or Member State law.
2. *Processing* is necessary for carrying out data controller's obligations under employment, social security or social protection law, or a collective agreement, providing for appropriate safeguards for the fundamental rights and interests of the individual.
3. *Processing* is necessary to protect the vital interests of the individual or another individual where the individual is physically or legally incapable of giving *consent*.
4. In the course of its legitimate activities, *processing* is carried out with appropriate safeguards by a foundation, association or any other not-for-profit body, with a political, philosophical, religious or trade union aim and on condition that the *processing* relates only to members or former members (or those who have regular contact with it in connection with those purposes) and provided there is no disclosure to a third party without the *consent* of the individual.
5. *Processing* relates to *personal data* which are manifestly made public by the individual.
6. *Processing* is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity.
7. *Processing* is necessary for reasons of substantial public interest on the basis of EU or Member State law which shall be proportionate to the aim pursued, respects the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and interests of the individual.
8. *Processing* is necessary for the purposes of preventative or occupational medicine, for assessing the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services on the basis of EU or Member State law or a contract with a health professional and subject to the necessary conditions and safeguards.
9. *Processing* is necessary for reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring high standards of quality and safety of healthcare and of medicinal products or medical devices, on the basis of EU or Member State law which provides for suitable and specific measures to safeguard the rights and freedoms of the individual, in particular professional secrecy.

10. *Processing* is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes, 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 fundamental rights and interests of the individual.