

## GDPR

New data protection legislation came into force on 25 May 2018 and replaced the UK Data Protection Act. The new General Data Protection Regulation (GDPR) provides a modernised, accountability-based compliance framework for data protection in Europe. It is intended to strengthen privacy rights in relation to personal information.

### Terminology

The UK GDPR applies to 'controllers' and 'processors'.

A data controller determines the purposes and means of processing personal data. A processor is responsible for processing personal data on behalf of a controller. The UK GDPR places specific legal obligations on the data processor, for example, they are required to maintain records of personal data and processing activities. They will have legal liability if they are responsible for a breach.

The UK GDPR places further obligations on the Data controller to ensure their contracts with processors comply with the UK GDPR.

The UK GDPR applies to processing carried out by organisations operating within the UK. It also applies to organisations outside the UK that offer goods or services to individuals in the UK. The UK GDPR does not apply to certain activities including processing covered by the Law Enforcement Directive, processing for national security purposes and processing carried out by individuals purely for personal/household activities.

The new accountability principle in Article 5(2) of the GDPR requires data controllers to demonstrate that they comply with the good practice principles set out in the Regulation and states explicitly that this is their responsibility. CEAL is the data controller of the personal information you provide to us.

This Notice sets out most of your rights under the new laws. Further information can be found on the Information Commissioners website: <https://ico.org.uk/for-organisations/data-protection-reform/overview-of-the-gdpr/>

The categories of learner information that we collect, hold and share include:

- Personal information (such as name, unique learner number and address)
- Characteristics (such as ethnicity, language, nationality)
- Attendance information (such as sessions attended, number of absences and absence reasons)
- Assessment information
- Qualifications registered, taken and achieved
- Relevant medical information
- Special Educational Needs information including EHCPs

- Behavioural information.

### **Why we collect and use this information**

We use the learner data:

- To support the learner's learning
- To assess for qualifications
- To monitor and report on learner progress
- To provide appropriate pastoral care
- To assess the quality of our services
- To comply with the law regarding data sharing
- To assist with our administration and communication systems – for example, text messaging during sessions.

### **The lawful basis on which we use this information**

We collect and use learner information in accordance with the lawful basis for collecting and using learner information specified in the GDPR (Articles 6 and 8).

- Processing is necessary for compliance with a legal obligation – an example is Education Act 1996 census – this information can be found in the census guide documents on the following website <https://www.gov.uk/education/data-collection-and-censuses-for-schools>
- 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 controller
- With the explicit consent of the data subject

### **Collecting learner information**

Whilst the majority of learner information you provide to us is mandatory, some of it is provided to us on a voluntary basis. In order to comply with the General Data Protection Regulation, we will inform you whether you are required to provide certain learner information to us or if you have a choice in this.

### **Storing learner data**

Learner data is stored securely in accordance with the ICO guidelines on paper and online. Sensitive learner information, e.g. EHCP, is stored only for as long as is needed. Sending and receiving of sensitive data is via secure, password-protected, online systems.

### **Who we share learner information with**

We routinely share learner information with:

- Schools that learners attend after leaving us
- Our local authority
- NHS
- Educational support system providers such as EWMS, CAMHS

### **Why we share learner information**

We do not share information about our learners with anyone without consent unless the law and our policies allow us to do so. This data sharing underpins educational attainment and monitoring. We are required to share information about our learners with our local authority (LA) if the learner has been funded through the local authority.

You have the right to:

- Object to processing of personal data that is likely to cause, or is causing, damage or distress
- Prevent processing for the purpose of direct marketing
- Object to decisions being taken by automated means
- In certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed; and
- Claim compensation for damages caused by a breach of the Data Protection regulations

If you have a concern about the way we are collecting or using your personal data, we request that you raise your concern with us in the first instance.

Alternatively, you can contact the Information Commissioner's Office at

<https://ico.org.uk/concerns/contact>

Proprietor's Signature: Sophie Keene

Adopted on: 17th April 2023

Reviewed on:

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