

Student Data Protection Privacy Notice

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Introduction

Southport Education Group, registered office address is Mornington Road, Southport, PR9 0TT. The College is committed to protecting the privacy and security of your personal information.

This privacy notice describes how the College collects and uses personal information about students of the College ("students"), (known collectively as "You" or "Your"), in accordance with UK General Data Protection Regulation (UK GDPR).

Southport Education Group is a "data controller". This means that we are responsible for deciding how we hold and use personal information about You. We are required under data protection legislation to notify you of the information contained in this privacy notice.

This notice applies to Students, including applicants, current and former Students. This notice does not form part of any contract to provide services. We may update this notice at any time but if we do so, we will provide You with an updated copy of this notice as soon as reasonably practical.

It is important that Students read and retain this notice, together with any other privacy notice we may provide on specific occasions when we are collecting or processing personal information about you, so that you are aware of how and why we are using such information and what Your rights are under the data protection legislation.

Data Protection Principles

We will comply with data protection law. This says that the personal information we hold about you must be:

1. Used lawfully, fairly and in a transparent way.
2. Collected only for valid purposes that we have clearly explained to You and not used in any way that is incompatible with those purposes.
3. Relevant to the purposes we have told You about and limited only to those purposes.
4. Accurate and kept up to date.
5. Kept only as long as necessary for the purposes we have told You about.
6. Kept securely.

The Kind Of Information We Hold About You

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

There are "special categories" of more sensitive personal data which require a higher level of protection, such as information about a person's health.

We will collect, store, and use the following categories of personal information about Students:

- Personal Information (such as name, unique learner number (ULN), unique candidate identifier (UCI), date of birth, address).
- Characteristics (such as nationality, country of birth, eligibility for free college meals).
- Attendance Information (such as classes attended, number of absences, absence reasons).
- Performance Information (such as assignment grades, examination marks, reports and references).
- Destination Information (such as University, employment, training & apprenticeships).
- Service Usage (such as internet history, print logs, browser cookies, library loans, trips & visits booking, membership card services).
- Health & Wellbeing / Medical Information (such as medical conditions, first aid records, accident reports, RIDDOR related to potential civil claims).
- Safeguarding of Young People & Vulnerable Adults (DBS check details for relevant work experience e.g. Health &

Social Care)

- Special Educational Needs Information (such as disabilities and learning difficulties, support needed, examination arrangements).
- Behavioural Information (such as concerns, warnings, suspensions and exclusions).
- Likeness/Biometric Information (such as identifiable CCTV images and ID card photos).

We may also collect, store, and use the following “special categories” of more sensitive personal information:

- Information about your race, ethnicity, and religious beliefs
- Information about your health, including any medical condition, health, and sickness records.
- Information about criminal convictions and offences.

How Is Your Personal Information Collected?

Students:

Whilst the majority of 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 information to us or if you have a choice in this.

Information may be collected from the following sources:

- Directly from you when you make an enquiry to the College about becoming a student;
- When you register and/or attend an open day/College activity including taster days;
- When you make an application to become a student which for university students may be through a third party including through UCAS;
- The Student Loans Company, awarding bodies and if you apply for a Disabled Students’ Allowance (DSA);
- From an education event or fair organised by third part stakeholders such as a UCAS fair, Schools’ fairs, or local authority event;
- From your parents or carer
- Our IT infrastructure collects information for the purposes of systems administration, required to provide you with digital services, and to audit the use of our systems. We would only use this information to identify individuals in situations affecting the security of systems or College data or where it is necessary to enforce compliance with the College’s terms of use.
- From your previous school, college, or education provider

The Lawful Basis For Which We Carry Out Processing

The College has a legal obligation to process information about students under the Education Act 2011, the Education & Inspections Act 2006. The College is also contractually obliged to process data with other funding agencies to secure funding for the provision of education and training, and awarding bodies to enable qualifications and certificates to be awarded to students.

We will only use Your personal information when the law allows us to. Most commonly, we will use Your personal information in the following circumstances:

1. Where we need to perform the contract we have entered into with You.
2. Where we need to comply with a legal obligation.
3. Where it is necessary for our legitimate interests (or those of a third party) and Your interests and fundamental rights do not override those interests.

We may also use Your personal information in the following situations, which are likely to be rare:

1. Where we need to protect Your interests (or someone else’s interests).
2. Where it is needed in the public interest or for official purposes.

Situations In Which We Will Use Your Personal Information

We need all the categories of information in the list above (see the [Paragraph](#) entitled 'The Kind of Information We Hold About You') primarily to allow us to perform our contractual obligation to provide education to Students and to enable us to comply with legal obligations. The examples of situations in which we will process Student personal information are listed below.

- To support teaching and learning
- To monitor and report on progress and engagement
- To provide appropriate pastoral care
- To assess the quality of our services
- To comply with legislation regarding data sharing.
- To contact relatives in case of emergencies
- To comply with grant funding response requirements
- For financial queries & transactions.

Some of the above grounds for processing will overlap and there may be several grounds which justify our use of Students personal information.

If Students Fail To Provide Personal Information

If Students fail to provide certain information when requested, we may not be able to perform the respective contracts we have entered into with you, or we may be prevented from complying with our respective obligations to you or our regulators.

Change Of Purpose

We will only use Your personal information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use Your personal information for an unrelated purpose, we will notify You, as is appropriate in the circumstances, and we will explain the legal basis which allows us to do so.

Please note that we may process Students personal information without their respective knowledge or consent, as relevant to the circumstances, in compliance with the above rules, where this is required or permitted by law.

How We Use Particularly Sensitive Personal Information

"Special categories" of particularly sensitive personal information require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal information. We have in place an appropriate policy document and safeguards which we are required by law to maintain when processing such data. We may process special categories of personal information in the following circumstances:

1. In limited circumstances, with the Student's explicit written consent.
2. Where we need to carry out our legal obligations or exercise rights in connection with Student contracts.
3. Where it is needed in the public interest, such as for equal opportunities monitoring
4. Less commonly, we may process this type of information where it is needed in relation to legal claims or where it is needed to protect Student interests (or someone else's interests) and the Student is not capable of giving consent, or where the Student has already made the information public.

Do We Need Student Consent?

We do not need the consent of Students if we use special categories of personal information in accordance with our written policy to carry out our legal obligations or exercise specific rights. In limited circumstances, we may approach Students for their written consent to allow us to process certain particularly sensitive data. If we do so, we will provide Students with full details of the information that we would like and the reason we need it, so that Students can carefully consider whether they wish to consent. Students should be aware that it is not a condition of their learning contract that they agree to any request for consent from us.

Information About Criminal Convictions

We may only use information relating to criminal convictions where the law allows us to do so. This will usually be where such processing is necessary to carry out our obligations and provided we do so in line with our data protection policy.

Less commonly, we may use information relating to criminal convictions where it is necessary in relation to legal claims, where it is necessary to protect the interests of You (or someone else's interests) and You are not capable of giving your consent, or where a Student has already made the information public.

We envisage that we will hold information about criminal convictions.

We will only collect information about criminal convictions if it is appropriate given the nature of the Course you have enrolled onto (e.g. Health and Social Care) and where we are legally able to do so, which includes but is not limited to Disclosure and Barring Service ("DBS") checks. Where appropriate, we will collect information about criminal convictions as part of the enrolment process or we may be notified of such information directly by You throughout your time of study with us. We will use information about criminal convictions and offences in the following ways:

- To conduct a DBS check on Student's where necessary
- to record the date of the DBS check, the number of the DBS check and the name of the body conducting the DBS check.

We are allowed to use your personal information in this way to carry out our obligations. We have in place an appropriate policy and safeguards which we are required by law to maintain when processing such data.

Automated Decision-Making

Automated decision-making takes place when an electronic system uses personal information to make a decision without human intervention. The College does not use automated decision making, but reserves the right to do so provided it meets with the statutory requirements for its use. The college would be permitted to use automated decision-making in the following circumstances:

1. Where we have notified Students of the decision and given 21 days to request reconsideration.
2. Where it is necessary to perform the contract with a Student and appropriate measures are in place to safeguard the rights of the student or Student as is appropriate.
3. In limited circumstances, with explicit written consent from the Student, as is appropriate, and where appropriate measures are in place to safeguard student rights.

If we make an automated decision on the basis of any particularly sensitive personal information, we must have either explicit written consent from a student as is appropriate, or it must be justified in the public interest, and we must also put in place appropriate measures to safeguard student rights as is relevant in the circumstances.

You will not be subject to decisions that will have a significant impact on You based solely on automated decision-making, unless we have a lawful basis for doing so and we have notified the You, the Student as is appropriate in the circumstances.

Data Sharing

We may have to share Student data with third parties, including third-party service providers and other entities in the group.

We require third parties to respect the security of Your data and to treat it in accordance with the law.

Why might the college share Student personal information with third parties?

We will share Your personal information with third parties where required by law, where it is necessary to administer the working relationship with You, to deliver the contract or where we have another legitimate interest or permitted basis for doing so, including legal obligations placed on us.

We do not share information about our students with anyone without consent, unless the law or our policies allow us to do so. We share students' data with the Education and Skills Funding Agency, Liverpool City Region Combined Authority and the Office for Students on a statutory basis. This data sharing underpins our funding and monitoring. To support this, on enrolment students are provided with copies of their Privacy Notices.

<https://guidance.submit-learner-data.service.gov.uk/22-23/ilr/ilrprivacynotice>

<https://www.liverpoolcityregion-ca.gov.uk/wp-content/uploads/AEB-Privacy-Notice-2022-23.pdf>

<https://www.officeforstudents.org.uk/ofs-privacy/privacy-notice/>

We are required to share information with our local authority in order for them to carry out their statutory duty regarding the participation of young people in education or training.

We will share information regarding attendance and fees with the Student Loans Company in order to maintain and evidence eligibility.

Which third-party service providers process my personal information?

"Third parties" includes third-party service providers (including contractors and designated agents), local authorities, regulatory bodies, and other entities within our group. The following third-party service providers process personal information about Students for the purposes of fulfilling our contract with our Students:

- Partner High Schools
- Local Authorities
- The Department for Education (DfE)
- The Education and Skills Funding Agency (ESFA).
- The Office for Students (OfS).
- The University and Colleges Admissions Service (UCAS).
- Awarding Bodies for Qualifications
- Other Education Providers (e.g. Universities) – References
- Employers – for providing Work Placement or references
- Agreed family members (such as Parents or those with parental responsibility)
- Providers of Selected Educational Software Tools
- Cloud based services (for example, Office 365, Microsoft Teams)
- Youth Support Services
- Careers Services

How secure is my information with third-party service providers and other entities in our group?

All our third-party service providers and other entities in the group are required to take appropriate security measures to protect Your personal information in line with our policies. We do not allow our third-party service providers to use Your personal data for their own purposes. We only permit them to process Your personal data for specified purposes and in accordance with our instructions.

What about other third parties?

We may also need to share Your personal information with a regulator or to otherwise comply with the law.

We may share Your personal information if a contract requires us to do so.

We may share Your personal information with other third parties, for example in the context of the possible sale or restructuring of the business. In this situation we will, so far as possible, share anonymised data with the other parties before the transaction completes. Once the transaction is completed, we will share Your personal data with the other parties if and to the extent required under the terms of the transaction.

Data Retention

How long will you use my information for?

We will only retain Your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements. Details of retention periods for different aspects of your personal information are available in our retention policy which is available from the data protection officer. To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of Your personal data, the purposes for which we process Your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

In some circumstances we may anonymise Your personal information so that it can no longer be associated with You, in which case we may use such information without further notice to You. Once you are no longer a Student, we will retain and securely destroy your personal information in accordance with applicable laws and regulations.

Rights Of Access, Correction, Erasure, And Restriction

Your duty to inform us of changes

It is important that the personal information we hold about You is accurate and current. Please keep us informed if Your personal information changes during your time enrolled with us.

Your rights in connection with personal information

Under certain circumstances, by law You have the right to:

Request access to Your personal information (commonly known as a “data subject access request”). This enables You to receive a copy of the personal information we hold about You and to check that we are lawfully processing it.

Request correction of the personal information that we hold about You. This enables You to have any incomplete or inaccurate information we hold about You corrected.

Request erasure of your personal information. This enables Students to ask us to delete or remove personal information where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove Your personal information where You have exercised Your right to object to processing (see below).

Object to processing of Your personal information where we are relying on a legitimate interest (or those of a third party) and there is something about Your particular situation which makes You want to object to processing on this ground. You also have the right to object where we are processing Your personal information for direct marketing purposes.

Request the restriction of processing of Your personal information. This enables Students to ask us to suspend the processing of personal information about You for example if You want us to establish its accuracy or the reason for processing it.

Request the transfer of Your personal information to another party. If You want to review, verify, correct, or request erasure of Your personal information, object to the processing of Your personal data, or request that we transfer a copy of Your personal information to another party, please contact the Data Protection Officer in writing. This can be emailed to: dataprotection@southport.ac.uk

No fee usually required. You will not have to pay a fee to access Your personal information (or to exercise any of the other rights).

What we may need from You

We may need to request specific information from You to help us confirm your identity and ensure Your right to access the information (or to exercise any of Your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

Right To Withdraw Consent

In the limited circumstances where You may have provided Your consent to the collection, processing and transfer of Your personal information for a specific purpose, You have the right to withdraw Your consent for that specific processing at any time. To withdraw Your consent, please contact the Data Protection Officer. Once we have received notification that You have withdrawn Your consent, we will no longer process Your information for the purpose or purposes You originally agreed to, unless we have another legitimate basis for doing so in law.

Changes To This Privacy Notice

We reserve the right to update this privacy notice at any time, and we will provide You with a new privacy notice when we make any substantial updates. We may also notify You in other ways from time to time about the processing of your personal information.

Complaints

If you feel you have the need to complain in relation to data processing and data protections issues, in the first instance, please contact the Data Protection Officer (DPO) on: dataprotection@southport.ac.uk

If you feel we have been unable, or unwilling, to resolve your information rights concern, you have the right to lodge a complaint with the Information Commissioner's Office (ICO). The ICO are the supervisory authority responsible for data protection in the UK.

For further information, including independent data protection advice and information in relation to your rights, you can contact the Information Commissioner at:

The Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 08456 30 60 60

Website: <https://www.ico.gov.uk>

You can also report any concerns here: <https://ico.org.uk/concerns/handling/>

If you have any questions about this privacy notice, please contact Lisa Farnhill, Data Protection Officer:
dataprotection@southport.ac.uk

