WM College Privacy Statement

Reviewed and Updated January 2025

1. Overview

We ask that you read this privacy notice carefully as it contains important information on who we are, how and why we collect, store, use and share your personal information, your rights in relation to your personal information and how to contact us and the Information Commissioners Office in the event you have a complaint. From 25 May 2018, WM College shall process your personal data in accordance with the General Data Protection Regulations (GDPR) and the Data Protection Act 2018.

Our main establishment is based at:
44 Crowndale Road
Camden
London NW1 1TR

2. Types of personal data we process

We process personal data about prospective, current and past learners, their parents/carers or employers, also staff, suppliers and contractors, donors, friends and supporters and other individuals connected to or visiting WM College. The personal data we process takes different forms, it may be factual information, expressions of opinion, images or other recorded information which identifies or relates to a living natural individual. Examples include:

- names, addresses, telephone numbers, e-mail addresses and other contact details;
- family details;
- nationality;
- qualifications, prior attainment examination and assessment results, attendance information and details of study, fee receipts, outstanding debts and details of any grants received as applicable;
- admissions, academic, disciplinary and other education related records, information about special educational needs, references, examination scripts and marks;
- education and employment data;
- images, audio and video recordings;
- financial information;
- courses, meetings or events attended.

3. Special category of personal data

Some of your personal data is considered to be special category of personal data under the GDPR. Examples of special category of personal data include:

racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, sexual orientation, health and the processing of genetic and biometric data. We

would only process and share these categories of personal data with your express permission or if there is a special legal reason (such as a request for the information by a court).

4. <u>Why we hold and process personal data</u>

When you enrol at your chosen college or training provider, you enter into a contractual agreement, however, on occasion, we may require your consent to process your personal data. WM College holds personal data for the following reasons:

- information we are required to collect by law or to claim funding;
- information we need to deliver your chosen course of study and monitor progress;
- information we need to confirm prior attainment;
- additional information that will allow us to personalise our support to meet your individual needs;
- information we use for marketing, communications, event registrations and advice;
- information we gather to provide facilities and ensure security (such as CCTV video).

The first data protection principle requires that WM College must have a legal basis for processing your personal data. Under GDPR, this "legal basis" for processing conditions must be communicated to you, alongside the type of processing they relate to, as part of this privacy notice. As GDPR is a law, the conditions identified below may be subject to change as more guidance is given or precedents are set. WM College will process your data under the following legal basis:

- Consent
- Contract
- Compliance with a legal obligation
- Legitimate interest

5. <u>When we will share personal data</u>

We may share your information with third parties who provide a service for those eligible for support fund awards. When you enrol at the college or training provider you enter into an agreement and are responsible for the payment of any fees, therefore if necessary, we may transfer your personal data to an agent for the purposes of debt collection. On occasion we may also be required to share your information with the police or other law enforcement agencies. At no time will your personal data be passed to other organisations for marketing or sales purposes.

We may disclose your information to our third-party service providers and agents for the purposes of providing services to us, or directly to you on our behalf. When we use third party service providers, we only disclose to them any personal information that is necessary for them to provide their service. We have a contract in place that requires them to keep your information secure and not to use it other than in accordance with our specific instructions.

As an education institution receiving public funding, we may be required to share personal data with awarding organisations, local and national government bodies and public sector agencies such as:

- Department for Education (DfE)
- Department for Business, Innovation, and Skills (BIS)
- Ofsted
- Connexions
- Department of Health (DH)/Primary Care Trusts (PCT)
- Higher Education Funding Council for England (HEFCE)
- National Careers Service (NCS)
- Greater London Authority (GLA)
- Education and Skills Funding Agency (ESFA)
- Learner Record Service

GLA Privacy Notice

This privacy notice outlines how learners' personal data from the enrolment form is used: guidance_on_aeb_procured_privacy_notice_for_enrolment_form_.pdf

ESFA Privacy Notice

ILR Privacy Notice 2024 to 2025 version 1: January 2024

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 our online contact form https://form.education.gov.uk/service/Contact_the_Department_for_Education
- 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

LRS Privacy Notice

The information you supply is 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 Department for Education (DfE) in England. This privacy notice explains how we use your personal information. For the purposes of relevant data protection legislation, the DfE is the data controller for personal information processed.

For more information about how your information is processed, and to access your Personal Learning Record, please refer to: LRS privacy notice - GOV.UK

6. Transfer of data out of the European Economic Area (EEA)

WM College do not transfer your personal data outside of the EEA.

7. How long we retain your personal data

A retention schedule of personal data can be viewed at Appendix A

8. Marketing activities

As a college, we retain images, videos, stories, named testimonials, and event photographs for up to 10 years to support long-term marketing, promotional activities, and historical records that showcase our educational achievements and community engagement. This retention period aligns with typical marketing and communication cycles, our resource capabilities, and ensures that we can effectively represent the college's success over time.

At college events clear signage is displayed to notify participants of photography and its purposes (e.g., marketing or publications). We offer opt-out options for those who do not wish to be photographed. Images are taken and used only for legitimate purposes and stored securely. Photos from events are retained for up to 10 years, after which they are reviewed and deleted if no longer needed. Individuals can withdraw consent at any time.

9. Your rights

When exercising your rights as a data subject it will be necessary for WM College to confirm your identity, the following are examples that WM College would accept in facilitating your request: photocopy of driving licence or birth certification, passport, etc.

Any such documents viewed as part of a verification process would be recorded as seen and no copies of these articles would be retained on file.

- **Access to information**
  At any point you can contact us to request details concerning the information we hold about you, why we have that information, who has access to the information and where we got the information. In most cases you may be entitled to copies of the information we hold concerning you. Once we have received your request we will respond within 30 days.
- **Rectifying data**
  If the data we hold about you is out of date, incomplete or incorrect, you can inform us and we will ensure that it is updated.
- **Erasing data**
  If you feel that we should no longer be using your data or that we are illegally using your data, you can request that we erase the data we hold. When we receive your request, we will confirm whether the data has been deleted or tell you the reason why it cannot be deleted.
- **Restricting processing**
  You have the right to request that WM College stops processing your data. Upon receiving the request, we will contact you to tell you if we are able to comply or if we have legitimate grounds to continue. If data is no longer processed, we may continue to hold your data to comply with your other rights.
- **Data portability**
  You have the right to request that we transfer your data to another organisation. Once we have received your request, we will comply where it is feasible to do so.
- **Object to direct marketing**
  All communication with you, including in relation to updates to this privacy notice, will be made via the preferred method of communication that you have registered with us and you will be able to select the type of correspondence you receive. If, at any stage, you are concerned about the content (e.g. unwanted marketing), frequency (too many) or method (change preference) of these communications, you can unsubscribe or notify us of your decision at any time.
- **The right to object to automated decision making / profiling**
  You have the right not to be subject to automated decision making (making a decision solely based on automated means without any human involvement) and profiling (automated processing of personal data to evaluate certain things about the individual).
- **Withdrawing consent**
  In those cases where we need your consent to process your information, we will ask you to make a positive indication (e.g. to tick a box or insert your contact details on the relevant form or web page requiring consent). By actively providing us with your consent, you are stating that you have been informed as to the type of personal information that will be processed, the reasons for such processing, how it will be used, for how long it will be kept, who else will have access to it and what your rights are as a data subject and that you have read and understood this privacy policy. Where processing is based on consent, you have the right to withdraw consent at any time.

10. Lodging a complaint with the Information Commissioners Office

Should you be dissatisfied with WM College's processing of your personal data, you have the right to complain to the Information Commissioner's Office. For more information, please see the Information Commissioner's web site: https://ico.org.uk/

11. Data Protection Officer

The Data Protection Officer for WM College is Saira Minhas.

If you have any questions which you feel have not been covered by this Privacy Notice, or if you have concerns or a complaint in relation to WM College processing your personal data, please do not hesitate to email us at datarequest@wmcollege.ac.uk

If your request is urgent, please call +44 (0)207 255 4700

Appendix A – Retention Schedule

Personal data type	Description	Minimum period data is retained	Maximum period data is retained
Recruitment data	Expressions of interest in courses and open day information	12 months	Up to 24 months after cessation of relationship
Application data	Application forms, interview information		12 months after cessation of relationship (unsuccessful applicants only) 6 years after student leaves (successful applicants)
DBS disclosure	Information relating to criminal records	6 months after checking	3 years for applications processed up until February 2018 6 months after checking for Applications processed after February 2018
Core academic data	Transcript like information and basic verification information relating to the individual	Perpetuity	Perpetuity
Financial data	Information relating to student debt and student payments	6 years after student leaves	6 years after student leaves
Reference data in addition to core academic data.	Contents of student file e.g. attendance date, emails etc.	1 year after student leaves	6 years after student leaves
Audit/ professional/ statutory data	Health and safety records, verification data required by professional body.	As required	As required

Appeals and complaints/anticipated or ongoing legal action	Academic and disciplinary appeals, student complaints and litigation	1 year after student leaves for all students	For Cases: 6 years after exhaustion of internal process or after the student leaves.
Course information	Programme and Module specifications	Perpetuity	Perpetuity
Quality Assurance	Student surveys, module reviews, programme reviews, minutes of meetings, Exam papers etc.	Current academic year plus 1	None unless individuals are identified
Student assessments and evidence submitted for mitigation, disability notification.	Assessments, exam scripts, and any item that identifies the student e.g. mitigating circumstances minutes, exam board minutes	1 year after student leaves	6 years after student leaves
Learning resources that identify students		Current academic year plus 1	