

## **PRIVACY NOTICE – STUDENTS WHO ACCESS SUPPORT**

### **1. WHO WE ARE AND HOW TO CONTACT US**

- 1.1. We are Leicester College (the “College”). This privacy notice sets out how and why we use personal information, and your related rights.
- 1.2. For the purposes of applicable data protection law (mainly the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018 (DPA 2018), we are the “controller” of your personal information. That means that we determine the purposes and the means of using your personal information (i.e. “why” and “how” your personal information is used), and that we take on legal obligations to you.
- 1.3. If you have any questions or queries which are not answered by this Privacy Notice, or have any potential concerns about how we may use the personal data we hold, please write to the Data Protection Officer at Leicester College, Freeman’s Park Campus, Welford Road, Leicester, LE2 7LW or email [dpo@leicestercollege.ac.uk](mailto:dpo@leicestercollege.ac.uk).

### **2. WHAT INFORMATION DO WE HOLD ABOUT YOU?**

#### **Information we collect from you**

- 2.1. You provide us with personal data when you apply, enrol or apply for support with the College via the online or paper-based routes. This includes your name, address, date of birth, contact information, gender, sexual identity, next of kin/parent/carers, previous education and qualifications, and any medical or support needs. Bank account information and details of your, or your parents/carers financial details will also be collected if you apply for financial support. We also collect information about ethnicity, medical conditions and criminal offences.

#### **Other information**

- 2.2. We also hold other information about you including your academic work, attendance, progress and any disciplinary or behaviour records; records of applications for support and bursaries, information; advice and guidance; records of tutorials, work experience; exam achievement; and any other information collected as part of your education and training programme. This may also include copies of your Education and Health Care Plan (EHCP), if you have one, or other detailed information about you that enables us to support you effectively. If you are supported by the Wellbeing Team, including counsellors, mental health support workers and Learning Mentors, personal information will also be discussed and recorded to enable them to support you.
- 2.3. We may keep information contained in any correspondence by post, email or other electronic communication. We may record phone or video calls. We may record on-line teaching sessions for the purpose of providing effective support to students who

require this, but we will not record on-line meetings without your consent. We may make video or audio recordings of you to provide evidence to support your course work and assessment.

- 2.4. We may keep information contained in any correspondence by post, email or other electronic communication. We may record phone or video calls. We will not record on-line meetings without your consent.
- 2.5. We may also obtain other information about you permitted by law from other sources. This may include from previous educational institutions, social services, the police or other agencies.

### **Special Category Personal Data**

- 2.6. Some of the information outlined above that we collect about you is regarded as sensitive by data protection law. Known as 'special category personal data', this relates to information about your health, racial or ethnic origin, sex life, sexual orientation, religious beliefs, political opinions, trade union membership or any genetic or biometric data that is used to identify you. This information, and any information about criminal offences / convictions, warrants a higher level of protection under data protection law. We therefore apply additional safeguards and information security measures when using these types of your personal information.

## **3. WHY DO WE COLLECT THIS INFORMATION?**

- 3.1. We collect information in order to enable us to fulfil our legal obligations in relation to providing further education in line with the Further and Higher Education Act 1992, to comply with the requirements of government funding agencies, and to meet other statutory requirements. We also collect information that is not a legal obligation but is to enable us to support you in your studies as effectively as we can. You have the right not to share this information if you wish. Any impact on the support we can provide you will be discussed with you if choose to do this.
- 3.2. Under Article 6 of the [UK General Data Protection Regulation \(UK GDPR\)](#), we are required to have a "lawful basis" to collect and use personal information. A lawful basis is a reason or justification for use which is accepted and recognised by the UK GDPR. The lawful bases we rely on for processing personal information are:
  - where we have your consent;
  - to perform contractual obligations to you;
  - to comply with the College's legal obligations;
  - to perform various tasks which are in the public interest, including educating and safeguarding you;
  - where necessary in an emergency situation; and
  - where necessary to achieve the College's "legitimate interests". In overview, a legitimate interest is any valid and genuinely held educational, operational, legal or commercial objective; and
  - where necessary to achieve a "recognised legitimate interest". These include, among others, emergencies, detection, investigation or prevention of crime and safeguarding vulnerable individuals.

3.3. Under Article 9 of the UK GDPR, we are required to have a “condition” to collect and use special category personal information (as defined above). A condition is, essentially, an additional lawful basis. The conditions we rely on to collect and use special category personal information are:

- where we have explicit consent;
- where necessary in emergency situations;
- where necessary for the establishment, exercise or defence of legal claims;
- where necessary for reasons of medical diagnosis, administration of preventive medicine, the provision of health or social care treatment;
- for public health reasons;
- for research and statistical purposes; and
- where necessary for reasons of substantial public interest (such preventing / detecting unlawful acts, exercising a protective function, supporting pupils with a particular medical condition, providing counselling, advice or support, and safeguarding pupils at risk).

#### **4. WHO MIGHT WE SHARE YOUR INFORMATION WITH?**

- 4.1. We will keep this information about you confidential. We will share the information with government funding agencies (the Department for Education, the Office for Students, the Student Loan Company) in order to comply with our legal duties. We may also share the information with national bodies for the purposes of monitoring and research and with exam boards including where applications for exam arrangements are being made. For students aged under 19 we may share information with parents/carers unless you specifically ask us not to. If you access support from the College, we may also share some of your information with external agencies or companies to enable us to support you, these include taxi providers, bus companies, and external support agencies. If you are an apprentice and access support, we may also share some of your information with your employer. This is to allow them to support you in the workplace.
- 4.2. We may be asked to share data with other third parties where there is a lawful reason for their request and our policies allow us to do so. These may include: the police, social services, legal firms acting on your, or the College’s behalf, debt collection companies, insurance companies acting on your, or the College’s behalf, HMRC, or other government agencies. We may share data with external agencies where we have a safeguarding concern.
- 4.3. We may share your information with our professional advisers such as accountants and solicitors.

#### **5. TRANSFERRING YOUR PERSONAL DATA TO OTHER COUNTRIES**

- 5.1. In most cases we expect your information to stay here in the UK. However, on the few occasions where we do transfer your information outside the UK, we will ensure it is protected and handled in line with data protection law.

- 5.2. If we do transfer your personal data, we generally do not expect to transfer it to territories outside the European Economic Area (EEA). However, in instances where we need to do so (for example, where one of our service providers is based outside of the EEA), we will put in place the necessary additional protections required by Article 46 UK GDPR or rely on one of the exemptions in Article 49 UK GDPR in order to transfer your data.
- 5.3. If you would like more information about how we protect your personal information if it is transferred outside the UK, please email [dpo@leicestercollege.ac.uk](mailto:dpo@leicestercollege.ac.uk).

## **6. HOW DO WE PROTECT YOUR DATA?**

- 6.1. We take the security of your data seriously and implement technical (i.e., IT/technological) and organisational (i.e. physical/documentary) measures to ensure that your data is not lost, accidentally destroyed, misused or disclosed inappropriately.
- 6.2. Where we engage third parties to process personal data on our behalf, we do so on the basis of written instructions, ensuring they are under a duty of confidentiality and are obliged to implement appropriate technical and organisational measures to ensure the security of data.

## **7. HOW LONG DO WE KEEP THIS INFORMATION ABOUT YOU?**

- 7.1. We keep information in accordance with our document retention policy. Retention periods are in line with the length of time we need to keep your personal information in order to manage and administer your education and training, carry out our statutory functions or public interest tasks, establish or defend legal claims, or ensure the success of any of our legitimate interests. They also take into account our need to meet any legal, statutory and regulatory obligations. These reasons can vary from one piece of information to the next. In all cases our need to use your personal information will be reassessed on a regular basis and information which is no longer required will be disposed of.

## **8. AUTOMATED DECISION-MAKING**

- 8.1. Automated decision-making is when a computer or similar electronic system uses personal information to make decisions about people without any human involvement. Profiling involves collecting various pieces of information about a person in order to analyse or evaluate certain aspects relating to that person or to make predictions about them (for example, how that person may behave or what their preferences are). Automated decision-making does not have to involve profiling, though it often will.
- 8.2. We do not use your personal information in automated decision-making, including profiling (i.e. we do not create profiles or make decisions about you based solely on automated decision-making without human involvement). If that changes, we will tell you.

## **9. WHAT ARE MY RIGHTS?**

9.1. The UK GDPR gives you certain rights regarding how your information is collected and used. To exercise any of these rights, contact [dpo@leicestercollege.ac.uk](mailto:dpo@leicestercollege.ac.uk).

9.2. You have the following rights:

- the right to be informed about the collection and use of your personal data – this is called ‘right to be informed’;
- the right to ask us for copies of your personal information we have about you – this is called ‘right of access’, and is also known as the right to make a subject access request (SAR), data subject access request or right of access request;
- the right to ask us to change any information you think is not accurate or complete – this is called ‘right to rectification’;
- the right to ask us to delete your personal information – this is called ‘right to erasure’;
- the right to ask us to stop using your information – this is called ‘right to restriction of processing’.
- the ‘right to object to processing’ of your information, in certain circumstances;
- rights in relation to automated decision making and profiling;
- the right to withdraw consent at any time (where relevant); and
- the right to [complain to the Information Commissioner](#) if you feel we have not used your information in the right way.

9.3. Please note that some of these rights are only available in certain circumstances and may be subject to legal exemptions.

9.4. There are legitimate reasons why we may refuse your information rights request. For example:

- the right to erasure does not apply when the use of the data is necessary in order to comply with a legal obligation; to establish or defend a legal claim; or to carry out a task in the public interest;
- the right to portability does not apply when the lawful basis for processing is legal obligation, vital interests, public task or legitimate interests.
- right to object does not apply when the lawful basis for processing is contract, legal obligation or vital interests. And if the lawful basis is consent, you don’t haven’t the right to object, but you have the right to withdraw consent.

9.5. We may also refuse your request if it is manifestly unfounded or excessive.

## **10. WHO CAN I CONTACT IF I HAVE ANY QUESTIONS OR CONCERNS?**

10.1. If you have a concern about the way we are collecting or using your personal data, you should raise your concern with us in the first instance. We will acknowledge all complaints within 30 days and aim to deal with them without undue delay. Please write to the Data Protection Officer at Leicester College, Freeman’s Park Campus, Welford Road, Leicester, LE2 7LW or email [dpo@leicestercollege.ac.uk](mailto:dpo@leicestercollege.ac.uk).

## **11. PRIVACY NOTICE CHANGES**

- 11.1. This Privacy Notice is regularly reviewed. This is to make sure that we continue to meet the highest standards and to protect your privacy. We reserve the right at all times, to update, modify or amend this Notice. We suggest that you review this Privacy Notice from time to time to ensure you are aware of any changes we may have made. The latest version of this Notice can be found on the College's website.