



## **PRIVACY NOTICE STUDENT CRIMINAL RECORDS RISK ASSESSMENTS**

### **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 (ie “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. Address, date of birth, contact information, next of kin/parents/carers for under 18’s, disability/learning difficulty, any medical or support needs, previous school, your ethnicity and if you have declared an unspent criminal conviction or are under Police investigation.
- 2.2. We will collect and process other data; further detail is set out in in the main Student Privacy Notice.

#### **Other Information - Purpose of Collecting Data**

- 2.3. When you declare you have an unspent conviction, or when you are referred to the Risk Assessment Team, it starts a process of finding out whether you have an unspent conviction/s, the circumstances of the conviction, details of your supervision and progress, risks related to your conviction/s, whether these could impact you attending College, how we can mitigate and manage those risks, and whether you have any support needs. If you are involved in a police investigation, we also collect information on the alleged pending matter, which, could involve an interim Risk Assessment. We may need to contact the police or other agencies that are involved with the investigation, and we may need to add temporary safeguarding measures. All information collected as part of this process is kept securely away from general College information. Only staff involved directly with Risk

Assessments can routinely access this; please refer to the Student Risk Assessment Policy. If information needs to be shared to mitigate and manage risk, or as part of support needs, it is only shared on a strict 'need to know' basis, as decided by the Risk Assessment Manager or Director of Student Services and Marketing. For full details on how Risk Assessments are administered, you can either request a copy of our Policy, or access a copy of the Risk Assessment (students) Policy and Procedures from the Risk Assessment Team, or [www.leicestercollege.ac.uk](http://www.leicestercollege.ac.uk)

- 2.4. If you are on a course where a work placement with young and or vulnerable adults is a mandatory requirement, we also collect 'spent' conviction information that isn't 'protected' in line with the [Rehabilitation of Offenders Act 1974 \(Exceptions\) Order 1975 \(as amended in 2013\)](#) and the Protection of Freedoms Act 2012 'filtering' rules. If you are on a DMU awarded course where DBS checks are required, and you study at Leicester College, we share your Declaration form with DMU who will complete their own Risk Assessment under the Universities procedures.
- 2.5. The information Leicester College may collect as part of the Risk Assessment process is:
- An electronic or paper Declaration of Previous Convictions form; a description of the previous and current offences, the name and contact of your Youth Justice worker, Probation Offender Manager, or Police Officer In Charge (OIC), and your signed consent for us to contact agencies, including the Police, and process the information.
  - A Multiagency Risk Reference from any agency that you have been involved with, such as the Children and Young People's Justice Service (formally the Youth Offending Service) /the Probation Service, or other agencies such as the Police, Public Protection Team, Leicestershire Cares, Secure Units, or Prisons. The reference is completed by the agency and generally includes information on your unspent offences and sentences, mental health, serious risk of harm substance misuse issues. If known, Information pertaining to the risk of re- offending, risk of harm and safety, wellbeing of individual, levels of risk, support needs, previous education, details of the supervision and progression, including Information which is relevant to the assessment and management of risks of young and vulnerable people within an education environment and finally any known pending matters / pending court proceedings.
  - If we need to meet with you for a Risk Assessment interview, we will send you an invite letter or email with your appointment date and time, and Information sheets which explains the process in more detail
  - During your Risk Assessment, the Risk Assessment Administrator will be documenting the conversation on our Student Risk Assessment form. This is because we need to have a written record of what was discussed. At the end of the Risk Assessment, you will be given the Risk Assessment record to read to check it's correct, and you will also need to read and sign the Student Declaration Confirmation which tells you how we handle your data and confirms that all required information has been disclosed to us.
  - You may have been referred to us by our Additional Learning Support Team who provide us with a copy of your EHCP, or if you have declared and have an EHCP, we will keep this in your file as part of your Risk Assessment as there is information in your EHCP that is relevant to your Risk Assessment and, or support needs.
  - Information about your course, if relevant your attendance and progress record. We may refer you to other teams for support, and we will keep all details and subsequent

conversations about referrals we receive. We keep information on any Disciplinary/exclusions or incidents you may be involved in, or have been involved in at School, as they may impact the Risk Assessment, and we keep details of any emails or conversations with your previous school.

- We may also have safeguarding information, either from your old school, an agency, or if there is current safeguarding information that may impact your Risk Assessment.
- If you have been referred by a member of staff, we will have any information relating to the referral in your file.
- If you have disclosed that you are under investigation by the Police, or if we have been contacted by the Police, we will have all correspondence with the Police, letters, emails, telephone conversations, records from meeting/s, and if required a copy of your interim Risk Assessment. If you are coming to us from a Secure Unit, we will have details of the referral from the Unit, notes from meetings, your Care Plan, your Risk Management Plan, and any other documents related to your care and risk management that is relevant to your college application. We are usually involved in Information Sharing meetings with the Secure Unit for the duration of your course, and will have copies of updated Care Plans, risk assessment reviews and details of any conditions related to your attendance. If you are involved with the Children Using Abusive Behaviour (CUAB) or the Harmful Sexual Behaviour (HSB) processes, we will attend those meetings and have minutes and notes of those meetings, and any relevant information relating to the case which we keep in your file and use to make any required adjustments to your risk management, or support. In some cases, we may need to re-assess your attendance at college, if your risk has changed.
- We may be invited to multi-agency CYPJS Risk Management Reviews that you may be involved in. We will have details of any notes, or documents shared at the meeting, which may include minutes from the last meeting or updated interventions.
- We hold both electronic and paper records of your details, including name, date of birth, age, course, dates of interviews, type of offence, agencies involved, risk, risk management, support referrals, summary of contact which is kept on a secure area with access limited to the Risk Assessment Team. In line with the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, we keep your information until the end of the academic year in which it became Spent, unless there is additional information related to your ongoing support that we need to keep for the duration of your course, then delete both the electronic file and confidentially shred the paper file. If your conviction is never spent, we keep it for up to 7 years (current academic year plus 6 years) and then confidentially dispose of your paper file, and we delete the electronic file.
- We will also keep in the files the Declaration Form and Multi-Agency Risk Reference, if applicable. The file will have copies of all the letters, forms, meetings, telephone conversations, secure emails, emails, agency references, and if you have one, the Risk Assessment Interview form and report, where applicable, Conditions, Condition meetings, termly reviews, any correspondence or paperwork that has been provided, or completed as part of your Risk assessment will also be kept in your file. In line with the Rehabilitation of Offenders Act as amended, we keep your information until the end of the academic year in which it became Spent and then delete it. If your conviction is never spent, we keep it for the maximum 7 years (current academic year plus 6 years) and then confidentially dispose of your paper file, and we delete the electronic file.
- If you have a positive DBS Disclosure Certificate, and have not declared the

offences, we will need to conduct a Risk Assessment, we will have your signed Declaration Form and a Risk Assessment interview form, we may also have a multi-Agency risk reference and any other information as detailed above. As offences covered by the Exceptions Order of the Rehabilitation of Offenders Act, mean that convictions not covered by the Filtering rules, do not become Spent, we will keep until you leave the College.

### **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.
- 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).
- 3.4. We collect this information to ensure we comply with our legal obligation of ‘Duty of Care’ as a Public Body to provide a safe and inclusive environment for all students, staff and visitors of the College. Leicester College has a statutory and moral duty to ensure that the College functions with a view to safeguarding, and promoting the welfare of children, and vulnerable adults receiving education and training at the College. The Risk Assessment Policy and procedures sit within the College’s Safeguarding framework and Policy and are subject to safeguarding requirements at all time.

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

- 4.1. We keep information about your offences confidential and separate from general College information. In some instances, it may be necessary to share **certain** Risk Assessment information with other staff. For example, if support needs have been raised as part of the process, or if it is necessary to share certain information to mitigate and manage known or potential risk, to keep you and others safe.
- 4.2. In these circumstances, information is only shared on a strict ‘need to know’ basis and we always ensure staff are aware of the confidentiality of the data. There may also be the need to share certain information such as your progress and attendance on course, and any disciplinarys or incidences with external partners such as the Children and Youth Justice Service, the Probation Service, the Public Protection Team, or secure Hospital. In these circumstances, with any request we have either obtained your consent to share this information, or we have a Data Sharing Agreement in place.
- 4.3. In some circumstances, we may be approached by the Police to provide information on a student as part of an ongoing police investigation. In these cases, we obtain a Request for Personal Data from the Police, which is signed by the police officer requesting the information. It explains the information, which is sought, and the reason; usually being for the prevention, detection, and prosecution of crime. In these cases, they will state what data they need, and the College will decide the lawful basis for releasing that data. Similarly, if the Police share any information with us, on the grounds that it is deemed to be of importance for the protection of self or others, they would have obtained the necessary consent from you, and we are obliged to adhere to the confidentiality and safekeeping of that information and use it only as outlined within this Notice.

#### **5. WHAT DO WE DO WITH YOUR INFORMATION?**

- 5.1. We collect this information in order to complete the Risk Assessment process of identifying, assessing, mitigating and managing risk and to identify, implement support needs, and as

part of any ongoing support and risk management, to safeguard you, other students, the college environment, its visitors and staff.

- 5.2. The information is held by the Risk Assessment Team on a confidential secure database, along with confidential hard-copy files and secure electronic files. Paper files are in a non-portable locked cabinet and in a secured drive. At the end of each academic year we provide activity reports by collating data from Risk Assessments on the activity of the team. This information is anonymous, i.e. no names are used, and is used to contribute to overall College and student performance, and risk management. We will use the information to analyse and improve our processes, systems, and overall experience of going through the process.

## **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.
- 6.3. Information collected through the risk assessment process is held by the Risk Assessment Team on a confidential secure database, along with confidential hard-copy files and secure electronic files. Paper files are in a non-portable locked cabinet and in a secured drive. At the end of each academic year we provide activity reports by collating data from risk assessments on the activity of the team. This information is anonymous, i.e. no names are used, and is used to contribute to overall College and student performance, and risk management. We will use the information to analyse and improve our processes, systems, and overall experience of going through the process.

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

- 7.1. We keep this in accordance with our document retention policy of up to 7 years. 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, and to handle any future information issues. They also consider our need to meet any legal, statutory and regulatory obligations. These reasons can vary from one piece to the next. In all cases our need to use your personal information will be readdressed on a regular basis, in accordance with legislative parameters 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 have 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.
- 9.6. 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

## **10. PRIVACY NOTICE CHANGES**

- 10.1. 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.