

PRIVACY NOTICE

Accidents and Incidents

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.

2. WHAT INFORMATION DO WE HOLD ABOUT YOU?

Information we collect from you

- 2.1. The College records all accidents and incidents including near misses through its incident reporting system. This includes the date, time, nature of the incident including any injury or work-related ill health arising from the incident. Individuals involved in the incident are named including any witnesses, managers or other members of staff or students.

Special Category Personal Data

- 2.2. 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.
- 2.3. We may collect audio and video footage of you through the usage of our Body Worn Camera (BWC) system for the purpose of ensuring the safety of our staff and students, and to enable us to investigate incidents thoroughly.

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 the

following legislation:

- Health and Safety at Work Act 1974
- Management of Health and Safety at Work Regulations 1999
- Workplace (Health, Safety and Welfare) Regulations 1992
- The Health and Safety (Display Screen Equipment) Regulations 1992
- The Manual Handling Operations Regulations 1992 amended 2002
- The Regulatory Reform (Fire Safety) Order 2005
- RIDDOR (Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995)
- The Personal Protective Equipment at Work Regulations 1992
- COSHH (Control of Substances Hazardous to Health) 2002
- The Provision and Use of Work Equipment Regulations 1998 (PUWER)
- The Working Time Regulations 1998.

3.2. Under Article 6 of the [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 our staff and students;
- 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 for exercising and/or enforcing ours or your rights or obligations in the fields of employment and social security;
- 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 as equality of opportunity / treatment, preventing / detecting unlawful acts, exercising a protective

function, supporting individuals with a particular medical condition, to provide counselling, advice or support and to safeguard children or individuals at risk).

4. WHO MIGHT WE SHARE YOUR INFORMATION WITH?

- 4.1. We do not share your information with anyone unless the law and our policies allow us to do so. Some of the most likely instances of where we may share your personal information are listed below.
- 4.2. Your information may be shared internally, including with members of the HR team, (including recruitment and payroll), Health and Safety Officers, your line manager, managers in the area in which you work and IT staff if access to the data is necessary for the performance of their roles.
- 4.3. Sensitive information such ethnicity, disability, religion, nationality and sexual orientation will only be shared internally within the HR Department. We will keep this information about you confidential.
- 4.4. We need to share the information with government funding and other agencies or regulatory bodies (e.g., the Department for Education or the Office for Students) in order to comply with our legal duties, and with host employers in the case of work experience/placements. For students aged under 19, we will share information with your parents/carers unless you ask us not to. For apprentices of all ages, we may need to share information with your employers.
- 4.5. We also may share your data with third parties that process data on our behalf, for example in connection with payroll, the provision of benefits and the provision of occupational health services.
- 4.6. We may share your information with our professional advisers such as accountants and solicitors.
- 4.7. We may be asked to share data with other third parties where there is a lawful reason for their request. These may include: the Health and Safety Executive, the police, social services, legal firms acting on your, or the College's behalf, insurance companies acting on your, or the College's behalf and other government agencies.
- 4.8. We may also share the information in an anonymised format, with national bodies for the purposes of monitoring and research.

5. WHAT DO WE DO WITH YOUR DATA

- 5.1. We use this information to record, investigate and prevent accidents and other incidents.
- 5.2. As aggregated data it will be used to track and monitor the number of incidents and accidents that occur within the College.

6. TRANSFERRING YOUR PERSONAL DATA TO OTHER COUNTRIES

- 6.1. 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.
- 6.2. 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.
- 6.3. 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.

7. HOW DO WE PROTECT YOUR DATA?

- 7.1. 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.
- 7.2. 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.

8. HOW LONG DO WE KEEP THIS INFORMATION ABOUT YOU?

- 8.1. 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 contract of employment, 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 anonymised or deleted.

9. AUTOMATED DECISION-MAKING

- 9.1. 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.
- 9.2. 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.

10. WHAT ARE MY RIGHTS?

10.1. 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.

10.2. 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.

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

10.4. 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.

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

10.6. 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.

11. WHO CAN I CONTACT IF I HAVE ANY QUESTIONS OR CONCERNS?

11.1. 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.

11.2. If your complaint is not resolved to your satisfaction and you wish to make a formal complaint to the Information Commissioner's Office (ICO), you can contact them on 01625 545745 or 0303 123 1113. You also have the right to judicial remedy against a legally binding decision of the ICO where you consider that your rights under this regulation have been infringed as a result of the processing of your personal data. You have the right to appoint a third party to lodge the complaint on your behalf and exercise your right to seek compensation.

12. PRIVACY NOTICE CHANGES

12.1. 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.