



# **Privacy Policy & Procedure**

**Last Reviewed**  
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## **POLICY STATEMENT**

BCTG are committed to ensuring that your privacy is protected and we strictly adhere to the provisions of all relevant Data Protection legislation including the EU General Data Protection Regulations (GDPR) and the Privacy and Electronic Communications (EC Directive) Regulations 2003.

The organisation undertakes to ensure that data is:

- Fairly and lawfully processed
- Processed for limited purposes
- Adequate, relevant and not excessive
- Accurate
- Not kept longer than necessary
- Processed in accordance with the data subject's rights
- Secure
- Not transferred to third parties without the express permission of the subject and adequate protection

Access to all data retained on staff will only be available to the Senior Management team.

Access to all data retained on clients will only be available to employees of BCTG unless agreed with the individual in advance.

Clients on whom data is held have the right of access, transparency, rectification, portability, restriction, objection and the right to be forgotten.

Data will not be retained for longer than the contract required or 5 years if not contractual.



**Chris Luty M.Sc. MCIPD**  
**Chief Executive**

**May 2018**

## Introduction

BCTG needs to process certain information/data about its employees, associated companies, learners; employers; pastoral clients; IAG clients; Subcontractors; Managed Services Providers and other persons to allow it to monitor performance, achievements and health & safety, for example. It is also necessary to process information so that staff can be recruited and paid, courses organised, legal compliance issues assessed, the legal requirements of funding bodies complied with, and contractual obligations and outcomes measured.

In order to comply with legal data requirements, (including personal data as defined by the General Data Protection Regulations – GDPR), data must be collected and used fairly, stored safely and not disclosed to any other party unlawfully. In order to conform BCTG must comply with the Data Protection principles as set out Article 5 of the General Data Protection Regulations. In summary, these state that the personal data shall:

- Be processed fairly, lawfully and in a transparent manner in relation to individuals;
  - Be collected for a specified, explicit and legitimate purpose and not further processed in a manner this is incompatible with those purposes; further processing for archiving purposes in the public interest, specific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purpose;
  - Be adequate, relevant and limited to what is necessary in relation to the purpose for which they are processed;
  - Accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purpose for which they are processed, are erased or rectified without delay;
  - Kept in a form which permits identification of data subjects for no longer than necessary for the purpose for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisation measure required by the GDPR in order to safeguard the rights and freedoms of individuals; and
  - Processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.
  - Not be transferred to a country outside the European Economic Area, unless that country has equivalent levels of protection for personal data.
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## Definition of personal information

Personal information is defined as any information relating to an identifiable person who can be directly or indirectly identified by reference to an identifier.

This definition provides a wide range of personal identifiers to constitute personal data, including name, identification number, location data or online identifier, reflecting changes in technology and the way organisations collect information about people.

The GDPR applies to both automated personal data and to manual filing systems where personal data are accessible according to specific criteria. This could include chronologically ordered sets of manual records containing personal data.

Personal data that has been pseudonymised – e.g. key-coded – can fall within the scope of GDPR depending on how difficult it is to attribute the pseudonym to a particular individual.

An extension of personal data is sensitive personal data, the GDPR refers to this as ‘special categories of personal data’.

The special categories specifically include genetic data, and biometric data were processed to uniquely identify an individual.

For BCTG, this personal information consists of:

- Employees
  - personal details
  - address and contact details
  - employment history
  - educational background
  - performance monitoring and appraisal reports
  - payroll information
  - Sensitive data including:
    - Sex life
    - Race or ethnic origin
    - Physical or mental health
    - Criminal records
- Learners
  - personal details (i.e. name, DOB, NI etc..)
  - address and contact details
  - employment status and details
  - educational background
  - household situation
  - programme details including participation, progression and achievement data
  - Sensitive data including:
    - Sex life
    - Race or ethnic origin
    - Physical or mental health
    - Criminal records
    - Safeguarding logs
- Subcontractors
  - Company details
  - Financial health (including accounts)

- Staff details including competencies and achievements
- Contractual arrangement
- Managed Services Providers
  - Company details
  - Contractual arrangements
  - Learner information (as detailed above)

### Reason for processing personal information

You may have already been told about the specific purposes for which we are processing your personal information, as well as the ‘legal’ or ‘lawful’ basis for that processing (the justification under current data protection legislation).

More about ‘legal’/‘lawful’ basis:

We can only process (collect, use, store etc) your personal information if one of the following applies:

- We need your personal information to provide a service as part of a **contract** (for example, to enable you/us to fulfil your/our obligations under an education contract or employment contract). Note that in English law ‘contracts’ are not limited to those in writing, so this justification may also cover less formal agreements between you and BCTG.
- We need your personal information to perform our **official functions** as a government funded training provider, and those functions are **in the public interest**. This justification also covers situations where we need to share information with other organisations in order for them to carry out their official functions (for example, audit and compliance).
- We need your personal information to comply with a **legal obligation** to which we are subject (for example, providing data about our staff and learners to the Education & Skills Funding Agency and Department for Education is a legal requirement for training providers under the Apprenticeship, Skills, Children and Learning Act 2009).
- We need your personal information for a **legitimate interest** of the organisation or a third party, provided that interest is not overridden by your interests and rights (for example, we may need to process your information to comply with the Ofsted Common Inspection Framework).
- We need your personal information to protect somebody’s life (a **vital interest**).
- You provide **consent** for us to process your personal information, based on clear and specific information, with a genuine choice (without any pressure), and the ability to change your mind at any time.

In the majority of cases, BCTG will process personal information for a contractual purpose in line with ESFA guidelines, however, some information is held for other purposes in allowing us to conduct our official functions such as recording additional information for Ofsted purposes.

### How personal information is used

We will generally use your personal information to provide you with the services, products or information you have requested from us. We may need to share your information with our service providers for these purposes, but we will ensure that appropriate contracts with these parties are in place and they only process your information in accordance with our instructions and data protection legislation. If we need to transfer any information to a country not recognised as providing equivalent protection, we will use additional safeguards approved by UK or EU regulators.

### How personal information is stored

BCTG store information in a number of ways to enable us to perform our contractual duties, this includes storing information in:

- Hard copy files - kept securely in locked cabinets in locked rooms with access limited to appropriate staff, then dormant files are archived after 12 months to a secure off-site facility
- Electronic data – all systems used are GDPR compliant
  - MIS (PICS) - kept securely with only relevant staff have access/login details
  - eAssessor – linked to PICS and allows limited access dependant on the use eportfolio/tracking
  - My-Training – Moodle VLE with access to minimal BCTG staff to perform maintenance and only learners/trainer access to their own part of the system/learners
  - Google Drive – used to transfer data securely between providers/subcontractors, data only store for a maximum of 7 days before it is removed to PICS

Further details on retention and disposal is recorded in our document retention policy.

### **The rights of data subjects**

By law, you have certain rights over your personal information:

- To receive a copy of your information
- To ask us to correct any errors
- To delete it once we no longer need it
- To ask us to stop using your information in a certain way
- To ask for certain information in a portable, electronic format
- To object to certain uses of your information (for example, marketing and automatic profiling or decision making)

BCTG will aim to respond as follows:

- Manage the request promptly
- Provide good quality service
- Be helpful, honest, professional, courteous and consistent
- Provide the relevant information that you need
- Take ownership of your query
- Be realistic in what we say we can or cannot do
- Treat your personal data as confidential and keep it secure
- Listen to your comments and feedback on how we can make our service better

To make a request for any of the above, please contact [enquiries@bctg.org.uk](mailto:enquiries@bctg.org.uk)

### **Marketing**

If you register an interest with BCTG or through one of our subcontractors, you may be asked to opt-in to receive marketing communications. This is done at the point where your personal information is first collected. Within any marketing communications, you will be provided with a simple and transparent way to unsubscribe. Any changes you request to how your personal information is processed for the purposes of marketing and/or the provision of service updates will be acted on promptly.

### **Do we use 'cookies'?**

Cookies are text files, which identify a user's computer to our servers. Cookies in themselves do not identify the individual user, just the computer used.

Our website uses cookies for collecting user information which may include IP address, operating system and browser information. We use persistent cookies to track returning visitors. They expire after 12 months and enable us to compare website traffic from month to month.

Information on controlling or rejecting cookies is available from several websites, such as <http://www.aboutcookies.org>. Most browsers allow you to refuse cookies – see the help section of your browser’s toolbar for further information.

### **How long we keep your information**

Unless stated otherwise in a privacy notice, we will keep your information based on the periods or criteria specified in BCTG’s Document Retention Policy.

### **Changes to this privacy policy**

We keep our privacy policy under regular review. This privacy policy was last updated on 23 May 2018.

### **How can you contact us or make a complaint to the regulator?**

To contact us about our privacy notice or information we hold about you, please write:

- by email – [enquiries@bctg.org.uk](mailto:enquiries@bctg.org.uk)
- or by post – BCTG Limited, European Business Park, Taylors Lane, Oldbury, B69 2BN

If you don’t feel we have dealt with your request appropriately, you can complain to the [Information Commissioner’s Office](#).