



Privacy Notice

POLICY DOCUMENT 18	
Title	Privacy Notice
Approved by	Board of Trustees
Date approved	31 August 2023 (policy currently under review)
To be reviewed	Every 3 years, on legislative changes or in the event of a serious incident
Review history	22 July 2021, 16 th October 2018
Owner	Chair of Trustees
Where to be published (website/private)	Website

1.0 Purpose

1.1. The use of all personal data by the Centre for Self Managed Learning Limited (hereafter referred to as “the Charity”) is governed by The [General Data Protection Regulation](#) (GDPR) and [UK Data Protection Act 2018](#) (DPA)

1.2 This policy provides information regarding how the Self-Managed Learning College (hereafter referred to as “the College”) will use (or "process") personal data about any living individual.

1.3 The following information is detailed in the Appendices:

1. Key Information (including contact details)

1.4 This document is based on the following source material:

- <https://gdpr.algolia.com/>
- <https://ico.org.uk/>
- <https://www.nicva.org/data-protection-toolkit/templates/write-a-privacy-notice>

2.0 Policy Statement

2.1 This information is provided because Data Protection Law gives individuals rights to understand how their data is used. Staff, volunteers and contractors, parents and students are all encouraged to read this Privacy Notice and understand the College’s obligations to its entire community.

2.2 This Privacy Notice applies alongside any other information the College may provide about a particular use of personal data, for example when collecting data via an online or paper form.

2.3 This Privacy Notice also applies in addition to the College's other relevant terms and conditions and policies, including:

- any contract between the College and its staff and contractors or the parents of students;
- the College's policy on taking, storing and using images of children;
- the College’s retention of records policy;
- the College's safeguarding or health and safety policies, including as to how concerns or incidents are recorded; and
- the College's IT policies.

2.4 Anyone who works for, or acts on behalf of, the College (including employees, contractors, volunteers and service providers, hereafter referred to as “adult stakeholders”) should also be aware of and comply with this Privacy Notice, which also provides further information about how personal data about those individuals will be used.

3.0 Responsibilities

3.1 The Board of Trustees delegates responsibility for ensuring the colleges compliance with all relevant data protection obligations.

- The Chair of Governors is the person responsible for Data Protection relating to the college.

- The Chair of Governors will deal with requests and enquiries concerning the College's uses of your personal data.

3.2 Requests and queries that do not relate to data collected by the college, but is collected and solely used by the Charity can be directed to the chair of trustees.

4.0 Why the College needs to Process Personal Data

4.1 The vast majority of data collected or processed by the charity will fall within the "performance of a contract" basis. This is the data needed by the College to be able to provide our contractual services to parents and students. It is also the data needed to receive contractual services from others (adult stakeholders, contractors and service providers).

4.2 For data that does not fall within the "performance of a contract" basis, consent will be sought from individuals to collect and process that specific data.

4.3 The College expects that the following uses will fall within that category of its (or its community's) "performance of a contract":

- For the purposes of student selection and admission into the College (and to confirm the identity of prospective students and their parents);
- To provide learning services and monitoring students' progress and learning needs;
- To enable relevant authorities to monitor the College's performance and to intervene or assist with incidents as appropriate;
- To give and receive information and references about past, current and prospective students, including relating to outstanding fees or payment history, to/from any learning institution that the student attended or where it is proposed they attend; and to provide references to potential employers of past students and adult stakeholders;
- To enable students to take part in national or other assessments, and to publish the results of public examinations or other achievements of students of the College;
- To safeguard students' welfare;
- To monitor (as appropriate) the use of the College's IT and communications systems in accordance with the College's IT policies;
- To carry out or cooperate with any college or external complaints, disciplinary or investigation process; and
- Where otherwise reasonably necessary for the College's purposes, including to obtain appropriate professional advice and insurance for the College.

4.4 The College expects that the following uses will fall within that category of its (or its community's) "consent to use":

- To make use of photographic images of students in College publications, on the College website and (where appropriate) on the College's social media channels in accordance with the College's policy on taking, storing and using images of children;
- Maintaining relationships with alumni and the College community, including direct marketing or fundraising activity;
- For the purposes of donor due diligence, and to confirm the identity of prospective donors and their background and relevant interests;

4.5 In addition, the College will on occasion need to process special category personal data (concerning health, ethnicity, religion, biometrics or sexual life) or criminal records information (such as when carrying out DBS checks) in accordance with rights or duties imposed on it by law, including as regards safeguarding and employment, or from time to time by explicit consent where required. These reasons will include:

- To safeguard students' welfare and provide appropriate (and where necessary, medical) care, and to take appropriate action in the event of an emergency, incident or accident, including by disclosing details of an individual's medical condition or other relevant information where it is in the individual's interests to do so: for example for medical advice, for social protection, safeguarding, and cooperation with police or social services, for insurance purposes or to caterers or organisers of College trips who need to be made aware of dietary or medical needs;
- To provide learning services in the context of any special learning needs of a student;
- As part of any College or external complaints, disciplinary or investigation process that involves such data, for example if there are SEN, health or safeguarding elements; or
- For legal and regulatory purposes (for example child protection, diversity monitoring and health and safety) and to comply with its legal obligations and duties of care.

5.0 Types of Personal Data Processed by the College

5.1 This will include by way of example:

- names, addresses, telephone numbers, e-mail addresses and other contact details;
- bank details and other financial information, e.g. about parents who pay fees to the College;
- past, present and prospective students' academic, disciplinary, admissions and attendance records (including information about any special needs), and examination scripts and marks;
- personnel files, including in connection with academics, employment or safeguarding;
- where appropriate, information about individuals' health and welfare, and contact details for their next of kin;
- references given or received by the College about students, and relevant information provided by previous learning establishments and/or other professionals or organisations working with students;
- correspondence with and concerning adult stakeholders, students and parents past and present; and
- images of students (and occasionally other individuals) engaging in College activities
- CCTV images stored for 2-4 weeks

6.0 How the college Collects Data

6.1 Generally, the College receives personal data from the individual directly (including, in the case of students, from their parents). This may be via a form, or simply in the ordinary course of interaction or communication (such as email or written assessments).

6.2 However in some cases personal data will be supplied by third parties (for example a school or college, or other professionals or authorities working with that individual); or collected from publicly available resources.

7.0 Who has Access to Personal Data and who the college shares it with

7.1 Occasionally, the College will need to share personal information relating to its community with third parties, such as:

- professional advisers (e.g. lawyers, insurers, PR advisers and accountants);

- government authorities (e.g. HMRC, DfE, police or the local authority); and
- appropriate regulatory bodies e.g. the Charity Commission or the Information Commissioner.

7.2 For the most part, personal data collected by the College will remain within the College, and will be processed by appropriate individuals only in accordance with access protocols (i.e. on a 'need to know' basis). Particularly strict rules of access apply in the context of:

- medical records which are held and accessed only by the CPC or otherwise in accordance with express consent; and
- safeguarding files.

However, a certain amount of any SEN student's relevant information will need to be provided to adult stakeholders more widely in the context of providing the necessary care and learning support that the student requires.

7.3 Adult stakeholders, students and parents are reminded that the College is under duties imposed by law and statutory guidance (including Keeping Children Safe in Education) to record or report incidents and concerns that arise or are reported to it, in some cases regardless of whether they are proven, if they meet a certain threshold of seriousness in their nature or regularity. This is likely to include file notes on personnel or safeguarding files, and in some cases referrals to relevant authorities such as the LADO or police. For further information about this, please view the College's Safeguarding Policy.

7.4 The College may also record low level safeguarding concerns in order to monitor these in case they add up to a serious concern.

7.5 Finally, in accordance with Data Protection Law, some of the College's processing activity is carried out on its behalf by third parties, such as IT systems and software providers, VISA advisors and processors, photographers, web developers or cloud storage providers. This is always subject to contractual assurances that personal data will be kept securely and only in accordance with the College's specific directions.

8 How long we keep Personal Data

8.1 The College will retain personal data securely and only in line with how long it is necessary to keep for a legitimate and lawful reason. Typically, the legal recommendation for how long to keep ordinary adult stakeholders student personnel files is up to 7 years following departure from the College. However, under current advice given by the Independent Inquiry into Child Sexual Abuse adult stakeholders files, incident reports and safeguarding files will need to be kept much longer.

8.2 If you have any specific queries about how our retention policy is applied, or wish to request that personal data that you no longer believe to be relevant is considered for erasure, please contact the Chair of Governors. However, please bear in mind that the College will often have lawful and necessary reasons to hold on to some personal data even following such request.

8.3 A limited and reasonable amount of information will be kept for archiving purposes, for example; and even where you have requested we no longer keep in touch with you, we will need to keep a record of the fact in order to fulfil your wishes (called a "suppression record").

9.0 Keeping in Touch and Supporting the College

9.1 The College will use the contact details of parents, alumni and other members of the College community to keep them updated about the activities of the College, or alumni and parent events of interest, including by sending updates, publications and newsletters, by email and by post. The College will seek opt-in consent from its leavers and leavers' parents going forward i.e. for new members of the database.

9.2 Unless the relevant individual objects, the College will also:

- Share personal data about parents and/or alumni, as appropriate, with organisations set up to help establish and maintain relationships with the College community.
- Contact parents and/or alumni by post and email in order to promote and raise funds for the College.
- Collect information from publicly available sources about parents' and former students' occupation and activities, in order to maximise the College's fundraising potential.

9.3 Should you wish to limit or object to any such use, or would like further information about them, please contact the Chair of Governors in writing. You always have the right to withdraw consent, where given, or otherwise object to direct marketing or fundraising. However, the College is nonetheless likely to retain some of your details (not least to ensure that no more communications are sent to that particular address, email or telephone number).

10.0 Your Rights

10.1 Rights of access, etc. Individuals have various rights under Data Protection Law to access and understand personal data about them held by the College, and in some cases ask for it to be erased or amended or have it transferred to others, or for the College to stop processing it – but subject to certain exemptions and limitations.

10.2 Any individual wishing to access or amend their personal data, or wishing it to be transferred to another person or organisation, or who has some other objection to how their personal data is used, should put their request in writing to the Chair of Governors. It is important that subject access requests follow this route since some adult stakeholders may not actively monitor their post or emails during College holidays.

10.3 The College will endeavour to respond to any such written requests as soon as is reasonably practicable and in any event within statutory time-limits (which is one month in the case of requests for access to information).

10.4 The College will be better able to respond quickly to smaller, targeted requests for information. If the request for information is manifestly excessive or similar to previous requests, the College may ask you to reconsider, or require a proportionate fee (but only where Data Protection Law allows it).

10.5 Requests that cannot be fulfilled. You should be aware that the right of access is limited to your own personal data, and certain data is exempt from the right of access. This will include information which identifies other individuals (and parents need to be aware this may include their own children, in certain limited situations – please see further below), or information which is subject to legal privilege (for example legal advice given to or sought by the College, or documents prepared in connection with a legal action).

10.6 The College is also not required to disclose any student examination scripts (or other information consisting solely of student test answers), provide examination or other test marks ahead of any ordinary publication, nor share any confidential reference given by the College itself for the purposes of the education, training or employment of any individual.

10.7 You may have heard of the "right to be forgotten". However, we will sometimes have compelling reasons to refuse specific requests to amend, delete or stop processing your (or your child's) personal data: for example, a legal requirement, or where it falls within a legitimate interest identified in this Privacy Notice. All such requests will be considered on their own merits.

10.8 Student requests. Students can make subject access requests for their own personal data, provided that, in the reasonable opinion of the College, they have sufficient maturity to understand the request they are making (see section Whose Rights? below). A student of any age may ask a parent or other representative to make a subject access request on his/her behalf.

10.9 Indeed, while a person with parental responsibility will generally be entitled to make a subject access request on behalf of younger students, the law still considers the information in question to be the child's: for older students, the parent making the request may need to evidence their child's authority for the specific request.

10.10 Students aged 13 and above are generally assumed to have this level of maturity, although this will depend on both the child and the personal data requested, including any relevant circumstances at home. Slightly younger children may however be sufficiently mature to have a say in this decision, depending on the child and the circumstances.

10.11 Parental requests, etc. It should be clearly understood that the rules on subject access are not the sole basis on which information requests are handled. Parents may not have a statutory right to information, but they and others will often have a legitimate interest or expectation in receiving certain information about students without their consent. The College may consider there are lawful grounds for sharing with or without reference to that student.

10.12 Parents will in general receive learning updates about their children at the termly 3-way meetings. Where parents are separated, the College will in most cases aim to provide the same information to each person with parental responsibility, but will need to factor in all the circumstances including the express wishes of the child. Financial information will not be shared with any parent who has, by exception and in rare situations, passed sole financial responsibility for fees and extras to the other parent with the express agreement of the College.

10.13 All information requests from, on behalf of, or concerning students – whether made under subject access or simply as an incidental request – will therefore be considered on a case by case basis.

10.14 Consent. Where the College is relying on consent as a means to process personal data, any person may withdraw this consent at any time (subject to similar age considerations as above). Examples where we do rely on consent are: certain types of uses of images. Please be aware however that the College may not be relying on consent but have another lawful reason to process the personal data in question even without your consent.

10.15 That reason will usually have been asserted under this Privacy Notice, or may otherwise exist under some form of contract or agreement with the individual (e.g. an employment or parent contract, or because a purchase of goods, services or membership of an organisation such as an alumni or parents' association has been requested).

10.16 Whose rights? The rights under Data Protection Law belong to the individual to whom the data relates. However, the College will often rely on parental authority or notice for the necessary ways it processes personal data relating to students – for example, under the parent contract, or via a form. Parents and students should be aware that this is not necessarily the same as the College relying on strict consent (see section on Consent above).

10.17 Where consent is required, it may in some cases be necessary or appropriate – given the nature of the processing in question, and the student's age and understanding – to seek the student's consent. Parents should be aware that in such situations they may not be consulted, depending on the interests of the child, the parents' rights at law or under their contract, and all of the circumstances.

10.18 In general, the College will assume that students' consent is not required for ordinary disclosure of their personal data to their parents, e.g. for the purposes of keeping parents informed about the student's progress and behaviour, and in the interests of the student's welfare. That is unless, in the College's opinion, there is a good reason to do otherwise.

10.19 However, where a student seeks to raise concerns confidentially with a member of adult stakeholders and expressly withholds their agreement to their personal data being disclosed to their parents, the College may be under an obligation to maintain confidentiality unless, in the College's opinion, there is a good reason to do otherwise; for example where the College believes disclosure will be in the best interests of the student or other students, or if required by law.

10.20 Students are required to respect the personal data and privacy of others, and to comply with the College rules. Adult stakeholders are under professional duties to do the same covered under the relevant policies.

11.0 Data Accuracy and Security

11.1 The College will endeavour to ensure that all personal data held in relation to an individual is as up to date and accurate as possible. Individuals must please notify the College of any significant changes to important information, such as contact details, held about them.

11.2 An individual has the right to request that any out-of-date, irrelevant or inaccurate or information about them is erased or corrected (subject to certain exemptions and limitations under Data Protection Law): please see above for details of why the College may need to process your data, of who you may contact if you disagree.

11.3 The College will take appropriate technical and organisational steps to ensure the security of personal data about individuals, including policies around use of technology and devices, and access to College systems. All adult stakeholders will be made aware of this policy and their duties under Data Protection Law

12.0 Complaints

12.1 If an individual believes that the College has not complied with this policy or acted otherwise than in accordance with Data Protection Law, they should utilise the College complaints procedure (for parents) or grievance procedure (for staff). You can also make a referral to or lodge a complaint with the Information Commissioner's Office (ICO), although the ICO recommends that steps are taken to resolve the matter with the College before involving the regulator.

13.0 Related Policies

- 7 Information Security Policy
- 17 Data Protection Policy
- 20 Safeguarding Policy

14.0 Review

14.1 This policy will be reviewed as and when the legislation changes or after a significant change in operations of the Charity or a significant incident, but no less frequently than every 2 years.