

LONDON DESIGN & ENGINEERING UTC

Privacy Notice for Apprentices

London Design & Engineering UTC is committed to protecting the privacy and security of personal information. This privacy notice describes how we collect and use personal information about pupils, in accordance with the UK General Data Protection Regulation (UK GDPR), section 537A of the Education Act 1996 and section 83 of the Children Act 1989.

Following Brexit, Regulation (EU) 2016/679, General Data Protection Regulation (GDPR) is retained EU law and is known as UK GDPR. The UK GDPR sits alongside an amended version of the Data Protection Act 2018 that relates to general personal data processing, powers of the Information Commissioner and sanctions and enforcement. The GDPR as it continues to apply in the EU is known as EU GDPR.

Who Collects this Information

London Design & Engineering UTC is a “data controller.” This means that we are responsible for deciding how we hold and use personal information about you.

We are required under data protection legislation to notify you of the information contained in this privacy notice. This notice does not form part of any contract to provide services and we may update this notice at any time.

It is important that you read this notice, together with any other policies mentioned within this privacy notice. This will assist you with understanding how we process your information and the procedures we take to protect your personal data.

We will comply with the data protection principles when gathering and using personal information, as set out in our data protection policy

The categories of apprentice information that we collect, hold and share include:

- Personal information (such as name, date of birth, address, telephone number, e-mail address and copies of ID documents)
- Learning contract information (such as course studied, start dates, hours studied, job title, role and employment information)
- Characteristics (such as gender, ethnicity, language, nationality, country of birth, religion and any other protected characteristic in order to comply with the Equality Act 2010)

- Attendance information (such as sessions attended, number of absences and absence reasons)
- Any relevant medical information, special educational needs information, exclusion or behavioural information.
- Assessment information (such as previous qualifications, apprenticeship progress information and any other post-16 learning information)

Why we collect and use this information

The London Design & Engineering (LDE) UTC uses the apprentice data:

- to support apprentice learning
- to monitor and report on the progress being made by apprentices
- to provide appropriate pastoral care
- to assess the quality of our services
- to comply with the law regarding data sharing
- to inform the development of recruitment and retention policies for apprentices
- to develop an alumni association / network

The lawful basis on which we use this information

The LDE UTC will collect and use apprentice information under Articles 6 and 9 of the UK General Data Protection Regulation (UK GDPR), which come into force on 25 May 2018 – i.e. under:

- **Consent:** the individual has given clear consent for the LDE UTC to process their personal data for a specific purpose.
- **Contract:** the processing is necessary for an individual learning record (ILR) to be drawn up with the individual and their employer for an apprenticeship or programme of training.
- **Legal obligation:** the processing is necessary for the LDE UTC to comply with the law, particularly with regard to safeguarding students and complying with health and safety requirements.
- **Public task:** the processing is necessary for the LDE UTC to be able to provide appropriate information to both the ESFA and DfE to comply with

requirements (such as the ILR Data Return) to enable it to continue to deliver and receive public funds for apprenticeships and training programmes.

How we use particularly sensitive information

Sensitive personal information (as defined under the UK GDPR as “special category data”) requires higher levels of protection and further justification for collecting, storing, and using this type of personal information. We may process this data in the following circumstances:

- In limited circumstances, with your explicit written consent;
- Where we need to carry out our legal obligations in line with our data protection policy;
- Where it is needed in the public interest, such as for equal opportunities monitoring (or in relation to our pension scheme);
- Where it is needed in relation to legal claims or where it is necessary to protect your interests (or someone else’s interests) and you are not capable of giving your consent.

Collecting apprentice information

Whilst the majority of information provided by apprentices to the LDE UTC is mandatory, some of it is provided on a voluntary basis. In order to comply with the General Data Protection Regulation, the LDE UTC will inform apprentices whether they are required to provide certain information or if they have a choice or not.

Storing apprentice data

LDE UTC will hold apprentice data for seven years after which it will be destroyed and or deleted safely and confidentially.

Who do we share apprentice information with

The LDE UTC will routinely share apprentice information with:

- the Education and Skills Funding Agency (ESFA)
- the Department for Education (DfE)
- each apprentice’s own individual employer

Why do we share apprentice information

The LDE UTC will not share information about its apprentices with anyone without consent unless the law and its policies allow it to do so.

The UTC will share apprentices' data with the ESFA and the DfE on a statutory basis. This data sharing underpins apprenticeship funding and educational/skills attainment policy and monitoring.

The LDE UTC is required to share information about its apprentices in accordance with the Apprenticeship Agreement agreed with the ESFA. The Apprenticeship Agreement is defined in section 32 of the Apprenticeship, Skills, Children and Learning Act 2009 as it applies in relation to England by virtue of a provision made under section 115(9) of the Deregulation Act 2015.

Data collection requirements:

To find out more about the data collection requirements placed on the LDE UTC by the Education and Skills Funding Agency (ESFA) (for example; via the apprenticeship agreement) go to: <https://www.gov.uk/guidance/working-with-us-as-a-provider> .

The Individualised Learner Records (ILRs) Data Return

The ILR Data Return is owned and managed by the Education and Skills Funding Agency (ESFA), which is an executive agency of the Department for Education (DfE)

For the purposes of Data Protection, the DfE is the data controller for personal data processed by the ESFA.

The ILR Data Return is used by the DfE to exercise its functions and to meet its statutory responsibilities, including under the Apprenticeships, Skills, Children and Learning Act 2009 and to create and maintain a unique learner number (ULN) and a personal learning record (PLR).

Your information may be shared with third parties for education, training, employment and well-being related purposes, including for research. This will only take place where the law allows it and the sharing is in compliance with the GDPR.

The English European Social Fund (ESF) Managing Authority (or agents acting on its behalf) may contact you in order for them to carry out research and evaluation to inform the effectiveness of training.

You can opt out of contact for other purposes by ticking any of the following boxes if you do not wish to be contacted:

- ☐ About courses or learning opportunities.
- ☐ For surveys and research.
- ☐ By post.
- ☐ By phone.
- ☐ By e-mail.

Further information about the use of and access to your personal data, and details of organisations with whom we regularly share data are available at:

<https://www.gov.uk/government/publications/esfa-privacy-notice>

To find out more about the ILR Data Return, go to

www.gov.uk/government/publications/ilr-guides-and-templates-for-2017-to-2018

The Department may share information about apprentices with third parties who promote the education or well-being of learners in England by:

- conducting research or analysis
- producing statistics
- providing information, advice or guidance

The Department has robust processes in place to ensure the confidentiality of data is maintained and there are stringent controls in place regarding access and use of the data. Decisions on whether DfE releases data to third parties are subject to a strict approval process and based on a detailed assessment of:

- who is requesting the data
- the purpose for which it is required
- the level and sensitivity of data requested: and
- the arrangements in place to store and handle the data

To be granted access to apprentice information, organisations must comply with strict terms and conditions covering the confidentiality and handling of the data, security arrangements and retention and use of the data.

For more information about the department's data sharing process, please visit:

<https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

To contact DfE: <https://www.gov.uk/contact-dfe>

Requesting access to your personal data

Under data protection legislation, apprentices have the right to request access to information about them that the LDE UTC holds. To make a request for your personal information, or be given access to your record, please contact:

- **Sharna Rolle, Head of Apprenticeships**
- **E-mail:** Sharna.Rolle@ldeutc.co.uk
- **Tel:** 0203 019 7326

You also have the right to:

- object to the processing of personal data that is likely to cause, or is causing, damage or distress
- prevent processing for the purpose of direct marketing
- object to decisions being taken by automated means
- in certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed; and
- claim compensation for damages caused by a breach of the Data Protection regulations

If you have a concern about the way we are collecting or using your personal data, we request that you raise your concern with us in the first instance. Alternatively, you can contact the Information Commissioner's Office at <https://ico.org.uk/concerns/>

Contact

If you would like to discuss anything in this privacy notice, please contact:

- **Ghulam Abbas –**
- **E-mail:** Ghulam.Abbas@ldeutc.co.uk
- **Tel:** 020 3019 7333

We have appointed a data protection officer (DPO) to oversee compliance with data protection and this privacy notice. If you have any questions about how we handle your personal information which cannot be resolved by Katie Harris, then you can contact the DPO on the details below: -

Data Protection Officer: Judicium Consulting Limited

Address: 72 Cannon Street, London, EC4N 6AE

Email: dataservices@judicium.com

Web: www.judiciumeducation.co.uk

Lead Contact: Craig Stilwell