

POLICIES & PROCEDURES

Privacy Policy



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Privacy Policy

1. Introduction

1.1 This privacy policy explains how ABBE collects, uses and shares personal data, and explains individual's rights in relation to the personal data we hold. It has been written to comply with The Data Protection Act 2018, the UK's implementation of the General Data Protection Regulation (GDPR).

1.2 ABBE is committed to being transparent about how it collects and uses data and to meeting its data protection obligations. Where practicable, we adhere to good practice, as issued by the ICO - Information Commissioner's Office (the regulator responsible for overseeing compliance with the Data Protection Act), Ofqual or other appropriate bodies.

1.3 This policy explains how ABBE collects, uses, retains and shares personal data, and individual rights in relation to the personal data we hold. ABBE will not knowingly or intentionally request data that would not be GDPR compliant or would cause non-compliance.

2. Scope

2.1 ABBE collects limited learner data from its approved centres and takes its responsibilities under Data Protection Laws seriously. ABBE is committed to handling an individual's personal data in a careful and considerate manner that recognises the importance of such information to their privacy and welfare.

2.2 This policy covers all personal data that is processed by ABBE and is applicable to all employees and contractors, such as External Quality Assurers, holding, storing or using information for, or on behalf of, ABBE.

2.3 This policy explains the following:

- ❖ How ABBE collects data
- ❖ Types of data collected
- ❖ How ABBE uses personal data
- ❖ On what basis is data processed
- ❖ Who ABBE share personal data with
- ❖ Where is data stored and how it is kept safe
- ❖ For how long information is kept
- ❖ Keeping information and communication preferences up to date
- ❖ Data Rights
- ❖ How to raise concerns

3. How ABBE Collects Data

ABBE may collect personal data in several ways, some data may be collected directly from individuals, using information provided to us, for example when completing forms, or contacting us by email or telephone.

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ABBE may obtain personal data from third parties including Colleges, Training Providers, Centres and government departments or agencies have been given permission to share an individual's personal data.

4. Types of Data Collected

ABBE will collect personal details as follows:

- ❖ full name
- ❖ date of birth
- ❖ gender (optional)
- ❖ demographic information such as postcode (optional)

5. How ABBE uses Personal Data

ABBE will use personal data to keep a record of an individual's relationship with ABBE and to deliver a range of education and support services, including registering and maintaining a record of learner achievements, and sending relevant communications, if applicable.

ABBE uses a Qualification Management Information System (QMIS) to record learner details and achievements. Personal data may be shared if required by law, or to conform to our legal responsibilities we hold to our regulatory bodies such as Ofqual, DfE, ESFA.

6. On What Basis is Data Processed

ABBE processes information where:

- ❖ We have a contractual obligation
- ❖ We have a legal obligation
- ❖ It is necessary to meet a task in the public interest
- ❖ It is necessary to meet our legitimate interests or the legitimate interests of others

There may be situations where consent is required to process personal data, in other situations data may be processed without an individual's knowledge or consent, where this is required or permitted by law.

7. Who ABBE Shares Personal Data With

ABBE may share personal data within ABBE where this is necessary for responding to enquiries or applications, or for the delivery of qualifications or educational and ancillary services.

ABBE may share personal data with certain third parties for the purposes of delivering educational and ancillary services, or to perform our contractual and other legal responsibilities. Where information is shared with third parties, we

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will seek to share the minimum amount necessary. When requested, ABBE shares personal data with regulatory bodies such as Ofqual, DfE, ESFA.

8. Where is Data Stored and How is it Kept Safe

ABBE is committed to safeguarding personal data. Whenever an individual provides such information, we are legally obliged to use personal information in line with all applicable laws concerning the protection of personal information, including the Data Protection Act 2018 and the General Data Protection Regulation. All records are held within a dedicated and secure database system hosted on a secure network with access limited on a 'need to know' basis.

9. How Long is Information Kept

We will hold personal information within a secure dedicated database for as long as is necessary to provide educational and ancillary services to the individual. This includes the retention of achievement data for the purposes of supplying qualification achievement confirmation.

ABBE's Data Retention schedule provides staff with guidance on how long to retain electronic and hard copy documents.

11. Keeping Information and Communication Preferences Up to Date

ABBE wants to ensure that the details we hold about individuals is kept up to date and that we communicate with individuals in accordance with their wishes.

Individuals can update their personal details and communication preferences by contacting ABBE enquiries at:
abbeenquiries@bcu.ac.uk

12. Data Rights

Under Data Protection Laws individuals have the following rights:

- ❖ to be told how ABBE will process their personal data
- ❖ to obtain access to, and copies of, the personal data that ABBE holds about them
- ❖ to request ABBE ceases the processing of their personal data
- ❖ to request ABBE not to send marketing communications
- ❖ to request corrections to the personal data ABBE holds, if it is inaccurate
- ❖ to request ABBE to erase personal data
- ❖ to request ABBE to restrict data processing activities
- ❖ to withdraw their consent to the processing of their personal data where consent is the legal basis is used by ABBE, this does not affect the lawfulness of the processing based on consent before its withdrawal
- ❖ of data portability, which provides for a copy of their data in a format to allow reuse for their own purposes with another organisation
- ❖ to object to the processing of their data in certain circumstances

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- ❖ rights in relation to automated decision making and profiling
- ❖ to complain to the ICO about ABBE's handling of their data.

The above rights are not absolute, and ABBE may be entitled to refuse requests where exceptions apply, or the specific right is not applicable to the type of processing undertaken.

With the exception of data access/subject access requests, ABBE will reply to a data right request as quickly as possible and, in all cases, will issue a response within one calendar month. The response will explain if the request has been granted, granted in part or refused. Where any request is refused or only granted in part an explanation of ABBE's decision will be provided. All responses will also include relevant appeal rights to the ICO.

In relation to data access/subject access requests, ABBE will reply to subject access requests as quickly as possible and within the timescales allowed by Data Protection Laws, which is one calendar month unless a two-month extension is applied.

ABBE will endeavour to fulfil all legitimate and reasonable requests. In some cases, especially with requests that are not clear, further information may be required from the requester which may delay the start of the time limit.

13. Data Breaches

The ICO classes a data breach as *"A personal data breach means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data. This includes breaches that are the result of both accidental and deliberate causes. It also means that a breach is more than just about losing personal data."*

Examples of personal data breaches could include:

- ❖ Theft of an ABBE laptop/mobile device which has personal data saved
- ❖ An attack on ABBE's IT network which exposes personal data
- ❖ Unauthorised use of personal data by a member of ABBE staff
- ❖ Accidental loss of files or documents which contain personal data
- ❖ Failure of equipment rendering personal data irretrievable

All potential or actual personal data security breaches should be reported as soon as they are discovered. It is also helpful, although not obligatory, to report a significant 'near miss' as it helps to identify risk areas for which we can put improved practice in place or note good practice which has prevented a potential data breach.

Data breaches should be reported to ABBE enquiries at:
abbeenquiries@bcu.ac.uk

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Anyone can and should report a data breach, whether they were the person who caused the data breach, were told about it, simply noticed the data breach or received the breached personal data.

When reporting a data breach, please provide as much detail as possible, as this information is helpful to assess the severity of the breach and decide on the appropriate course of action to ensure that where possible the data is recovered, and the risk of a similar incident is minimised.

The names of the individuals whose personal data has been breached (the data subjects) do not need to be reported, if this information is required it will be requested separately. We may also request copies of any documents or emails exposed as a result of the breach. These documents will not usually be shared beyond the investigating officers, but they allow us to make an informed judgement of the breach and decide on the next steps to take.

A review will take place following all breaches to identify any remedial action to reduce the risk of similar breaches occurring; this may include revised policies and procedures, staff training, or improved security.

Breaches which present a major risk to the individuals affected will be reported to ABBE's Responsible Officer and in some cases the ICO.

14. How to Raise Concerns

Where individuals have questions, comments or concerns about how ABBE use or handle their personal data, please contact ABBE enquiries at: abbeenquiries@bcu.ac.uk

Individuals also have the right to complain directly to the ICO and can contact them for independent and impartial advice and guidance.

Further Information about the Information Commissioner is available at: www.ico.org.uk

15. Continuous Improvement

To ensure that this policy remains fit for purpose and that the procedures and it's outcomes are achievable, it is subject to a three-year review cycle, or earlier should any feedback or concern be brought to the attention of ABBE. This policy is also reviewed as part of ABBE continuous improvement monitoring through its annual self-assessment arrangements.

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