

# **Privacy Notice**

## **Apprenticeships including Recruitment**

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## General Data Protection Regulations (GDPR) – Overview

From 25<sup>th</sup> May 2018 the Data Protection Act (1998) will be replaced by the General Data Protection Regulations (GDPR).

The main reason for releasing this new Regulation is due to the significant advancements in technology over the last 20 years since the Data Protection Act came into force. The new law was required to reflect and address the current and foreseeable trends in technology and misuse of personal data by organisations.

The GDPR aims to provide individuals with more control over how organisations use their personal data.

For further information, please visit the ICO:

<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/>

# 1. What is personal data?

The GDPR defines personal data as: *“Any information relating to an identified or identifiable natural (living) person.”*

This means that if anyone can identify an individual using the information, it is considered personal data.

Everything from names, dates of births, addresses (the more obvious ones) etc. to such things as mobile phone numbers and even IP addresses.

There is also “special category data” such as ethnicity, religion and health. This data can only be collected upon meeting conditions such as; receiving explicit consent (self-declaration), protecting vital interests of the individual (i.e. health disclosures) or employment purposes. There are other conditions, such as for legal proceedings, but these are not applicable to OTC.

## 2. Data Controller

OTC is known as the **Data Controller** however the controller for certain services may be the funder of that service (ESFA).

OTC’s Data Protection Representative is Emma Topham, Quality Improvement Officer. Should you need to contact her, you will find details in section 8.

## 3. Why and how we collect your personal data

For individuals applying for or on an Apprenticeship, funded wholly or partially via the government, we have a legal requirement to collect personal data in order to fulfil the contract with the ESFA. We do this via a number of forms which have been designed to meet the funding rules set out by the Education and Skills Funding Agency (ESFA) – an executive agency sponsored by the Department for Education – whom fund the training that OTC provides.



OTC’s attendance system for Apprentices uses fingerprint technology which does not store any image of the fingerprint but converts it into a complex numerical code which is retained as a pattern. The fingerprint image cannot be reproduced, exported or transferred. Only the resultant pattern and numerical code, linked to an apprentice identification number, can be stored to produce attendance records. Apprentices may opt out of this system and input a personal five digit code or complete the external visitors’ log. OTC has a legitimate interest in collecting attendance data linked to our duty of care for the health, safety (and safeguarding) of all learners whilst attending OTC premises. The attendance record for each apprentice is shared with their employer and the data is retained for the duration of the apprenticeship after which time they are deleted by OTC authorised personnel.

OTC collects special category data at application stage for internal statistical purpose and data is anonymised when used in such a way. We also collect health, disability and learning difficulty data to ensure that we are protecting your vital interest whilst on programme. For example, we would not be able to place someone with severe asthma in a company specialising in powder coating. This information is also required by the ESFA (as stated above).

OTC may collect information in a variety of ways. For example, data might be contained in application forms, CVs, obtained via the OTC website or government website (for example "[Find an Apprenticeship](#)"), obtained from your personal learning record, or collected through interviews or other forms of assessment.

Data will be stored in a range of different places, including in paper-based files, in OTC's management systems and in other IT systems (including OTC's email system).

## 4. Sharing and transfer of personal data

OTC does not transfer your personal data outside of the EU however it will share your data with its bank of employers looking to employ an Apprentice. If you have not directly applied for an apprenticeship with a specific employer the Recruitment Officer will contact you via email to request your consent before forwarding your CV. Some personal data is removed from CV's however your full name will remain. We will share your contact details (with your prior consent) where an employer has stated that they wish to offer you the position post-interview.

We may also share your personal data if required by law, including responding to requests by government or law enforcement authorities, or for the prevention of crime or fraud.

If you are successful in obtaining an apprenticeship with us, OTC will share your personal data with the following organisations via their secure websites or during a visit to the centre;

Education and Skills Funding Agency – In order to claim the funding for your Apprenticeship training.

Awarding Organisations – In order to obtain registration details for the relevant qualifications you are undertaking, register examinations and to claim your certificates upon completion.

Ofsted – During an Ofsted inspection, we are required to provide information on our current learners.

We may also provide your data to any sub-contractors, as agreed with your employer.

## 5. Your rights explained

Under GDPR you have the following rights when it comes to your data which are;

- **The right to be informed** – how OTC uses your personal data (covered within this document);
- **The right to rectification** – if you believe the data we hold is inaccurate (for example change of phone number, address or email) you have the right to request this is rectified.
- **The right of access** – you may complete a Subject Access Request form if you would like a copy of any personal data we hold on you i.e to check for accuracy;
- **The right to data portability** – in certain circumstances, you have the right to request that some of your personal data is provided to you, or to another data controller, in a commonly used, machine-readable format;
- **The right to object** – to direct marketing, processing data for research or statistical purposes and processing based on legitimate or public interests;

- **The right to erasure** (*to be forgotten*) – where there is a problem with the underlying legality of the processing or where the data is no longer necessary for the purposes of processing; and
- **The right to restrictions** - if we are unable to erase your data we may sometimes be able to 'restrict' the use of your data. This means that it can only be used for legal or regulatory reasons, but not for other reasons while it is restricted.

Please note that the GDPR sets out exceptions to these rights such as legal or other regulatory reasons why we need to keep or use your data. If we are unable to comply with your request due to an exception we will explain this to you in our response.

OTC is primarily funded through public funds, and as such we are required to keep data for a variety of legal, regulatory or technical reasons. In some cases, records must be maintained for auditory purposes by funding bodies i.e. The ESFA. We will make sure that your privacy is protected and only use it for those purposes.

## 6. What happens if you do not provide your information

Failure to provide the information requested when you apply for the Apprenticeship programme may mean that you are unable to receive the service from us.

Under the right to object (section 5), you have the right not to be contacted regarding OTC employer vacancies via all or some communication methods. If you do not wish to be contacted please email: [gdpr@otctraining.co.uk](mailto:gdpr@otctraining.co.uk) with your request. Please be aware however, that where you exercise this right we are unable to provide the recruitment service to yourself and this will hinder or delay your chances of securing an apprenticeship employer via OTC.

We will maintain a suppression list of people who no longer wish to receive emails concerning courses, apprenticeship and other services as this will help us to maintain the accuracy of our customer database.

Failure to provide the information requested when you sign up to the Apprenticeship programme may mean that you are unable to receive the service from us as we will be unable to claim the funding from the ESFA in line with our contractual requirements.

## 7. Retention Policy

Any personal data we collect is stored securely until a time it is no longer required or has no use.

The retention period is generally determined by public funders' (ESFA) requirements. Records completed and/or received by us (including scanned copies of internal records, certificate, confirmation letters etc.) will be retained for a maximum period of six years to assist us to address any financial or qualification/certification queries. E.g. records relating to courses delivered during financial year 2017/18 will be maintained securely until 01.08.2024.

Once the retention periods specified above have elapsed, the information will be destroyed / deleted securely.

If other specifications (including legal requirements) indicate or require a longer period of retention, then these will over-ride the above storage requirements.

## 8. Complaints

Any complaint should, in the first instance, be raised in writing to the Data Protection Representative:

**Emma Topham** Quality Improvement Officer: [etopham@otctraining.co.uk](mailto:etopham@otctraining.co.uk)

The Data Protection Representative will follow OTC's main complaints procedures (available on request) and carry out internal investigations within 10 working days of receipt of the complaint.

If you are not satisfied with the outcome of the investigation, you believe the complaint is more serious, or if you believe OTC has not complied with your data protection rights, you can complain to the Information Commissioner's Office (ICO) at <https://ico.org.uk/>

## 9. ESFA Privacy Notice

### How We Use Your Personal Information

This privacy notice is issued by the Education and Skills Funding Agency (ESFA), on behalf of the Secretary of State for the Department of Education (DfE). It is to inform learners how their personal information will be used by the DfE, the ESFA (an executive agency of the DfE) and any successor bodies to these organisations. For the purposes of the relevant data protection legislation, the DfE is the data controller for personal data processed by the ESFA. Your personal information 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 will be securely destroyed after it is no longer required for these purposes.

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 data protection legislation.

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 agree to be contacted *[by the ESFA]* for other purposes by ticking any of the following boxes:

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

Further information about use of and access to your personal data, details of organisations with whom we regularly share data, information about how long we retain your data, and how to change your consent to being contacted, please visit:

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