South Wales Electrical Training

Data Protection and Privacy Policy

General Policy statement

Under data protection law, individuals have a right to be informed about how the Centre uses any personal data that we (SWET) hold about them. We comply with this right by providing details on how we use this data on learners' booking forms. This privacy notice explains how we collect, store and use personal data about learners. We, South Wales Electrical Training, are the 'data controller' for the purposes of data protection law.

South Wales Electrical Training recognises the legal requirements of the Data Protection Act and is committed to safeguarding personal data.

The personal data we hold

Personal data that we may collect, use, store and share (when appropriate) about staff and learners includes, but is not restricted to:

- Contact details, contact preferences, date of birth, identification documents and qualifications
- Results of mock assessments and end of course exams
- Characteristics, such as nationality, or additional learning needs
- Details of any medical conditions, including physical and mental health
- Attendance information/registers
- Safeguarding information
- Details of any support received, including care packages, plans and support providers
- Photographs

We may also hold data about staff and learners that we have received from other organisations, including education providers or workplaces.

Why we use this data

We use this data to:
- Support learning
- Monitor and feedback progress
- Provide appropriate support and care to staff and learners
- Protect staff and candidates' welfare
- Assess the quality of our services
- Registration and admissions of course sign up
- Comply with the law regarding data sharing

Collecting this information

Whilst most of the information we collect about candidates is mandatory, there is some information that can be provided voluntarily. Whenever we seek to collect information from you, we make it clear on the booking form whether it is mandatory or optional. If it is mandatory, we will explain the possible consequences of not complying.

How we store this data

We keep personal information about candidates while they are attending the Centre. We are also obligated by awarding bodies such as EAL, City and Guilds and NET to keep it beyond your attendance at our Centre for two years following the completion of the course. Candidates must ensure that their details are correct for the information we hold.

Data sharing

We do not share information about staff or candidates with any third party without consent unless the law and our policies allow us to do so. Where it is legally required, or necessary (and it complies with data protection law) we may share personal information about candidates with:

- Our local authority – to meet our legal obligations to share certain information with it, such as safeguarding concerns and exclusions
- Awarding and professional bodies such as EAL, City and Guilds and NET.
- Our regulator/auditors
- Suppliers and service providers such as CSG – to enable them to provide the service we have contracted them for
- Police forces, courts, tribunals

Processing data

Section 1

Personal data will be processed fairly and lawfully and will not be processed unless -

- at least one of the conditions set out in Section 2 below is met, and
- in the case of sensitive personal data, at least one of the conditions in Section 3 below is also met.

Personal data will be obtained only for one or more specified and lawful purposes and shall not be further processed in any manner incompatible with that purpose or those purposes.

Personal data will be adequate, relevant and not excessive in relation to the purpose(s) for which it is processed.

Personal data shall be accurate; it is the responsibility of the candidate to ensure it is kept up to date for two years following their course.

Personal data processed for any purpose(s) will not be kept for longer than is necessary for that purpose(s).

Personal data will be processed in accordance with the rights of data subjects under the Data Protection Act.

Appropriate technical and organisational measures will be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.

Section 2
Conditions for processing personal data

Unless a relevant exemption applies, at least one of the following conditions must be met whenever we process personal data:

- The individual who the personal data is about has consented to the processing.
- Processing is necessary:
  - in relation to a contract which the individual has entered; or
  - because the individual has asked for something to be done so they can enter a contract.
- The processing is necessary because of a legal obligation that applies to you (except an obligation imposed by a contract).
- Processing is necessary to protect the individual's "vital interests". This condition only applies in cases of life or death, such as where an individual's medical history is disclosed to a hospital's A&E department treating them after a serious road accident.
- The processing is necessary for administering justice, or for exercising statutory, governmental, or other public functions.

- The process is in accordance with the "legitimate interests" condition.

Section 3
Conditions for the processing of sensitive personal data.

(As detailed in Schedules 2 to the Data Protection Act).

At least one of the additional conditions listed below must also be met whenever we process sensitive personal data:

- The individual who the sensitive personal data is about has given explicit consent to the processing.
- The processing is necessary so that you can comply with employment law.
- The process is necessary to protect the vital interests of:
  - the individual (in a case where the individual's consent cannot be given or reasonably obtained), or
  - another person (in a case where the individual's consent has been unreasonably withheld).
- The processing is carried out by a not-for-profit organisation and does not involve disclosing personal data to a third party, unless the individual consents. Extra limitations apply to this condition.
- The individual has deliberately made the information public.
- The processing is necessary in relation to legal proceedings; for obtaining legal advice; or otherwise for establishing, exercising or defending legal rights.
- The processing is necessary for administering justice, or for exercising statutory or governmental functions.
- The processing is necessary for medical purposes and is undertaken by a health professional or by someone who is subject to an equivalent duty of confidentiality.
- The processing is necessary for monitoring equality of opportunity and is carried out with appropriate safeguards for the rights of individuals.

In addition to the above conditions - which are all set out in the Data Protection Act itself - regulations set out several other conditions for processing sensitive personal data. Their effect is to permit the processing of sensitive personal data for a range of other purposes - typically those that are in substantial public interest, and which must necessarily be carried out without the explicit consent of the individual.

Examples of such purposes include preventing or detecting crime and protecting the public against malpractice or maladministration. A full list of the additional conditions for processing is set out in the Data Protection (Processing of Sensitive Personal Data) Order 2000 and subsequent orders.

Transferring data internationally

Personal data will not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

Your rights
How to access personal information that we hold about you

Individuals have a right to make a 'subject access request' to gain access to personal information that SWET holds about them. If you make a subject access request, and if we do hold information about you, we will:

- Give you a description of it
- Tell you why we are holding and processing it, and how long we will keep it for (two years)
- Explain where we got it from, if not from you
- Tell you who it has been, or will be, shared with
- Let you know whether any automated decision-making is being applied to the data, and any consequences of this
- Give you a copy of the information in an intelligible form

You may also have the right for your personal information to be transmitted electronically to another organisation in certain circumstances. If you would like to make a request, please contact our office.

Your other rights regarding your data

Under data protection law, individuals have certain rights regarding how their personal data is used and kept safe. You have the right to:

- Object to the use of your personal data if it is caused, or is causing, damage or distress
- Prevent your data being used to send direct marketing
- Object to the use of your personal data for decisions being taken by automated means (by a computer or machine, rather than by a person)
- In certain circumstances, have inaccurate personal data corrected, deleted or destroyed, or restrict processing
- Claim compensation for damages caused by a breach of the data protection regulations

To exercise any of these rights, please contact South Wales Electrical Training's office.

Complaints

We take complaints about our collection and use of personal information very seriously. If you think that our collection or use of personal information is unfair, misleading or inappropriate, or have any other concern about our data processing, please raise this with us in the first instance.

To make a complaint, please contact the main office to speak to the DPO (Data Protection Officer), Philip Spratt, at South Wales Electrical Training via telephone on 01656 744542 or email phil@swet.org.uk

Alternatively, you can make a complaint to the Information Commissioner's Office:

- Report a concern online at https://ico.org.uk/concerns/
- Call 0303 123 1113
- Or write to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Please also refer to our Data Protection Complaints Policy.