

Trustees' Committee responsible	Finance, Audit and Resources
Link Senior Leader Responsible	Principal
Adopted	March 2018
Date reviewed	January 2019
Next review date	March 2020

Table of Contents

Scope.....	1
Responsibilities	1
Privacy notice.....	2
Disclosure	5
Security of your personal information.....	6
Retention period.....	6
Your rights as a data subject	7
Complaints.....	8
Privacy statement	9
Document Owner and Approval.....	9

Scope

All data subjects whose personal data is collected, in line with the requirements of the GDPR.

Responsibilities

The Data Protection Officer is responsible for ensuring that this notice is made available to data subjects prior to Landmarks collecting or processing their personal data. To this end it will be made available on the college website at all times.

All Employees and Staff of Landmarks who interact with data subjects are responsible for ensuring that this notice is drawn to the data subject's attention.

Each data subject is responsible for ensuring that any information they supply to the College is accurate and up-to-date, that they will inform the College if any such information requires updating and that where they submit any other person's details to the College (including, but not limited to any parents, carers or emergency contacts) they have that other person's or are otherwise legally permitted to do so on their behalf.

PRIVACY NOTICE - Learners



Privacy notice

Landmarks is a small Specialist College for people with a range of learning difficulties and disabilities. The College offers a wide range of practical programmes which are individually tailored to meet a variety of needs. The College is located in an idyllic setting in a site of outstanding natural beauty which provides a tranquil and unique environment in which to learn and work. The five sites, located across Nottinghamshire, Derbyshire and South Yorkshire, provide excellent facilities for practical, contextualised learning. Learning also takes place in a range of community settings and venues.

Our Data Protection Officer and data protection representative can be contacted directly here:

- larrybrocklesby@landmarks.ac.uk
- 01246 433788
- Data Protection Officer, Landmarks, Littlemoor House, Eckington, S21 4EF

Where you enrol as a learner with the College, you may give us information about you and other family members by completing our related information capture forms or by corresponding with us by telephone, email or otherwise.

The personal data we would like to collect / process on you is:

Personal data type:	
A	<ul style="list-style-type: none">▪ personal details (Name, address, date of birth, gender, nationality)▪ family and emergency contact details▪ lifestyle and social circumstances▪ financial details
B	<ul style="list-style-type: none">▪ education and employment details▪ learner records (e.g. attendance/assessment/ behaviour information)▪ visual images and recordings (CCTV, Photographs, Video)▪ (where you wish to park any motor vehicle on any of our sites) the make, model and registration number of your vehicle
C	<ul style="list-style-type: none">▪ physical or mental health details (including information relating to medical conditions, special educational needs or disabilities)▪ racial or ethnic origin▪ religious or other beliefs▪ trade union membership▪ offences and alleged offences▪ criminal proceedings, outcomes and sentences

We will use information about learners for the purposes set out below.



PRIVACY NOTICE - Learners

We will use such personal information as necessary in order for us to perform a task carried out in the public interest in the circumstances described below:

- To admit the learner into the College;
- To provide educational services, pastoral services, free meals, safeguarding and welfare, extra-curricular activities and careers advice;
- To monitor and report on the progress of our learners and their related needs;
- To facilitate the monitoring of the College's performance by relevant public bodies;
- Where necessary in order to comply with any related contract between the College and any funder, the learner's employer or other third party (such as the Education & Skills Funding Agency);
- To enable learners to take part in examinations and assessments;
- To publish learners' public examination results;
- To assist learners in relation to any transition application that they make;
- To notify learners in relation to relevant matters connected with their education; and
- To notify parents/carers/emergency contacts of relevant matters arising in relation to the learner (for example, non-attendance, emergencies and disciplinary matters).

We will also use such personal information as necessary for our legitimate interests in the circumstances described below:

- To monitor the learner's use of our information and communication systems to ensure compliance with our policies and procedures;
- Where it is necessary to establish, exercise or defend any legal claim;
- To deal with and respond to any queries, enquiries or complaints that we receive;
- To assess and improve the quality of our service;
- The learner's name, photograph and College ID reference number will be linked to their ID card and a record of their entries to and exits from College premises will be maintained for security purposes; and
- Where you apply for bursary funding or other financial support, to assess your application having regard to our relevant eligibility criteria.

We will also use such personal information as necessary in order for us to comply with a legal obligation in the circumstances described below:

- To comply with health and safety and safeguarding requirements; and
- In connection with any statutory census or other statutory data collection activity

PRIVACY NOTICE - Learners

We will use such particularly sensitive personal information in the following ways:

- Where it is necessary to protect the vital interests of the learner or another person where the learner is physically or legally incapable of giving us consent (for example in cases of medical emergency);
- To provide medical treatment to learners if required;
- To comply with our legal safeguarding and health and safety obligations, including to ensure that any special educational needs are appropriately addressed; and
- Details of the learner's ethnicity and religion will be processed as part of our legal duties to complete any related statutory census and to ensure meaningful equal opportunity monitoring, reporting and compliance.

If we are not provided with information when requested which is necessary for us to provide our services, we may not be able to provide the best service and care to the learner (for example, if we are not notified of any special educational needs). We may also be unable to comply with our legal obligations.

Where we have been provided with your consent, we may also use photography and video footage featuring your image for internal purposes and/or external purposes such as publicity.

Where we are processing your information for any purpose on the basis that we have your consent, you may withdraw your consent to us using such information for that purpose at any time. This can be done by contacting our Data Protection Officer at Landmarks, Littlemoor House, Eckington, S21 4EF A or via email to gdpr@landmarks.ac.uk. Any such withdrawal of consent will not affect the lawfulness of us relying on your consent before you withdrew it.

Please note that if consent is withdrawn (or is not provided) in respect of us processing your information for any purpose stated above, we will not be able to use your data for the relevant purpose (e.g. we will not be able to use your image for any further publicity).

In limited circumstances, we may approach you for your consent to allow us to process certain information for purposes not referred to in this Privacy Notice. If we do so, we will provide you with full details of the information we would like and the reason we need it, so that you can carefully consider whether you wish to consent. You should be aware that it is not a condition of enrolment or of any contract with us that you agree to any request for consent from us. If you do provide us with consent, you will be able to withdraw it at any time as mentioned above or via any other method that we notify you of when obtaining your consent. Any such withdrawal will not affect the lawfulness of our processing of your personal information in reliance on your consent before you withdrew consent.

Disclosure

You will be asked before we disclose personal information about you to third parties unless:

- They are only processing such information on our behalf for specified purposes in accordance with our instructions. This includes Microsoft, who provide us with certain teaching, learning and other IT systems (Microsoft are certified to the ISO/IEC 27001 Information Security standard; further details of their security arrangements can be accessed via <https://www.microsoft.com/en-us/trustcenter/Compliance/ISO-IEC-27001>).
- Such disclosure is required by law (e.g. in connection with any statutory data collection requirements imposed on us from time to time. We also have a statutory duty to notify relevant authorities of safeguarding concerns - for example, Local Safeguarding Children's Board, Local Safeguarding Adults Board, and the Child Protection Department);
- Such disclosure is necessary for the performance of a task in the public interest;
- The third party is providing us with professional advice where necessary for our legitimate interests and permitted by law;
- The disclosure is in connection with criminal investigations, legal proceedings or prospective legal proceedings where necessary for our related legitimate interests and permitted by law;
- The disclosure is necessary for our legitimate interests in establishing, exercising or defending our legal rights (including providing information to others for the purposes of fraud prevention) and permitted by law;
- The disclosure is necessary to protect the interests of you or another person where you are physically or legally incapable of giving us your consent;
- The disclosure is in connection with a proposed sale of any part of our business or assets (in which case we may disclose your personal information to the prospective seller or buyer of such business or assets and/or their professional advisors) or the proposed acquisition of substantially all of our assets by a third party. Any such disclosure will be made where necessary for the legitimate interests of us and/or the third party in respect of the proposed transaction; however we will not transfer your personal information to any such third party unless we are satisfied that they are able to provide an adequate level of protection in respect of your personal information; or
- We have stated or informed you otherwise (including in this Privacy Notice) and such disclosure is permitted by law.

If you receive services from us which involve the services of a third party, we will pass information about you to that third party so that they can provide you with those services on our behalf. For example, any third party who we engage to deliver any qualification on our behalf.

In the event that you provide us with feedback regarding our activities, we may disclose that feedback to those of our suppliers who are involved in those activities where necessary for the relevant supplier's legitimate interests in taking such feedback into account.

Except as provided in this Privacy Notice, we will not provide or disclose your information to third parties without your express consent for any purpose (including but not limited to direct marketing). We do not sell personal information under any circumstances.

In certain circumstances we may use the services of a supplier outside the European Economic Area (EEA) for purposes referred to in this Privacy Notice (for example, in connection with educational software programmes used by College learners). This may involve some of the learner's personal information being processed by the relevant supplier on our behalf outside of the EEA. If we do this we will require the relevant supplier to put in place appropriate technical and organisational security measures (for example, as part of our contract with the relevant supplier or by verifying that they operate under the EU - US Privacy Shield framework (please see www.privacyshield.gov for further details)).

We also operate CCTV systems at all College sites. The information collected using our CCTV systems will be used for our legitimate interests in preventing and detecting crime, fraud and disorder and protecting the security, health and safety of our staff, learners, governors and visitors, as well as monitoring performance. Our CCTV policy is available upon request from our Data Protection Officer.

Security of your personal information

We have put in place appropriate security measures to prevent personal information about learners from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to such personal information to those employees, agents, contractors and other third parties who have a valid need to know that information. We have put in place procedures to deal with any suspected data security breach and will notify you and/or any applicable regulator of a suspected breach where we are legally required to do so.

Retention period

Landmarks will process personal data for whilst you are a learner and afterwards will retain the personal data for as long as we need it to fulfil the purpose(s) for which it was collected (including for the purposes of satisfying legal, accounting or reporting requirements). The retention period for different classifications of personal data has been established in line with information management guidelines. Further details of our specific retention periods are set out in our Record Holding Protocol (a copy of which is also available upon request from our Data Protection Officer).

Whilst taking into consideration our legal obligations, we will on an ongoing basis:

- review the length of time that we retain personal data; consider the purpose or purposes for which we hold the personal data in deciding whether (and for how long) to retain it; securely delete personal data that is no longer needed for such purpose or purposes; and
- update, archive or securely delete information if it goes out of date.

Your rights as a data subject

At any point while we are in possession of or processing your personal data, you, the data subject, have the following rights (subject to certain exemptions):

- Right of access – you have the right to request a copy of the information that we hold about you.
- Right of rectification – you have a right to correct data that we hold about you that is inaccurate or incomplete.
- Right to be forgotten – in certain circumstances you can ask for the data we hold about you to be erased from our records.
- Right to restriction of processing – where certain conditions apply you have a right to restrict the processing (for example to ask to suspend the processing of personal information to establish its accuracy or the reasons for processing it).
- Right of portability – where certain conditions apply you have the right to have the data we hold about you transferred to another organisation.
- Right to object – you have the right to object to certain types of processing where we are relying on a legitimate interest (or those of a third party) or the processing is carried out on the basis that it is necessary for the performance of a task in the public interest.
- Right to object to automated processing, including profiling – you also have the right to be subject to the legal effects of automated processing or profiling.
- Right to judicial remedy: in the event that the College refuses any request from you to exercise any of your rights under data protection legislation. In such circumstances we will provide you with a reason as to the refusal and you will also have the right to complain as outlined below.

Requests in respect of the above should be made in writing to the Data Protection Officer, Landmarks, Littlemoor House, Eckington, S21 4EF or via email to gdpr@landmarks.ac.uk. Please contact the same address if you have any reason to believe that information, we hold about you is inaccurate. We will respond to your request as soon as possible and, in any event, within one month from the date of receiving the request. Please note that we may, where legally permitted, reject any such request or limit the scope of our response (e.g. if, in the circumstances, the right does not apply to you).

PRIVACY NOTICE - Learners



In accordance with applicable data protection legislation, we follow security procedures in the storage and disclosure of your information. We may therefore request proof of your identity (e.g. passport/driving licence/birth certificate) and rights before complying with any request of a nature.

You will not generally have to pay a fee to exercise any of your rights described in this section. However, we may charge a reasonable fee if you make a request to see a copy of your personal information which is clearly unfounded or excessive. Alternatively, we may refuse to comply with your request in such circumstances.

Complaints

In the event that you wish to make a complaint about how your personal data is being processed by or on behalf of Landmarks, or how your complaint has been handled, you have the right to lodge a complaint directly with the supervisory authority (the Information Commissioner’s Office) and Landmarks via the College’s Data Protection Officer / GDPR Owner.

The details for each of these contacts are:

	Supervisory authority contact details	[Data Protection Officer (DPO)] / [GDPR Owner] contact details
Contact Name:	https://ico.org.uk/concerns	Larry Brocklesby
Address line 1:		Landmarks College
Address line 2:		Littlemoor House, Eckington
Address line 3:		Sheffield, S21 4EF
Email:		larrybrocklesby@landmarks.ac.uk
Telephone:	0303 123 1113	01246 433788

We would appreciate the chance to deal with your concerns before you approach the Information Commissioner’s Office however, so please contact us in the first instance.



Privacy statement

This Privacy Notice does not form part of any contract. We may amend this Privacy Notice at any time. If we make any changes to the way in which we use personal information about learners we will notify you by writing to you or sending an email.

Contact details of the Data Protection Officer:

	Data Protection Officer / GDPR Owner contact details
Contact Name:	Larry Brocklesby
Address:	Landmarks, Littlemoor House, Eckington, Sheffield, S21 4EF
Email:	larrybrocklesby@landmarks.ac.uk
Telephone:	01246 433788

Document Owner and Approval

Landmarks Data Protection Officer is the owner of this document and is responsible for ensuring that this record is reviewed in line with the review requirements of the GDPR and the Data Protection Act 2018.

A current version of this document is available to all members of staff on Databridge.



Signature:

Date: Jan '19