



## **GDPR Student Privacy Notice**

## **STUDENT PRIVACY NOTICE**

### **Purpose of this Notice**

This notice explains how we will collect and use your personal data.

We are the data controller for personal data that we process about you.

Throughout this Notice, "ATL" "we", "our" and "us" refers to the Achieve Through Learning. "you" and "your" refers to those expressing an interest in becoming a student at the ATL (both prior to and at formal application stage), together with those who later become a registered student at the ATL.

### **Change in the law**

Until 24 May 2018 we shall process your personal data in accordance with the Data Protection Act 1998 (or DPA for short). From 25 May 2018, we shall process your personal data in accordance with the General Data Protection Regulations (or GDPR for short).

This notice complies with requirements under both DPA and GDPR.

### **Anything you are not clear about**

If there is anything, you are unclear about, please contact our Data Protection Officer, who shall be happy to answer any queries you may have concerning this notice or the way in which we process your personal data.

The Data Protection Officer's contact details are provided at the end of this notice.

### **Where does ATL get your personal data from?**

We obtain personal data about you from the following sources:

- from you when you provide your contact details for open day activities, register or apply as a student with us;
- from third-party sources (e.g. UCAS). When we obtain personal data about you from third-party sources, we will look to ensure that the third party has lawful authority to provide us with your personal data.

## **Categories of personal data being processed**

We will collect and process personal data about you for the purposes described below.

Personal data may contain “sensitive personal data” as described under the DPA and “special categories of data” as described under the GDPR. Such “sensitive personal data” or “special categories of data” will include information about your racial or ethnic origin, religious beliefs or other beliefs, physical or mental health or, in relation to DPA only, other conditions and information concerning any criminal offences or criminal proceedings.

## **The purposes for which we process your personal data and the legal basis for that processing**

In general terms, we process your personal data for the administration of your position as a student with us, including the use of our services such as attendance monitoring, the library and sports facilities.

We set out in table 1 of this Notice the purposes for which we will process your personal data.

## **Who might we share your data with?**

ATL will occasionally share your personal data with third parties. For example, it may share some of your data with Education Skills Funding Agency (ESFA) and other government bodies, or other third parties involved in the delivery of your course. We may also share your data with accrediting and professional bodies. Please see table 1 for further information on what information we may share with other third parties.

## **Additional notices and guidance/policies**

You can find out more about the way we process your personal data in the following documents:

- **ATL’S Data Protection Code of Practice** – this is presently being reviewed and updated ready for compliance with GDPR. It contains a lot of useful general information on data protection and College practices
- **Our website** – we use Cookies (that will collect your personal data) on our web pages.

## **Unwanted communication**

We will from time to time communicate with you by email, post and telephone.

If, at any stage, you are concerned about the content of these communications, e.g. unwanted marketing information, or wish to change the method of communication that we use, please unsubscribe to general email communications.

If you are unsuccessful in unsubscribing from our communications and/or remain concerned, please contact our Data Protection Officer.

## **Transfers to third-party countries**

Sometimes to achieve the purposes for which we are processing your personal data, we may need to share your personal data with other organisations based within the European Union or if outside the European Union based in countries that have comparable levels of protection.

When it is necessary to share your data with organisations outside of the European Union, we will ensure that there are appropriate safeguards in place.

## **Retention periods**

Please see separate Document Retention Policy.

## **Your rights as a data subject**

We thought it would be helpful to set out your rights under GDPR. You have the right to:

- withdraw consent where that is the legal basis of our processing;
- access your personal data that we process;
- rectify inaccuracies in personal data that we hold about you;
- be forgotten that is your details to be removed from systems that we use to process your personal data;

- restrict the processing in certain ways;
- obtain a copy of your data in a commonly used electronic form; and
- object certain processing of your personal data by us.

You have a right to complain to the Information Commissioner’s Office about the way in which we process your personal data. Please see <https://ico.org.uk/>.

### **The legal basis for processing your data under GDPR**

GDPR is a new law, and it has not yet been applied to circumstances similar in context to our relationship with students. The extent of lawful grounds for processing data has yet to be fully understood. Table 1 gives ATL’s present view on the grounds for processing against each specified purpose. As legal views mature, ATL may change its views on its legal basis for processing.

Here is a brief explanation of the grounds referred to under table 1.

(Article 6(1)(a)), consent – this means that on specific occasions ATL will only process certain data if you consent, e.g. on registration you only need to provide certain “special categories” of data if you agree that that.

(Article 6 (1)(b)), necessary for the performance of your student contract – this means that on many occasions ATL will process your data to enable it to meet its commitments to you, e.g. those relating to teaching and assessment.

(Article 6 (1)(c)), necessary to comply with a legal obligation – this means that ATL does have legal obligations to provide your personal data to others, e.g. SFA.

(Article 6 (1)(d)), for the purpose of protecting the vital interest of yourself or another – this means that sometimes in extreme circumstances ATL will have to release information to protect your interests or the interests of others, e.g. in medical emergencies.

(Article 6 (1)(e)), processing necessary for the performance of a task carried in the public interest – ATL is an educational establishment, and in particular, its educational activity is conducted in public interest (including your interest and the interest of others).

(Article 6 (1)(f)), processing is necessary for the purposes of the legitimate interest of the College or a third party subject to overridden interests of the data subject – this means that ATL (and sometimes third parties) has a broad legitimate interest in activities that connect to the activities and education of students. Subject to those interests not being overridden by the interests of fundamental rights and freedoms of students, it will pursue those interests. Where Article 6(1)(f) is used the “legitimate interest” is generally the interest of ATL (or third party) in providing or supporting the provision of further/higher education to its students.

(Article 22(2)(a)), automated decision making necessary for the performance of a contract – this means that ATL may sometimes automate decisions relating to its services it is providing to you. For example profiling.

(Article 9(1)(a)), processing “special categories” of data where you have given consent – this means that ATL will process certain sensitive information about you with your consent.

(Article 9(1)(g)), processing “special categories” of data where necessary for reasons of substantial public interest.

(Article 9(1)(f)), processing “special categories” of data in connection with legal claims.

It is recognised that some of the above grounds will overlap and that ATL could rely on multiple grounds justifying its lawful processing. ATL also reserves the right to rely upon other grounds that are not referred to under table 1.

### **Concerns and contact details**

If you have any concerns about the way your personal data is being processed or have a query about this Notice, please contact our Data Protection Officer.

Our general postal address is Leeds College of Building, Leeds, LS2 7QT. UK.

Our postal address for data protection issues is David Pullein Data Protection Officer, Leeds College of Building, Leeds, LS2 7QT.

Our telephone number is +44 (0)113 222 6000.

Our data controller registration number provided by the Information Commissioner's Office is Z490582X.

<b>TABLE 1</b>		
<b>No.</b>	<b>Specific Purposes</b>	<b>Legal Basis – a reference to Article 6 GDPR unless indicated to the contrary</b>
1.	Admission, registration and administration of their studies.	(1)(b) or (1)(f)
2.	Academic assessment and progression.	(1)(b) or (1)(f)
3.	Administration of student-related policies and procedures including appeals, complaints, grievances, disciplinary matters, and matters relating to health and conduct and to cheating and plagiarism	(1)(b) or (1)(f)
4.	The pursuit of social and sporting activities, e.g. relating to the use of ATL's sports facilities.	(1)(b) or (1)(f)
5.	The provision of College accommodation and other support services such as those of the Library, ISS and the Careers Centre.	(1)(b) or (1)(f)
6.	The granting of awards (including the publication of awards, images of learners and marks and inclusion in pass lists made available via ATL's web site).	(1)(b) or (1)(f)
7.	Processing and recovery of accounts and fees.	(1)(b) or (1)(f)
8.	Research and statistical analysis.	(1)(b) or (1)(f)
9.	Production of statistical returns required for third party government bodies	(1)(c) or (1)(e) or (1)(f)



10.	The creation of e-mail addresses, available to those within and outside of ATL.	(1)(b) or (1)(f)
11.	Direct mailing of or about (i) student benefits and opportunities offered by or through ATL and (ii) College activities and events organised for students.	(1)(b) or (1)(f)
12.	Consideration and granting of prizes, scholarships and bursaries: of discretionary funding available to students; and of other such awards.	(1)(b) or (1)(f)
13.	About the safety of individuals and their property and the protection of College assets, including the use of CCTV.	(1)(b) or (1)(f)
14.	The production of student identification cards; and the inclusion of photographic images on ATL's computerised student record system.	(1)(b) or (1)(f)
15.	Individual decision making about the assessment of fees status and suitability for further financial assistance to be provided to students such as bursaries.	Article 22(2)(a)
	Personal data released to third parties for the following purposes.	
16.	To the ESFA, HEFCE, government departments and other authorised users for the analysis of student statistics and/or to enable them to carry out their statutory functions as applicable.	(1)(e) or (1)(f)
17.	To The Leeds College of Building Students' Union – by options given on registration.	(1)(a) or (1)(f)

18.	To professional and industrial bodies wishing to communicate with students about career opportunities and membership of their body	(1)(b) or (1)(f)
19.	To the police or another regulatory body were under the investigation or disclosure of a potential crime.	(1)(f)
20.	To close family and the emergency services where there is an emergency situation e.g. illness, serious injury or bereavement.	(1)(f)
21.	To external examiners for the purposes of assessment.	(1)(b) or (1)(f)
22.	To governmental and regulatory bodies for the purpose of gathering census or other information.	(1)(b) or (1)(c)
23.	To the Home Office and other international and national governmental and regulatory bodies in connection with the assessment of students status.	(1)(b) or (1)(c)
24.	To third parties accessing information about student awards - ranged by department - which is available in the public domain; and for the verification of awards to employers and other educational institutions.	(1)(b) or (1)(e)
25.	To other educational institutions involved in the delivery of a student's course or programme, e.g. affiliated colleges, exchange institutions, including those outside of the UK and sometimes the EEA; and to other organisations about work placements.	(1)(b) or (1)(f)
26.	To professional bodies where registration with that body is related to or a requirement of the student's studies	(1)(b) or (1)(e) or (1)(f)
28.	To any third party accessing ATL's e-mail directory of student e-mail addresses.	(1)(b) or (1)(f)

29.	To any third party wishing to access a catalogue within ATL's library containing a reference to student work.	(1)(e) or (1)(f)
30.	To banks (and other payment agencies you may use), family, sponsors or other third parties to enable them to pay student debts.	(1)(b) or (1)(f)
31.	To external agents of ATL about the repayment of student debts.	(1)(f)
32.	To external agencies - which may be based outside the European Economic Area - in connection with procedures for guarding against plagiarism.	(1)(e) or (1)(f)
33.	To Data Processors for them to process data on behalf of ATL for any of the purposes for which ATL is permitted to process the data, including the provision of academic and other services by ATL.	(1)(b) or (1)(f)
34.	About the provision of references for students or former students.	(1)(f)
35.	To sponsors, including the UK research councils, the Student Loan Company and sponsors located overseas.	(1)(b) or (1)(f)
36.	To external bodies and individuals who have funded student prizes and awards.	(1)(b) or (1)(f)
	All students agree to ATL processing their "sensitive personal data"/"special categories	
	of data" for the following purposes and for release to the following third parties:	
37.	To the ESFA, HEFCE, government departments and other authorised users for the analysis of student statistics and/or to enable them to carry out their statutory functions as applicable.	Article 9(1)(a)
38.	To professional bodies where registration with that body is related to or a requirement of the student's studies	Article 9(1)(g)

39.	To other bodies involved in the delivery of the course or programme, e.g. affiliated colleges, for statistical analysis and programme administration.	Article 9(1)(a)
40.	For the assessment and provision of services to disabled students.	Article 9(1)(a)
41.	For admission to and the administration of student programmes.	Article 9(1)(a)
42.	Where required, to the police or other agencies in connection with particular programmes of study or before certain placements.	Article 9(1)(a) or (g)
43.	To ATL's external lawyers, insurers in respect of accidents occurring within the institution and external auditors.	Article 9(1)(f)