

Student Privacy Notice (How we use student information)

This notice sets out how we use your personal information and in particular what personal information we collect and:

- what we do with your personal information;
- the legal basis on which we collect and use your personal information;
- how long we keep your personal information;
- how we share your personal information including whether we transfer your personal information outside of the European Economic Area (“EEA”); and
- your rights over your personal information.

The categories of student information that we collect, hold and share include:

- Personal information (such as name, unique student number and address);
- Characteristics (such as ethnicity, language, nationality, country of birth and eligibility for free meals, etc);
- Attendance information (such as sessions attended, number of absences and absence reasons);
- Course information (admission, enrolment, etc);
- Assessment /progress information;
- Accommodation information;
- Details of any scholarships or bursaries applied for;
- Safeguarding and student disciplinary records;
- Relevant medical information;
- Information relating to learners with learning difficulties/learning disabilities; and
- CCTV images and your photo for your-Student ID card / college transport card (where relevant)

Why we collect and use this information

We use this information:

- to provide education, support student learning and to provide general advice services for students;
- for enrolment purposes, to consider whether to offer places to students and to record and track a student’s learning journey, once their application to the College has been successful;
- to maintain learner profiles and records of work for each student;
- to arrange student travel or accommodation;
- to provide catering services;
- to organise offsite activities or student work experience;
- for handling student funding and bursaries;

- for safeguarding purposes and to provide appropriate pastoral care;
- to maintain the College's accounts and for insurance purposes;
- to process financial transactions (payment for offsite activities, accommodation, etc);
- to assist with the collection of monies due to the College;
- to assist City of York Council Tax department apply appropriate exemptions and discounts for council tax purposes (if applicable) to qualifying full time students;
- in the case of use of CCTV, to maintain the security of the College's premises and for preventing and investigating crime;
- to maintain accident records and to otherwise comply with health and safety legislation;
- to assess the quality of our services and for complaints handling;
- and to otherwise fulfil our statutory obligations as an educational institution under the Further and Higher Education Act 1992, Education Act 1996 and other applicable legislation.

The lawful basis on which we use this information

We are subject to statutory and legal obligations requiring us to process this information. We are also required to process this information to enable us to perform our contractual obligations to you, such as provision of education and provision of accommodation and or transport services. In some instances, we are required to process this information as we as a College are performing a task in the public interest (provision of education). In some instances, we may decide to process this information because it is in our legitimate (commercial) interests to do so.

For some non-core purposes, ie not directly related to your study with us, such as for marketing purposes (including texting key messages, satisfaction surveys, awards ceremony invitation, etc), offsite activities and events, provision of catering services (canteen), destinations data, ie information about where you are and how you are doing after you have left the College, etc we require your consent to process your personal information. You can withdraw your consent for this processing at any time; but this could have consequences in terms of us being able to provide those non-core services to you.

Special Category Data

Special category data is personal data which the GDPR says is more sensitive, and so needs more protection.

Information about an individual's:

- race;
- ethnic origin;
- politics;
- religion;
- trade union membership;
- genetics;

- biometrics (where used for ID purposes);
- health;
- sex life; or
- sexual orientation

is Special Category Data.

Processing of Special Category Data of personal data is necessary for the performance and discharge of the College's contractual obligations to you, ie provision of education, to comply with legal and statutory requirements relating to that provision, and in order for the College to be able to carry out a task in the public interest (provision of education), in accordance with Articles 6 and 9 GDPR and section 10 and Schedule 1, Part 1 of the Data Protection Act 2018, specifically paragraph 8(1) of Schedule 1, Part 1 (equality of opportunity and treatment), paragraph 16 (support for individuals with a particular disability or medical condition), paragraph 17 (counselling), paragraph 18 (safeguarding of children and of individuals at risk) and paragraph 20 (insurance).

Criminal Offence Data

Processing of Criminal Offence Data is necessary for the performance and discharge of the College's contractual obligations to you, ie provision of education, to comply with legal and statutory requirements relating to that provision (including safeguarding), and in order for the College to be able to carry out a task in the public interest (provision of education), in accordance with Articles 6 and 10 GDPR and section 10 and Schedule 1, Part 1 of the Data Protection Act 2018, specifically paragraph 18 (safeguarding of children and of individuals at risk) and paragraph 29 of Schedule 1, Part 1 (consent).

Collecting student information

Whilst the majority of student information you provide to us is mandatory, some of it is provided to us on a voluntary basis. In order to comply with the General Data Protection Regulation, we will inform you whether you are required to provide certain student information to us or if you have a choice in this.

Storing student data

How long we hold this information for will depend on the type of information. For instance:

Type of Data	Retention Period	Reason for retention
Student Records		
City & Guilds Awarding Body Records	3 years from completion + 1 year	Statutory/legal obligation, performance of a contract, performance of a task in the public interest (provision of education) and College's legitimate interests including safeguarding of students
BTec/EdEXCEL	3 years from completion + 1 year	
IMI	5 years from completion + 1 year	
ABC Awards	7 years from completion + 1 year	
RHS	3 years from completion + 1 year	
Vtct	5 years from completion + 1 year	
Princes Trust	3 years from completion + 1 year	
Awarding Body Records	As per awarding body's retention period	

Type of Data	Retention Period	Reason for retention
Student Records		
Learner Responsive (FE) Records	10 years from completion + 1 year	Statutory/legal obligation, performance of a contract, performance of a task in the public interest
HEFCE Funding (HEFCE) Records	10 years from completion + 1 year	(provision of education) and College's legitimate interests including safeguarding of students
All records above which relate to ESF programmes (match or directly ESF funded)	To be retained in line with contractual requirements (at least 10 years after final ESF claim is paid by the ESF Managing Authority)	
Signed medical consent forms	6 years from completion of course + 1 year	
Admissions Panel	6 years from completion of course+ 1 year	
	Six months from the date of the application for unsuccessful applications + 1 year (unless Safeguarding concerns)	
Enrolment forms	6 years from completion of course+ 1 year	College's legitimate interests including safeguarding of students
	Six months from the date of the application for unsuccessful application	Statutory/legal obligation, performance of a contract

Type of Data	Retention Period	Reason for retention
Student Records		
Withdrawal forms	6 years from completion of course + 1 year	Statutory/legal obligation, performance of a contract
Student Interview Files	6 years from completion of course + 1 year	Statutory/legal obligation, performance of a contract, performance of a task in the public interest
Safeguarding records	2 years from completion of course + 1 year	(provision of education) and College's legitimate interests including safeguarding of students
Bursary Information	6 years from completion of course + 1 year	
Fitness for Study	6 years from completion of course + 1 year	
Doctor's Surgery Questionnaire		
Consent and indemnity form		
Student Disciplinary leading to removal from College	Permanent	College's legitimate interests including safeguarding of students
Student Disciplinary leading to other sanctions	3 years from date of sanction + 1 year	

Type of Data	Retention Period	Reason for retention
Student Records		
Student Support – Duty Logs	1 year from date of log + 1 year	Statutory/legal obligation, performance of a contract, performance of a task in the public interest (provision of education) and College’s legitimate interests including safeguarding of students
Student Support - Other	6 years from completion of course + 1 year	
Care Plan	6 years from completion of course + 1 year	
Accommodation (including Apprenticeships accommodation, Duty Student accommodation, ad hoc bookings, etc)	Successful applications 7 years from date of the application + 1 year	Statutory/legal obligation, performance of a contract, performance and College’s legitimate interests including safeguarding of students
	2 years for unsuccessful applications + 1 year	
Information regarding offsite activities, trips, etc and specifically forms OS1, OS2 and OS3 in relation to such offsite activities	3 years from the date of the activity + 1 year	
Student work experience and apprenticeships	6 years from completion of apprenticeships + 1 year	
Risk Assessment (criminal convictions/medical)	10 years from date of assessment+ 1 year	
Information relating to learners with learning difficulties/learning disabilities	10 years from completion of course + 1 year	College’s legitimate interests including safeguarding of students

Type of Data	Retention Period	Reason for retention
Student Records		
References for students	6 years from completion of course + 1 year	
Club/Activity Register	1 year from completion of course + 1 year	

For further details, the College's Data Retention Policy is available at <https://able.askham-bryan.ac.uk/course/view.php?id=12275> (Higher Education students) and <https://able.askham-bryan.ac.uk/course/view.php?id=12276> (Further Education students)

Who we share student information with

We routinely share student information with :

- educators and examining bodies;
- awarding bodies;
- UCAS;
- suppliers (provision of catering, transport, etc);
- careers services;
- our local authority and your previous school;
- ESFA;
- Ofsted;
- Office for Students (OfS);
- the Department for Education ("DfE");
- Higher Education Statistics Agency ("HESA") and
- Student Loans Company.
- an employer offering work placement to a student
- anti- plagiarism services such as "Turnitin", etc

Why we share student information

We will share your data with some third parties, including the ESFA, LEAs, OfS, Ofsted, Student Loans Company, Higher Education Statistics Agency ("HESA") and awarding bodies where this is necessary for the provision of your education or other core purposes and or where there is a statutory obligation to provide this information.

Where your consent is required for us to share your information with third parties for extra curricula activities, for example for surveys, organising offsite activities, contacting you about alumni events, and for non-core purposes such as the provision of catering and transport, there will be a clear purpose for the sharing and a data sharing agreement will first be put in place to define expectations for the use, control and security of that data. You can withdraw your consent at any time; but if you refuse to allow the College to share your personal data with these third parties, this could prevent the College from providing some or all of its services to you.

The ESFA, on behalf of the Department of Education (“DfE”) and other successor bodies will use your data 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 by the ESFA with third parties for education, training, employment and well-being related purposes, including for research. In some instances, the DfE and the English European Social Fund (ESF) Managing Authority (or agents acting on their behalf) may contact you in order for them to carry out research and evaluation to inform the effectiveness of training. **This will only take place where the law allows it and the sharing is in compliance with data protection legislation.** The DfE is the data controller for personal data processed by the ESFA.

The European Social Fund 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.

For more information about the DfE’s data sharing process, please visit:
<https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

To contact the DfE please go to <https://www.gov.uk/contact-dfe>

In some cases it may be necessary to share your personal data with a third party organisation such as the Police and or Social Services, without your consent, or where it is in your “vital interests” to do so, such as in an emergency situation, where it may not be possible to obtain your consent.

HESA (Higher Education Students only)

The Higher Education Statistics Agency Limited (HESA) is the body responsible for collecting and disseminating information about higher education in the UK and the Designated Data Body for England (www.hesa.ac.uk/about).

HESA is a Controller of your information.

HESA’s wholly-owned subsidiary company HESA Services Limited acts as a Processor to do work on behalf of HESA and other organisations described in HESA’s Student Collection Notice (details of which are available on Moodle and also at <https://www.hesa.ac.uk/about/regulation/data-protection/notices> (see also <https://www.hesa.ac.uk/innovation/outcomes/providers/data-protection> for Frequently Asked Questions, etc), but may also act as a Controller.

Education statistics and data

HESA shares your HESA information with public authorities such as the Department for Education, Office for Students, etc who require it to carry out their statutory and/or public functions. This data sharing is carried out in the public interest or in the exercise of official authority vested in HESA and the public authorities. Your HESA information will be shared with these organisations as part of a large dataset which contains similar information about other people who have followed higher education courses in the UK.

Administrative Uses

In the exercise of their official authority it may be necessary for the UK higher education funding and regulatory bodies that HESA may share your information with to identify you and take decisions about you as an individual for the following purposes only:

Fraud detection and prevention - Your HESA information may be used to audit claims to public funding and student finance, and to detect and prevent fraud. This may include sharing your information with other controllers (for example the Student Loans Company, Pearson Education).

Previous study - If your higher education provider is in England: The Office for Students may share your previous education records with this provider, including HESA information submitted by other higher education providers, to determine the nature of any prior higher education study, including your current qualifications. This may be used to make decisions about the fees you are required to pay, the support available to you or the availability of a place for you to study with a higher education provider.

HESA publications

HESA publishes statistics about students in higher education.

HESA Research

HESA information is also used for research into higher education and student populations.

Lawful basis

In all cases, this processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Data Controller (see GDPR Article 6(1)(e)) and for statistical and research purposes (see GDPR Article 89).

Processing may also be necessary for the purposes of the legitimate interests of HESA in disseminating higher education information, or the legitimate interests of third parties in undertaking research in the field of higher education (see GDPR Article 6(1)(f)).

Processing of Special Categories of personal data is necessary for statistical and research purposes in accordance with Article 89(1) based on the Equality Act 2010 and Section 75 of the Northern Ireland Act 1998 (see GDPR Article 9(2)(j)).

Extra curriculum activities

The College is also required to process and share your personal data with your consent for some extra curricula activity purposes, for example for surveys including collecting destination/progression data and marketing, including texting, awards ceremony invitations and alumni.

Where we do this, there will be a clear purpose for the sharing and a data sharing agreement will first be put in place to define expectations for the use, control and security of that data. You can withdraw your consent at any time; but if you refuse to allow the College to share your personal data with these third parties, this could prevent the College from providing some or all of its services to you.

Transferring your personal data outside of Europe

Your information will remain at all times within the UK and or European Economic Area (“EEA”).

If we have to transfer your personal data outside the EEA, we will only do so where:

- the recipient or recipient country ensures an adequate level of protection for your personal data;
- the recipient or recipient country is subject to an approved certification scheme or code of conduct with binding and enforceable commitments which amount to appropriate safeguards for your personal data, such as the EU-US Privacy Shield that enables the secure transfer of personal data to the United States;
- we have put in appropriate safeguards with the recipient or recipient country to protect your personal data such as a data sharing agreement;
- the transfer is permitted by law; or
- you expressly consent to that transfer.

Requesting access to your personal data

Under data protection legislation, students have the right to request access to information about them that we hold. To make a request for your personal information contact, contact the College’s Data Protection Officer, Judith Clapham, either by contacting Judith at judith.clapham@askham-bryan.ac.uk or at DataProtection@askham-bryan.ac.uk

You also have the right to:

- object to processing of personal data that is likely to cause, or is causing, damage or distress;
- in certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed; and
- claim compensation for damages caused by a breach of the Data Protection regulations.

If you have a concern about the way we are collecting or using your personal data, we ask that you raise your concern with us in the first instance by contacting Judith Clapham, either at judith.clapham@askham-bryan.ac.uk or at DataProtection@askham-bryan.ac.uk.

Alternatively, you can contact the Information Commissioner's Office at <https://ico.org.uk/concerns/>

Further information

If you would like to discuss anything in this privacy notice, please contact Judith Clapham, either at judith.clapham@askham-bryan.ac.uk or at DataProtection@askham-bryan.ac.uk