



### **The TESS Group's Privacy Statement**

This Privacy Notice sets out information on how and why The TESS Group processes personal information about the Students we train ("**you**") and your rights in relation to that information. Under data protection laws we are usually the "data controller" of personal information held about our students.

This Privacy Notice applies to all our students.

### **What information do we collect about you?**

The personal information about you which we expect to collect, hold and use ("process") includes:

- information contained within the enrolment application form completed at the start of the programme of learning
- digital data on your use of our IT and software systems (eg OneFile, BKSB)
- communications with those responsible for training you, their managers and with our Head Office

The information marked with an asterisk (\*) is or could include "special" personal information. Under data protection laws, "special" personal information (also known as sensitive personal data) includes information revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic information, biometric information for uniquely identifying a person, information concerning health, and information concerning a person's sex life or sexual orientation. This information is particularly sensitive and we will therefore only process this information where necessary; we will ensure it is only seen by those who must see it; and will keep it secure. By law we are required to have a policy document outlining how we protect such information and how long the information is held for. Our policy document on this information will be reviewed on a regular basis.

### **How long will we process your personal information?**

We will process this information for the duration of your training with us and in line with the document retention periods as defined by the Education and Skills Funding Agency (ESFA) and European Social Fund (ESF) who fund your Apprenticeship or learning programme. ESFA funding rules stipulate that your information is retained for 6 years after you complete your training with us. The retention period stipulated by ESF Funding is also dependent on when you complete your training; any students receiving training between 1<sup>st</sup> August 2014 and 31<sup>st</sup> July 2020 will require information to be retained until at least 31<sup>st</sup> December 2030.

### **Who is collecting it and who will it be shared with?**

Mostly, we will be collecting the information about you but we do occasionally use freelance delivery partners to assist in the delivery of some of our learning programmes.

The personal information we expect to collect about you may be:

- provided directly to us by you (whether that is information we already hold through the enrolment process, or information you provide to us after that);
- provided by a third party such as, for example, your employer

We use other companies for certain functions and in limited circumstances. Information about you may be collected from and provided to and used by the following organisations.

- The Education and Skills Funding Agency (ESFA), in order to fund your Apprenticeship or learning programme
- Other organisations whose involvement is mandatory in the provision of Apprenticeship or learning programme, such as Ofsted and any auditing instigated by the ESFA
- Onefile – the ePortfolio software we use to track your Apprenticeship or learning programme
- Tracker – the management information system we use to submit your information to the ESFA
- End Point Assessment Organisations – the organisations who deliver the final assessment which makes up Apprenticeship Standards
- Awarding Bodies – the organisations who certificate any units or qualifications that form part of your Apprentice. These might include but not be limited to: City and Guilds, ILM, NCFE, Skillsfirst
- Internal Audit – we arrange for an external company to carry out an audit on a sample of our Students' files to verify our compliance with ESFA funding rules and regulations
- Any organisation not listed above who provides services or software which is relevant/required for the completion of your Apprenticeship or learning programme

We do not share your information with outside organisations other than for the purposes set out above and never sell or provide information about you to any organisation that wishes to sell to you.

We may share information with a third party where it is envisaged that the business, or part of the business in which you work, may be transferred to that third party (such as on a sale of the business or where a new contractor takes over services we provide). Where possible this will be anonymised but in some cases we may be required by law and under recognised due diligence practices to provide personal information including "special" personal information. In such cases we will ensure that appropriate safeguards are in place in accordance with any relevant guidance from the Information Commissioner.

### **Why is it being collected and how will it be used?**

We must process information about you lawfully, transparently, and fairly, which is the reason we provide this Privacy Notice.

We gather information in order to comply with ESFA funding rules and regulations and to tailor our delivery so it is specific and relevant to you. Information is supplied to the ESFA in order for them to calculate and provide the correct amount of funding relevant to your Apprenticeship or learning programme, and to monitor the delivery of the training we provide you.

Limited personal information is provided to Awarding Bodies to allow us to register you with them to undertake any units or qualifications that are required as part of your Apprenticeship or learning programme. This information will be reflected on the certificate you will be provided with upon completion.

Limited personal information is provided to End Point Assessment Organisations in order to register you for the services they provide in relation to the End Point Assessment required to complete an Apprenticeship Standard

Limited personal information is provided to register you as a user on any software used within the delivery of your Apprenticeship or learning programme

We take data protection very seriously. As well as providing privacy notices for our students regarding their own personal data, we have a Data Protection Policy which outlines data protection law and how we handle all personal data, including the personal data of our clients, customers, suppliers and contacts, and how we expect our employees to handle personal data in the course of their work with us. All The TESS Group's staff must be familiar with the Data Protection Policy regardless of whether they are an employee, contractor or other member of staff, permanent or temporary.

### **On what grounds do we process your personal information?**

We rely on a number of lawful reasons for processing the information set out above. These are that:

- It is necessary for the performance of your learning with us
- It is necessary for us to comply with our legal obligations, for example, in relation to claiming funding or compliance with ESFA rules and regulations;
- It is necessary for our legitimate interests, both in conducting our business, and ensuring that we are able to support our students throughout the duration of their learning us and beyond, where necessary;
- Where none of the other lawful reasons apply but it is necessary to protect your life or the life of someone else.

Where the personal information is "special" (as described above), or relates to criminal convictions, the commission/alleged commission of criminal offences, or criminal proceedings, we will only process this information where:

- It is required as part of the Individual Learner Record (ILR), as detailed by the ESFA
- It will allow us to tailor the delivery of your learning programme to meet any specific needs or requirements that you may have
- The personal information has been manifestly made public by you;
- It is necessary in relation to legal claims;

- It is necessary for reasons of substantial public interest. UK law places our monitoring of diversity and equality of opportunity in this category providing certain safeguards are in place;
- It is necessary to protect your life or the life of someone else and you are physically or legally incapable of giving consent.

There will also be circumstances where we will ask for your freely-given, specific, informed and clear consent to process certain types of information about you if it is not already covered by one of the lawful bases set out above.

The information we hold about you will be used for the purposes for which it is collected. We have IT protections and other procedures in place to protect the data we hold.

### **What will be the effect on you?**

We hope that you will enjoy your learning with The TESS Group. We endeavour to keep information about you limited to what is necessary and confidential.

In some cases, where the information is a statutory or regulatory requirement, or necessary to claim funding for your Apprenticeship or learning programme, and you fail to provide certain information, we may not be able to continue with your programme of learning. If that is the case (for example you are unable to provide proof of residency), we will make sure we give you adequate opportunity to provide the information and to tell you what the possible consequences of your failure to provide it are.

### **Your rights**

Under data protection rules, you have rights in relation to your information. You have the right to request from us access to your own personal information.

Additionally, you have the right to request from us:

- that any inaccurate information we hold about you is corrected;
- that information about you is deleted in certain circumstances;
- that we stop using your personal information for certain purposes;
- that your information is provided to you in a portable format;

Due to the nature of our relationship with you and our reasons for processing your personal information, in many cases we may not be able to comply with your request in relation to the rights listed above, which are limited to certain defined circumstances. However, we will tell you if that is the case and explain why.

If you make a request, we will aim to respond to you within one month. We will not charge you a fee for dealing with your request (unless your request is manifestly unfounded or excessive, such as where you make repeated requests). If you wish to exercise any of your rights, please contact your Skills Tutor or our Head Office

If you are unhappy with how we are using your personal information or if you wish to complain about our use of information, please contact your Skills Tutor or our Head Office. If we cannot resolve your complaint, you have the right to complain to the Information

Commissioner's Office, which is the statutory regulator for data protection matters. The Information Commission can be contacted at <https://ico.org.uk/concerns/>.

If you have any questions about this Privacy Notice, would like any further information or wish to discuss any of the above further, please do not hesitate to contact our Head Office