

# EDUCATION & EMPLOYABILITY PRIVACY NOTICE

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## 1. What is the purpose of this document?

EFL Trust are committed to protecting the privacy and security of your personal information

This privacy notice describes how EFL Trust process personal information about you, in accordance with data protection legislation.

EFL Trust are a data controller. This means that we are responsible for making decisions about the personal data that we process. Personal data is any information relating to an identified or identifiable living person. When collecting and using personal data, our policy is to be transparent about why and how we process personal data.

This notice applies to participants on our Education and Employability programmes (Match Fit, Traineeships and Changing Rooms).

This privacy statement describes why and how we collect and use personal data and provides information about data subjects' rights. It applies to personal data provided to us, both by individuals themselves or by others. We may use personal data provided to us for the purposes described in this privacy statement or as made clear before collecting personal data.

The way we use your information is set out in the relevant sections below. We do not engage in any form of profiling and we obtain consent for all marketing activities.

This notice relates to the information EFL Trust collect for our own purposes. We may collect other information from you on behalf of ESFA or the DWP (depending on the project you are taking part in) for their own purposes. It is important that you read this notice, together with the ESFA or DWP privacy notice. Our data collection forms will make it clear which information is collected for EFL Trust purposes, and which is collected for other organisations.

## 2. Where do we obtain your personal data from?

The sources of information we process about you:

- From the Community Club Organisation that deliver the programme
- Directly from you

### 3. What kind of information do we hold about you, and why?

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where an individual cannot be identified (anonymous data).

There are "special categories" of more sensitive personal data which require a higher level of protection.

We will process the following categories of personal information about you:

Information that enables us to track your journey through the programme and during a follow-up, (this information allows us to contact you with questionnaires and match up the responses you give):

- Contact details - name, title, telephone numbers, and email addresses.
- How successful your engagement with us is - Progression and outcome information

Information that enables us to produce a personalised report for you at the end of project:

- Information about your wellbeing and efficacy

Information about you that allows us to monitor equal opportunities and trends, and assess whether there are any related barriers to success in the project:

- Gender
- Ethnicity
- Disability
- Efficacy
- Progressions/outcomes
- Deprivation indicators/postcode
- Household/family history (relating to qualifications)

Information to assess your eligibility for the project

### 4. How will this information be processed lawfully?

We will only process personal information when the law allows us to. Depending on the processing activity, we rely on the following lawful bases:

1. Article 6(1)(a) Where you have given clear consent for us to process your personal data for a specific purpose.
2. Article 6(1)(f) Where it is necessary for our legitimate interests, your legitimate interests, or those of a third party, and your interests and fundamental rights do not override those interests.

Our legitimate interests are to provide a service that enables all participants to complete the programme successfully, regardless of background or any protected characteristics.

Special category data:

In order to process special categories of information about you, we are also required to meet a further lawful basis for processing. The lawful bases relied upon for this are:

- Article 9(2)(a), where you have provided your unambiguous, explicit consent
- Article 9(2)(g), processing is necessary for reasons of substantial public interest (subject to safeguards and proportionate to your rights).

Some of those conditions for processing special category data also require us to rely on a further lawful basis for processing under the Data Protection Act 2018 (DPA 18). We further rely on:

- Schedule 1 Part 2 of the DPA 18:
  - paragraph 8 – Purpose: equality of opportunity or treatment (Related to article 9(2)(g))

As required by Schedule 1 of the DPA 18, Part 4, we have an appropriate policy document in place relating to the safeguarding of processing under Schedule 1.

We will only use your personal information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use your personal information for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your personal information without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

#### 5. What is 'automated decision-making' and does EFL Trust use it?

Automated decision-making takes place when an electronic system uses personal information to make a decision without human intervention.

We do not envisage that any decisions will be taken about you using automated means, and we will notify you in writing if this position changes.

#### 6. Is my personal information shared with other organisations?

As far as possible, we endeavour to share information that is not personally identifiable. On occasion, we will share your personal data with other organisations in their capacity as data controllers, and will put in place an appropriate data sharing agreement for such sharing. The organisations or categories of organisations are listed below:

- External auditors (where this is necessary to carry out the audit)
- DWP/ESFA

As explained on Page 1, we may sometimes collect data on their behalf (see DWP/ESFA privacy notice separately). We will only share the personal data we collect for our own purposes with DWP/ESFA if we are legally obliged to do so (e.g. court order)

- The CCO delivering you are working with who deliver the project. We may share your progress and outcomes with the CCO.

We share your data with third parties who act as data processors on our behalf. Where we employ a data processor, a contract that meets the minimum terms of Article 28 of the GDPR will be in place, to protect the processing of such data. We require third party processors to respect the security of your data and to treat it in accordance with the law. Your information will be shared with the following categories of data processors:

- Online database platforms ;
- IT service providers (EFL IT systems are currently provided through EFL and Elite IT
- Survey Monkey

In exceptional circumstance, we may also need to share your personal information with a regulator, Court, dispute resolution service or to otherwise comply with the law (or to law enforcement authorities where we may be legally permitted to do so).

## 7. Will my information be transferred outside the EEA?

Your information will be stored on Survey Monkey which is based outside of the EEA, in the USA. Survey Monkey are accredited under the provisions of the EU-US Privacy shield. This means they use levels of protection of your personal information that have been deemed adequate by the European Commission.

Other than this, we do not transfer your personal information outside the EEA routinely. If we do, you can expect a similar degree of protection in respect of your personal information, and we will meet the requirement of the GDPR for international transfers.

We are committed to protecting the security of your personal data, which we generally hold in secure data centres in the European Economic Area (EEA).

- We will only transfer your personal data to countries that have been deemed to provide an adequate level of protection for personal data by the European Commission. See [https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/adequacy-protection-personal-data-non-eu-countries\\_en](https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/adequacy-protection-personal-data-non-eu-countries_en) for further details.
- Where we use certain service providers, we may use contractual provisions to ensure your information is properly protected. For example, certain contracts are approved by the European Commission and give personal data the same protection it has in Europe.
- Where we use providers based in the US, we may transfer data to them if they are part of the Privacy Shield which requires them to provide similar protection to personal data shared between Europe and the US. See

- [https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/eu-us-privacy-shield\\_en](https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/eu-us-privacy-shield_en), for further details.

#### 8. Is my personal information held securely?

We have put in place measures to protect the security of your information, and will review this on an ongoing basis. We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal information to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal information on our instructions and they are subject to a duty of confidentiality.

Third parties will only process your personal information where they have agreed to treat the information confidentially and to keep it secure.

We have put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so.

#### 9. How long is my personal information retained for?

We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements. To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

In some circumstances we may anonymise your personal information so that it can no longer be associated with you, in which case we may use such information without further notice to you.

We will retain your personal information for the purposes described in this privacy notice for three years. At the expiry of the relevant retention period, information will be reviewed to assess whether it can be destroyed or whether retention is required for a further period (we will only retain this further, where processing is compatible without our original purposes. Ordinarily, we will delete all information following the expiry of the retention period).

#### 10. What are my rights in connection with my personal information?

It is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal information changes during your working relationship with us.

Your rights in relation to the processing of your personal data are listed below, however not all rights are absolute, and are only applicable in certain conditions:

- Right to be informed: This privacy notice is designed to ensure you are fully informed about how we will process your data. Where we collect your information for a specific purpose in future (such as a staff survey), we will provide further, specific information to ensure this right is exercised.
- Right of access: (commonly known as a "data subject access request"). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it. You can exercise the right of access by contacting the DPO.
- Right to request correction (also known as rectification): This enables you to have any incomplete or inaccurate data about you corrected. If we cannot correct the information for technical reasons, we will append a supplementary statement to the information.
- Request deletion (also known as right of erasure, or right to be forgotten): This enables you to ask us to delete or remove personal information where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing (see below).
- Object to processing: this applies where we are relying on a legitimate interest (or those of a third party) and you want to object to processing on this ground. This also applies where we are processing your personal information for direct marketing purposes (and this right is absolute in relation to direct marketing – there are no further criteria required in this instance).
- Request the restriction of processing: You can ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or reason for processing.
- Request the data is transferred electronically (also known as the right to data portability): You can ask us to transfer your personal information to yourself or another data controller in a structured, commonly used, and machine readable format, where this is technically feasible.
- Right to withdraw consent: In the limited circumstances where you may have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. If we require your consent to process any of your data, this will be made clear at the time we collect it.

Please note some of the above rights apply only in certain circumstances and/or be subject to conditions. For further information or to exercise any of these rights, please contact our Data Protection Officer.

You will not usually have to pay a fee to exercise these rights. However, we may charge a reasonable fee if your request for access is clearly unfounded or excessive (or refuse to comply with the request in such circumstances).

For security reasons we may need to request information from you to help us verify your entitlement to exercise any of your rights and/or to ensure that personal information is not disclosed to any person who has no right to receive it.

More information about where these rights apply can be found here: <https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/>

#### 11. Who can I speak to about my personal information held by EFL Trust?

We have appointed a Data Protection Officer (DPO) to oversee compliance with this privacy notice. If you have any questions about this privacy notice or how we handle your personal information, please contact the DPO. You can e-mail your questions to [info@efltrust.com](mailto:info@efltrust.com).

You also have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues.

#### 12. Will this policy change?

We may update this privacy notice at any time, and we will provide you with a new privacy notice when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information.