

Davidson Training UK Ltd

Privacy Statement/Policy V3 May 2021

including ESFA ILR Privacy Notice 2021 to 2022 version 1 May 2021

Privacy Statement/Policy

At Davidson Training UK Limited we're committed to protecting and respecting your privacy. This Policy explains when and why we collect personal information about people, how we use it, the conditions under which we may disclose it to others and how we keep it secure.

We may change this Policy from time to time so please check this document occasionally to ensure that you're happy with any changes. By using our services, you're agreeing to be bound by this Policy.

Any questions regarding this Policy and our privacy practices should be sent by email to sarahcollins@davidsontraining.com or by writing to Davidson Training UK Limited, Unit 1 Ascension Business Park, Fleming Road, Chafford Hundred, Grays. Essex. RM16 6HH. Alternatively, you can telephone 01375 480088.

This notice provides a summary of the full Davidson Training UK Limited Privacy Statement/Policy. Both the notice and the Davidson Training UK Limited Privacy Statement apply to information collected by Davidson Training UK Limited in any manner described in the Davidson Training UK Limited Privacy Statement/Policy.

Personal Information

We collect personal data about you when you apply for a vacancy on Recruit an Apprentice and when you enrol as a learner. At enrolment, we may ask you for sensitive personal data and for your consent to use it for a specific purpose. If you do not wish to provide this information, you may select the Not Known/Not Provided or Prefer not to say option.

We share some of your personal data with the Education Skills Funding Agency (ESFA). The ESFA through their Learner Registration Service allocates Unique Learner Numbers (ULNs) which enable individuals to access their participation and achievement data. The ESFA will share your Davidson Training UK Limited participation and achievement data with other organisations if you tell Davidson Training UK Limited that you are happy for the ESFA to do so.

If government funding is available for your course, we collect personal data from you to see if you can have that funding.

You may provide us with further personal data if you use one of our learning or communications facilities or use one of our online skills tests.

Purposes and Disclosures

We use your personal information to deal with your queries, to provide you with the services you request, to determine whether you are eligible for government funding (if available), customer feedback and for general statistics and research.

Depending on the preferences indicated by you, we may use your personal data to contact you about Davidson Training UK Limited developments and offers.

We may disclose your information to third parties who may take over some or all of the Davidson Training UK Limited business in the future.

We may disclose your information to certain government agencies in connection with the funding of your course.

Your Rights and Choices You can request that:

- Your details are not used for marketing purposes.
- We provide you with a copy of the information we hold about you.
- We correct inaccuracies in your information.
- The General Data Protection Regulation (GDPR) strengthens your rights over how companies use your data.

We ensure Data Subjects rights under the GDPR are protected by ensuring a data subject can request:

- The right to be informed
- The right to be informed encompasses our obligation to provide 'fair processing information', typically through a privacy notice. It emphasises the need for transparency over how we use personal data of individuals.

The information we supply about the processing of personal data must be:

- Concise, transparent, intelligible and easily accessible.
- Written in clear and plain language, particularly if addressed to a child; and free of charge.

- The right of access
- Individuals have the right to access their personal data and supplementary information. This is known as a Subject Access Request (SAR).
- The right of access allows individuals to be aware of and verify the lawfulness of the processing.

- Under the GDPR, individuals will have the right to obtain:
- Confirmation that their data is being processed.
- Access to their personal data.
- Other supplementary information – this largely corresponds to the information that should be provided in a privacy notice.

We must provide a copy of the information free of charge. However, we can charge a 'reasonable fee' when a request is manifestly unfounded or excessive, particularly if it is repetitive.

Information must be provided without delay and at the latest within one month of receipt. We will be able to extend the period of compliance by a further two months where requests are complex or numerous.

Certain data may not be disclosed where a relevant exemption applies. We will provide an explanation and a right of appeal in these circumstances.

Where we are not the Data Controller, we will forward the request to the Data Controller and otherwise assist in answering the request, where appropriate. For example, where we are a Data Processor, we will provide information we hold on behalf of the Data Controller to the Data Controller within a reasonable amount of time to allow them to respond to the request within the statutory time.

For more information about SAR process, please refer to Davidson Training UK Ltd Subject Access Request process.

The right to rectification

The GDPR gives individuals the right to have personal data rectified. Personal data can be rectified if it is inaccurate or incomplete.

We must respond within one month. This can be extended by two months where the request for rectification is complex.

If we cannot take any action in response to a request for rectification, we must explain why to the individual, informing them of their right to complain to the supervisory authority (ICO) and to a judicial remedy.

The right to erasure

The right to erasure is also known as 'the right to be forgotten'.

The broad principle behind this right is to enable an individual to request the deletion or removal of personal data where there is no compelling reason for its continued processing.

Individuals have a right to have personal data erased and to prevent processing in specific circumstances:

- Where the personal data is no longer necessary in relation to the purpose for which it was originally collected/processed
- When the individual withdraws consent
- When the individual objects to the processing and there is no overriding legitimate interest for continuing the processing
- The personal data was unlawfully processed (i.e. otherwise in breach of the GDPR)
- The personal data has to be erased in order to comply with a legal obligation.

- We can refuse to comply with a request for erasure where the personal data is processed for the following reasons:
 - To exercise the right of freedom of expression and information.
 - To comply with a legal obligation for the performance of a public interest task or exercise of official authority.
 - For public health purposes in the public interest.
 - Archiving purposes in the public interest, scientific research historical research or statistical purposes.
 - The exercise or defence of legal claims.

The right to restrict processing

Individuals have a right to 'block' or suppress processing of personal data.

When processing is restricted, we are permitted to store the personal data to comply with legal or contractual obligations, but not further process it.

We can retain just enough information about the individual to ensure that the restriction is respected in future.

We will be required to restrict the processing of personal data in the following circumstances:

- Where an individual contests the accuracy of the personal data, we should restrict the processing until we have verified the accuracy of the personal data
- Where an individual has objected to the processing (where it was necessary for the performance of a public interest task or purpose of legitimate interests), and we are
 - considering whether our organisation's legitimate grounds override those of the individual.
- When processing is unlawful, and the individual opposes erasure and requests restriction instead
- If we no longer need the personal data but the individual requires the data to establish, exercise or defend a legal claim

We must inform individuals when we decide to lift a restriction on processing.

The right to data portability

The right to data portability allows individuals to obtain and reuse their personal data for their own purposes across different services.

It allows them to move, copy or transfer personal data easily from one IT environment to another in a safe and secure way, without hindrance to usability.

The right to data portability only applies:

- To personal data an individual has provided to a controller.
- Where the processing is based on the individual's consent or for the performance of a contract.
- When processing is carried out by automated means.

We must provide the personal data in a structured, commonly used and machine-readable form. Open formats include CSV files. Machine readable means that the information is structured so that software can extract specific elements of the data. This enables other organisations to use the data. We must respond without undue delay, and within one month. This can be extended by two months where the request is complex, or we receive a number of requests. We must inform the individual within one month of the receipt of the request and explain why the extension is necessary.

The information must be provided free of charge.

The right to object

If a data subject believes that the processing of personal information about them is causing, or is likely to cause, substantial and unwarranted damage or distress to them or another person, they may notify the organisation in writing to request Davidson Training UK Ltd to put a stop to the processing of that information.

Individuals have the right to object to:

- Processing based on legitimate interests or the performance of a task in the public interest/exercise of official authority (including profiling)
- Direct marketing (including profiling)
- Processing for purposes of scientific/ historical research and statistics.

We must stop processing the personal data unless:

- We can demonstrate compelling legitimate grounds for the processing, which override the interests, rights and freedoms of the individual; or
- The processing is for the establishment, exercise or defence of legal claims.

We must inform individuals of their right to object “at the point of first communication” and in our privacy notice. This must be “explicitly brought to the attention of the data subject and shall be presented clearly and separately from any other information”.

Rights in relation to automated decision making and profiling

The GDPR applies to all automated individual decision-making and profiling. This may be not applicable to Davidson Training UK Ltd if we are not using any automated means to process personal data.

Automated individual decision-making (making a decision solely by automated means without any human involvement)

Profiling (automated processing of personal data to evaluate certain things about an individual). Profiling can be part of an automated decision-making process.

We can only carry out this type of decision-making where the decision is:

- necessary for the entry into or performance of a contract; or
- authorised by Union or Member state law applicable to the controller; or
- based on the individual’s explicit consent.

You may also turn cookies off in your browser. However, if you do so, you may not be able to use certain features on the website.

Important Information

Your personal data is protected by UK data protection law. You can find the details for the UK Information Commissioner at www.informationcommissioner.gov.uk.

Note: For Davidson Training UK Ltd Apprenticeship scheme you as the apprentice give Davidson Training UK Ltd implicit approval for Davidson Training UK Ltd to share as required your Personal Data including your learner file with the appropriate Awarding Body and with the approved Davidson Training UK Ltd Apprenticeship Assessment Organisations.

How to contact us

To obtain a copy of your personal data, to correct inaccuracies or if you have any queries or concerns about how we handle your personal data, please contact: Sarah Collins or Gemma Barr at Davidson Training UK Ltd Limited, Unit 1 Ascension Business Park, Fleming Road, Chafford Hundred, Grays.

Essex. RM16 6HH. Tel: 01375 480088. You can also email at: info@davidsontraining.com.

Full Privacy Statement

Our commitment to privacy

This privacy statement explains how Davidson Training UK Ltd Limited (referred to as “we”, “us” or “Davidson Training UK Ltd”) collects information from you via the website or in any manner expressly described in the privacy statement and how this information is then used. When you provide us with your personal data you consent to us processing all such personal data as set out in the privacy statement. Please read this privacy statement carefully and revisit this page from time to time to review any changes that we may have made. If you have any questions, comments or concerns about how we handle your personal information, please ring us on 01375 480088 or email us. See below for more information about our policies and practices in relation to your personal data.

When you give us information about another person, the other person must have agreed to let:

- us process all their personal data; and
- you receive any data protection notices for them.

When you send information for someone else, you are confirming that you have told them:

- which data they must give;
- which information is voluntary; and
- how they can access and, if necessary, correct the data we hold about them.

The information we collect during the Recruit an Apprentice process:

- your full name;
- your gender
- your date of birth;
- your address (and correspondence address if different);
- primary telephone number;
- email address;
- ethnic origin

The information we collect during the Enrolment process:

When you enrol with us, you (or the person enrolling you) must tell us:

- your full name;
- your gender
- your date of birth;
- your address (and correspondence address if different);
- primary telephone number;
- your employment status;
- if you have done any learning in the last three years
- National Insurance Number

We also request other information including your title, middle name, email address, but you don't have to give us these details. Following enrolment, we may request additional personal data from you in order to further support your learning. You do not have to provide this information, but if you do not, you may not get the most out of your learning. However, we ask you to tell us whether you have achieved Level 2 in English and Maths.

At enrolment

You will need a username and password to access your course materials. You will be sent a link via email to log onto your eportfolio. Please note that when you enrol on a Davidson Training UK Ltd course that leads to a qualification such as an NVQ, we send non sensitive personal information to the relevant awarding bodies so that they can undertake the administration associated with your qualification.

Other information we collect, if you enrol in a learning centre, to see if you can have government funding

If government funding is available for any of our courses, you need to answer some other questions to see if you are eligible for funding. If you wish to take advantage of any such funding, you will be asked about:

- your age;
- your education so far;
- your citizenship status; and
- where you live and how long you have lived there.

We may require additional information from you in order to support an application for funding. If you do not want to provide us with this information, we will not be able to offer you the course.

Learner File

When you start your learning, we will create a Learner File to hold the documents which relate to your learning and evidence of proof of identity and funding eligibility. As you progress through your learning other documents, including some of your course work, may be held on this file.

The information we collect when you access course materials

We collect information about how you use course materials to monitor your learning and improve our users' learning experience.

Other information we collect

If you are not registered as a Davidson Training UK Ltd learner but use one of our online tests to test your skills, we ask you to provide your full name and email address. This information is not retained by us but is used only when sending you your test results.

You may also provide personal data through:

- calls to our helplines;
- letters and email;
- customer feedback forms; or
- other learning or communications facility offered by us.

In general, if you contact us, we may keep a record of your query or complaint for a reasonable time in case you contact us again.

Sensitive personal data

Sensitive personal data includes details of your:

- race or ethnic origin
- religious or other beliefs
- physical or mental health

At or before enrolment you may be asked for sensitive personal information, but you do not have to provide it. If you decide to provide sensitive personal data, we will use it for the purposes described in the section below. If you do not want to provide it, or do not want us to use it for these purposes then when enrolling online please select the "prefer not to say" option or if enrolling in a Davidson Training UK Ltd centre select the "Not Known/Not Provided" option.

You may also volunteer sensitive personal data to us or our approved service providers, for example, when you submit a query or comment to us via the website or some other means of communication. If you do so, you explicitly consent to our using such information as described in this Privacy Statement.

How we use the information we collect

We use your personal information and your Learner File:

- to answer your queries or complaints;
- to deliver our services, for example on-line tools to test your skills;
- to support your learning;
- to provide course materials;
- to carry out administration;
- to improve the quality of services;
- to support your application for government funding;
- to obtain customer feedback;
- for general statistics and research;
- for obtaining any relevant professional advice;
- as may be required by law or in connection with legal proceedings (including where we intend to take legal proceedings), or as may be necessary to establish, exercise or defend our legal rights.

Third parties and sponsors

To achieve the purposes set out in this privacy statement we may need to share your information and Learner File with our auditors and to your trainer(s). When you enrol on a course with Davidson Training UK Ltd centre, the trainer will be delivering and supporting your learning. Following enrolment all of our approved staff will have access to your name, date of birth, address, username, learner reference number and which Davidson Training UK Ltd courses you have enrolled on in the past as well as details relating to these Davidson Training UK Ltd courses to help us deliver our services to you.

We may also give your information to third parties who may take over part or all of the Davidson Training UK Ltd business in the future, but only for the purposes outlined in this privacy statement. If your employer, trade organisation or other organisation is sponsoring or supporting you, we may give the personal information we have collected to your sponsor to monitor your learning.

Communications between you and your trainer using any of the tools or functions we make available to you (including unopened messages sent via our messaging system) may be monitored by Davidson Training UK Ltd staff to check the quality of trainer support. Davidson Training UK Ltd staff and auditors may also access these communications when we want to investigate or audit learner funding arrangements.

Referral Partners

If we have received your details as a referral from one of our partners, we may be required by the referral partner to provide them with updates on the following areas:

- Attendance
- Progress
- Achievement/completion
- Outcome/destination
- Withdrawal

Keeping you informed

We will use your information to send you regular updates about:

- our services and materials;
- additions to the website; and
- specific activities such as customer feedback surveys and competitions.
- If you enrol on a Davidson Training UK Ltd course you will periodically be sent customer feedback surveys. If you do wish to be contacted for marketing purposes tick the relevant boxes on the Application Form. If at any time, you change your mind about receiving updates, you can change your preferences by informing us in writing.

If you are simply requesting a free information pack, you can invite us to send you updates by ticking the appropriate boxes on the “request more information” page. If you change your mind about us contacting you for this purpose, please ring us on 01375 480088 or email us at info@davidsontraining.com.

We will never use your sensitive personal data for marketing purposes without your express consent.

Funding

We may use your personal data to process or to support any application made for funding associated with your learning. For these purposes we will share the information you supply with the Education Skills Funding Agency (ESFA) in England. The ESFA may in turn share it with the European Social Fund, or other government agencies that may provide funding for your course, including the Welsh Assembly Government for learners who enrol in Welsh centres. We may use a third-party service to verify your identity for funding eligibility. If you are a learner between the ages of 16-19 years of age (or up to 25 years of age for learners with learning difficulties or disabilities), we are required by the ESFA to notify them when you leave or intend to leave learning. We may also share it with the Office for Standards in Education, Children’s Services and Skills (Ofsted) so that it can check our use of public monies. If you do not want us to use your personal data for these purposes, we will not be able to offer you the course at the reduced price.

At the point this information is collected you will be asked to indicate if you do not wish to be contacted by the ESFA or its partners in respect of courses, surveys and research. You can change your choices at any time by talking to your trainer. Please read the ESFA Privacy Notice below.

We, or the government agency providing funding for your course, may use your personal data and Learner File to investigate a suspected misuse of public monies or other fraudulent activity by any person relating to your learning activity. In doing so, we, or the government agency providing funding for your course, may disclose your information to other government agencies (e.g. the Department for Work and Pensions) to establish whether there has been any duplication of funding for your course. We may also contact you for the purposes of any such investigation.

Statistics

We in delivering and supporting your learning are also required to provide statistics to all of the government agencies mentioned under the heading 'Funding' and to the Department for Business, Innovation and Skills, in order that they can carry out checks on our funding arrangements and our performance and for research and statistical purposes. This helps us, and our approved service providers, to maintain our funding. Where such information is supplied, it is provided in an aggregated manner so that whilst such authorities may be aware of, for example, the number, geographic location and sex of persons using Davidson Training UK Ltd, you cannot be personally identified from this information.

However, we may provide information that identifies you (your name, date of birth, address and postcode) to the Department of Work and Pensions so that they can check whether Davidson Training UK Ltd learners have progressed into employment and compile statistical information about such progression. You will not be identifiable from the statistical information compiled.

The information collected on Welsh speakers is passed in an aggregate manner to the Welsh Assembly. You cannot be personally identified from this information.

Requests for information

If you have not registered as a learner but are simply making an enquiry or request for information, we will use your personal information to reply to your enquiry or request. We will not use this information for marketing purposes without your permission or unless you invite us to do so.

Protecting your personal information

We are registered as a data controller (in our registered company name of Davidson Training UK Ltd Limited) in line with the UK Data Protection Act, 1998. As a registered data controller, we are required to take appropriate technical measures to protect your personal information including making a regular backup of our system and data. We have security measures in place to make sure any personal information we collect is secure. Your account is password protected and all information including your password is on a secure server, which only a limited number of employees and sub-contractors can access. All parties with access to your information are subject to confidentiality obligations. If you think someone else knows your password, or is using it, tell us immediately and change your password using the "change my password" option under "your details" on your learner home page.

Even though we take appropriate technical steps to protect your security, you should remember that data transmission over the internet cannot always be guaranteed as 100% secure so you use the website at your own risk.

Keeping your personal data

We keep personal data and Learner Files:

- for as long as is necessary to fulfil the purposes we collected it for;
- as required by law; or
- to enforce or defend legal claims.
- Sometimes we will keep information that you have deleted, for example messages sent by you to your trainer, as a record of your learning experience. We will keep this information for a reasonable time.

Our policy for children

Our website is not designed for or directed at children under the age of 13. No one whose date of birth indicates that they are under 16 years will be able to register on-line as a learner. We recommend that you put parental controls on your internet browser and supervise your children when they are online.

We will not use information collected from people under 18 for marketing purposes. This privacy statement will apply to any learner enrolled on an apprenticeship even if you are aged between 16 and 18.

If you are a trainer

When you are registered as a trainer by you accept that all activity is undertaken by you for the provision of Davidson Training UK Ltd learning. Any comments or trainer notes placed by you on the Davidson Training UK Ltd system will be retained, are visible to the relevant learner and authorised personnel within Davidson Training UK Ltd and may be used as evidence of learner support.

Your rights

You have the right to: -

- ask for a copy of all the information we hold about you (we will charge you a small fee for this) and to correct any inaccuracies. To obtain a copy of this information, please ring us on 01375 480088 or email us at info@davidsontraining.com.
- challenge the accuracy of data held about you. You can amend your details at any time. If you want to amend the details please ring Sarah Collins or Gemma Barr on 01375 480088 or email us to request a change at info@davidsontraining.com
- take steps to prevent your personal data being processed if the processing is likely to cause you substantial damage or substantial distress which is unjustified. If you want to exercise this right you must put your objection in writing by emailing us, specifying why the processing has this effect and state what you require Davidson Training UK Ltd to do to avoid causing damage or distress.
- If you wish to make a data protection complaint please contact Sarah Collins or Gemma Barr at info@davidsontraining.com or call 01375 480088.

Links

Our website contains links to other websites. We are not responsible for the privacy policies of other sites and we advise you to read the privacy statement of every website that collects personal information from you.

Other information

You should note that if our business (or any part of it) is sold or transferred at any time, the information we hold may form part of the assets transferred although will still only be used in accordance with this privacy statement.

ESFA Privacy Notice (May 2021 V1)

This Privacy Notice for the ESFA is to be issued to ALL Learners upon enrolment.

This privacy notice is issued by the Education and Skills Funding Agency (ESFA) on behalf of the Secretary of State for the Department of Education (DfE) to inform learners about the Individualised Learner Record (ILR) and how their personal information is used in the ILR. Your personal information is used by the DfE to exercise our functions under article 6(1)(e) of the UK GDPR and to meet our statutory responsibilities, including under the Apprenticeships, Skills, Children and Learning Act 2009. It should be read alongside the ESFA Privacy Notice which can be found at:

<https://www.gov.uk/government/publications/esfa-privacy-notice>

The ILR collects data about learners and learning undertaken. Publicly funded colleges, training organisations, local authorities, and employers (FE providers) must collect and return the data to the ESFA each year under the terms of a funding agreement, contract or grant agreement. It helps ensure that public money distributed through the ESFA is being spent in line with government targets. It is also used for education, training, employment, and wellbeing purposes, including research. We retain ILR learner data for 3 years for operational purposes and 66 years for research purposes. For more information about the ILR and the data collected, please see the ILR specification at <https://www.gov.uk/government/collections/individualised-learner-record-ilr>

ILR data is shared with third parties where it complies with DfE data sharing procedures and where the law allows it. The DfE and the English European Social Fund (ESF) Managing Authority (or agents acting on their behalf) may contact learners to carry out research and evaluation to inform the effectiveness of training. In these cases, it is part of our statutory duties and we do not need your consent.

Where sharing is not part of our statutory duties, you can give your consent to be contacted by other third parties about (Please tick relevant boxes to give your consent)

About courses or learning opportunities.	<input type="checkbox"/>
For surveys and research.	<input type="checkbox"/>
By post.	<input type="checkbox"/>
By phone.	<input type="checkbox"/>
By e-mail	<input type="checkbox"/>

For more information about how your personal data is used and your individual rights, please see the DfE Personal Information Charter (<https://www.gov.uk/government/organisations/department-for-education/about/personal-information-charter>) and the ESFA Privacy Notice (<https://www.gov.uk/government/publications/esfa-privacy-notice>)

If you would like to get in touch with us, you can contact the DfE in the following ways:

- Using our online contact form at [https://form.education.gov.uk/service/Contact the Department for Education](https://form.education.gov.uk/service/Contact%20the%20Department%20for%20Education)
- By telephoning the DfE Helpline on 0370 000 2288
- Or in writing to – Data Protection Officer, Ministerial and Public Communications Division, Department for Education, Piccadilly Gate, Store Street, Manchester, M1 2WD

If you are unhappy with how we have used your personal data, you can complain to the Information Commissioner's Office (ICO) at – Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. You can also call their helpline on 0303 123 1113 or visit <https://www.ico.org.uk>