



## **NCG Learner Privacy Notice**

### **1. Overview**

We ask that you read this privacy notice carefully as it contains important information on who we are, how and why we collect, store, use and share your personal information, your rights in relation to your personal information and how to contact us and the Information Commissioners Office in the event you have a complaint. NCG shall process your personal data in accordance with the UK General Data Protection Regulations (UK GDPR) and the Data Protection Act 2018.

NCG are made up of the following colleges:

- Carlisle College
- Kidderminster College
- Lewisham College
- Newcastle College
- Newcastle Sixth Form College
- Southwark College
- West Lancashire College

Our main establishment is based at:

NCG  
Rye Hill House  
Scotswood Road  
Newcastle Upon Tyne  
NE4 7SA

We are registered as a data controller with the ICO under the registration number Z6977454.

### **2. Types of personal data**

We process the following personal data about prospective, current and past learners:

- Identifiers – including name, date of birth, nationality, gender, NI number, student ID number and your photograph
- Contact Details – including address, telephone number and email address



- Family Details – including names and contact details of parents / guardians and next of kin
- Academic Attainment – including prior qualifications, examination and assessment results, details of current study including progress and attendance information
- Disciplinary, Academic Misconduct and reasons for Mitigation.
- Employer Details – if your employer is paying your course fees or you are enrolled on an apprenticeship
- Learning Support requirements
- Safeguarding referrals or investigation details where applicable
- Financial Details – including bank details, fee receipts, outstanding debts, household income and details of any grants or bursaries received as applicable
- Images, audio and video recordings
- Records of your correspondence with NCG or one of its colleges
- Records of your attendance at an event hosted by NCG or one of its colleges

We may process other factual information, expressions of opinion or other recorded information which identifies or relates to you and your studies.

### **3. Special category data and criminal convictions**

Some of your data is considered to be special category of personal data under the UK GDPR. Examples of special category data include information that reveals the following:

- Racial or ethnic origin
- Political opinion
- Religion
- Philosophical belief
- Trade union membership
- Sexual orientation
- Health
- The processing of genetic data
- The processing of biometric data

NCG will only process special category data and data that reveals information about criminal convictions where you have provided consent, or where there is a lawful reason to do so. The NCG Special Category Data



Policy is available upon request and this explains our obligations to process these types of data.

In order to study on certain regulated courses, you may be required to carry out a Disclosure Barring Service (DBS) check which discloses criminal conviction data. You will be informed during the application and enrolment process whether you are required to carry out a DBS check.

#### **4. How we obtain personal data**

Most of the personal data that is processed by NCG is provided directly by you for one or more of the following reasons:

- You have subscribed to marketing communications from us
- You have submitted an enquiry or complaint to us
- You have applied to study with one of our colleges
- You are currently or have previously been enrolled to study at one of our colleges

We may occasionally receive your personal data indirectly from the following sources:

- Local Authority
- The Police and other Government agencies
- UCAS
- Your employer
- Student Loans Company
- International Student Recruitment Agents (international applicants only)

#### **5. Why we process personal data**

NCG processes your personal data for the following purposes:

- To send you marketing information that may be of interest to you
- To respond to your enquiries and register you for events hosted by our colleges
- To assess your suitability to study on a course or apprenticeship or to attend a placement
- To enrol you onto your chosen course or apprenticeship and where applicable to claim funding
- To deliver your chosen course of study and monitor your progress
- To personalise our support to meet your individual needs
- To provide facilities such as access to our libraries and IT services
- To ensure security on our premises



- For our statutory reporting and statistical research purposes
- For funding purposes

Data protection legislation requires NCG to have a lawful basis to process your personal data and the lawful bases that we rely on include:

- Consent – When you send an enquiry or subscribe to receive marketing information from us.
- Contract – When you enrol onto your chosen course or apprenticeship you enter into a contractual agreement (your learning agreement). If you choose to use services such as learning or pastoral support this would also fall under your contractual agreement.
- Public Task – As an education institution receiving public funding, as part of our public task we are required to use your personal data for statistical analysis and research purposes as well as share your personal data with a range of different organisations, public sector agencies and government bodies. Some of this processing will involve sharing your contact details with organisations who will ask you to complete surveys.
- Legal Obligation – NCG are governed by certain legislation, regulations and standards that may require us to retain your personal data as well as share it with a range of different organisations and public sector agencies or government bodies.
- Legitimate Interest – We may process your personal data if it is necessary for our legitimate interests and you would reasonably expect us to hold and use this data.
- Vital Interest – In an emergency we may be required to share your personal details with the Emergency Services or Local Authorities.

For more information on our lawful basis to process your personal data, please see the data retention schedule in section 8.

## **6. When we will share personal data**

We may share your information with third parties who provide elements of services to us, or directly to you on our behalf. These organisations are known as data processors. We have contracts in place with our data processors that mean they should not do anything with your personal data unless we have instructed them to do it. They will not share your personal data with any organisation apart from us without our consent and they will ensure it is stored securely for the period of time that we instruct.

When you enrol at one of our colleges you enter into a contractual agreement and are responsible for ensuring the payment of any fees are covered, therefore if necessary, we may transfer your personal data to an agent for the



purposes of debt collection. On occasion we may also be required to share your information with the police or other government agencies.

We may disclose your information to employers for the purposes of filling placement or apprenticeship vacancies. We only disclose information to employers with whom we have an agreement in place, which instructs them to keep your information secure and not use it other than in accordance with the purposes we have agreed.

We may provide factual references about you when requested from your prospective employers or your next educational setting.

For learners who are 16 to 18 years old, we will share information with your parent or guardian relating to your attendance and progress. This information will only be shared with the parent or guardian that you provide contact details for at enrolment. For learners over the age of 18, we will ensure we obtain your consent prior to contacting parents or guardians for these purposes unless you have a support need that requires us to do so.

If your tuition fees are paid under a sponsorship, scholarship or loan arrangement by an external organisation (e.g. your employer), we may share information relating to your attendance and academic progress upon request.

For the purposes of tracking NEET (Not in Education, Employment or Training) learners, upon request from your previous educational setting or the local authority we may confirm to them that you or are now studying with one of our colleges or that you have withdrawn if you do not complete your course.

At no time will your personal data be sold to other organisations for marketing or sales purposes.

As an education institution receiving public funding, we are required to share your personal data with a range of different organisations, public sector agencies and government bodies including, but not limited to:

### **All Learners**

- Department for Education (DfE)
- Education Skills Funding Agency (ESFA)
- Ofsted
- Local Authorities
- Awarding Bodies (a full list of awarding bodies can be provided to you upon request)

### **Higher Education Learners**

For learners who are studying on one of our higher education courses, we will also share your personal data with the following:



- The Office for Students (OfS)
- Student Loans Company
- Quality Assurance Agency for Higher Education (QAA)
- If studying towards a qualification that leads to studying towards professional recognition, information may be shared with the relevant professional body. A list of such professional bodies is available on request.
- Graduation ceremonies are regarded as public events and may be recorded and/or live streamed. Graduate names, programmes and classifications are also printed on material that is made publicly available.

### **International Learners**

For international students studying with us, we will also share your personal data with the following:

- Home Office
- International Student Recruitment Agents
- Accommodation Providers

### **Apprentices**

For apprentices we will also share your personal data with the following:

- Your employer
- End point assessment organisations
- The National Apprenticeship Service

### **ESFA Privacy Notice**

The ESFA Privacy Notice can be found in Appendix A

### **LRS Privacy Notice**

The information you supply is used by the Learning Records Service (LRS). The LRS issues Unique Learner Numbers (ULN) and creates Personal Learning records across England, Wales and Northern Ireland, and is operated by the Education and Skills Funding Agency, an executive agency of the Department for Education (DfE). For more information about how your information is processed, and to access your Personal Learning Record, please refer to : <https://www.gov.uk/government/publications/lrs-privacy-notice>



## **Survey Providers**

As part of our Public Task requirements we have a statutory duty to carry out statistical analysis and research in the form of surveys. You may be contacted by J2Research as they carry out our surveys on our behalf.

For FE Students, the ESFA also require us to provide your contact details to the survey provider Ipsos Mori, to carry out the FE Choices Survey.

For HE Students, the Office for Students require us to provide your contact details to HESA to carry out the Graduate Outcomes Survey and Ipsos Mori to carry out the National Student Survey (NSS).

The privacy notice for Ipsos Mori can be found via the following links:

NSS - <https://www.thestudentsurvey.com/privacy-statement.php>

FE Choices – <https://www.ipsos.com/ipsos-mori/en-uk/privacy-data-protection>

The privacy notice for HESA can be found via the following link:

<https://www.hesa.ac.uk/about/regulation/data-protection/notices>

## **7. Transfer of data outside of the European Economic Area (EEA)**

NCG do not routinely transfer your personal data outside of the EEA. However, on rare occasions, some organisations that process data on our behalf may store data in cloud services outside of the EEA. These transfers will only be made to services hosted in countries with which there are appropriate safeguards.

## **8. How long we retain your personal data**

You can find our personal data retention schedule at the following link:

<https://www.ncgrp.co.uk/wp-content/uploads/2017/03/Document-Retention-Schedule.pdf>

## **Your rights**

### **Access to information**

At any point you can contact us to request details concerning the information we hold about you, why we have that information, who has access to the information and where we got the information. In most cases you may be entitled to copies of the information we hold concerning you. Once we have received your request, we will respond within one month unless we need to extend that period owing to the complexity of your request.

### **Rectifying data**

If the data we hold about you is out of date, incomplete or incorrect, you can inform us, and we will ensure that it is updated.



### **Erasing data**

If you feel that we should no longer be using your data or that we are illegally using your data, you can request that we erase the data we hold. When we receive your request, we will confirm whether the data has been deleted or tell you the reason why it cannot be deleted.

### **Restricting processing**

In certain circumstances, you have the right to request that NCG stops processing your data. Upon receiving the request, we will contact you to tell you if we are able to comply or if we have legitimate grounds to continue. If the data is no longer processed, we may continue to hold your data to comply with your other rights.

### **Data portability**

You have the right to request that we transfer your data to another organisation or to receive a copy of your data in a common format. Once we have received your request, we will comply where it is feasible to do so.

### **Object to direct marketing**

All communication with you, including in relation to updates to this privacy notice, will be made via the preferred method of communication that you have registered with us and you will be able to select the type of correspondence you receive. If, at any stage, you are concerned about the content (e.g. unwanted marketing), frequency or method of these communications, you can unsubscribe or notify us of your decision at any time.

### **The right to object to automated decision making / profiling**

You have the right not to be subject to automated decision making (making a decision solely based on automated means without any human involvement) and profiling (automated processing of personal data to evaluate certain things about the individual). Where this is the case you should inform us of this wish.

### **Withdrawing consent**

In instances where we need your consent to process your information, we will ask you to make a positive indication e.g. to tick a box or insert your contact details on the relevant form or web page. By actively providing us with your consent, you are stating that you have been informed of the type of personal information that will be processed, the reasons for such processing, how it will be used, for how long it will be kept, who else will have access to it and what your rights are as a data subject and that you have read and understood this privacy policy. Where processing is based on consent, you have the right to withdraw consent at any time, and you can request this by speaking to a member of staff or contacting our Data Protection Officer at the contact details below.



## **9. Complaints to the Information Commissioners Office**

Should you be dissatisfied with NCG's processing of your personal data, you have the right to complain to the Information Commissioner's Office. For more information, please see the Information Commissioner's web site:

<https://ico.org.uk/>

## **10. Data Protection Officer**

If you would like to exercise any of the rights above, have any questions which you feel have not been covered by this Privacy Notice, or if you have concerns or a complaint in relation to NCG processing your personal data, please do not hesitate to contact us at:

[dpo@ncgrp.co.uk](mailto:dpo@ncgrp.co.uk)

or in writing to:

Data Protection Officer (NCG)  
Rye Hill House  
Scotswood Road  
Newcastle Upon Tyne  
NE4 7SA

Copies of this privacy notice in alternative formats are available upon request.



## Appendix A – ESFA Privacy Notice

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.

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 well being 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.

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>