|  |
| --- |
| Wording for ‘introduction’ sectionThis Privacy Notice sets out what you need to know about how Doncaster Council will use your information for the Adult Family and Community Learning (AFCL). AFCL hold the Adult Education Budget (AEB) grant from the Education and Skills Funding Agency (ESFA), an agency of the Department for Education (DfE).  |

The Council is committed to meeting its data protection obligations and handling your information securely. You should make sure you read and understand this notice before submitting your information to us.

# What information about you do we collect?

For the processing to which this notice relates to be carried out we use the following information:

* personal information – such as: your name, address, date of birth and telephone number, and email
* special category personal information – such as: your ethnicity, information about your physical and mental health, information about your working situation and current levels of pay
* previous learning and progress from our courses into other learning or employment
* demographic information such as postcode, preferences and interests
* we may collect personal information about you from other systems or organisations funded by ESFA and from organisations that introduce you to us; so that we can make contact with you.

# How do we collect information about you?

We collect your information from you directly by asking you to complete application forms or when you telephone our service. We also other agencies such as the Learning Records Service

#  How will your information be used?

Your personal information is collected to enable us to carry out the functions of the DfE. The lawful basis for collecting and using your personal information will depend on the services and will normally be where we need to for the purposes of Department for Education functions, where we have your consent to do so, where we have a legal obligation

If we are processing your personal information using your consent, you can withdraw your consent at any time.

# The Legal Basis for using your information

You are required to provide us with your information to receive this service. The consequences of not providing the information requested are you may not be eligible to receive funding and therefore not eligible to undertake a programme of funded learning with us.

# Who will your information be shared with?

We sometimes need to share your information within the Council or with other organisations, such as the ESFA, LRS,, PLR and awarding organisations. We will only share your information when necessary and when the law allows us to, and we will only share the minimum information we need to. For AFCL matters we may need to share your information with:

* The Education and Skills Funding Agency (ESFA) which provides the funding for our service.
* The Learning Records Service (LRS) which holds your Personal Learning Record (PLR).
* OCN Group who provide accreditation for qualifications such as Functional Skills English and Maths.
* City and Guilds who provide accreditation for qualifications such as ESOL
* Certa who provide accreditation for some of our Family learning programmes such the Award in Progression.

For the full, current Privacy Notices for each organisation, and details on how to access your Personal Learning Record please visit the following websites

* <https://www.gov.uk/government/publications/esfa-privacy-notice>
* <https://www.gov.uk/government/publications/lrs-privacy-notices>
* <https://www.gov.uk/guidance/how-to-access-your-personal-learning-record>
* <https://www.nocn.org.uk/privacy/>
* <http://www.certa.org.uk/cookies_privacy>
* <https://www.cityandguilds.com/help/privacy-statement>

In certain cases we may also share your information with other individuals and organisations. For example, if you make a complaint to your Councillor, or if the sharing would help with a safeguarding issue, or help prevent a crime. Sometimes, we might share your information without your knowledge.

The Council will never sell your information to anyone else.

# How long will we keep your information?

We will keep your information for different periods of time, depending on what we are using it for. We only keep your information for as long as we need to, after which we will either securely delete the information. The table below sets out typical timescales for activities;

|  |  |
| --- | --- |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |

# **Activity Time Information Kept For**Personal records with ESF elementsUntil 2030Awarding body records7 yearsESFA Records Unit 2030Your rights

The law gives you specific rights over your information. These rights are:

* to be informed of our use of information about you;
* of access to information about you;
* rectify information about you that is inaccurate;
* to have your information erased (the ‘right to be forgotten’);
* to restrict how we use information about you;
* to move your information to a new service provider;
* to object to how we use information about you;
* not to have decisions made about you on the basis of automated decision making;
* to object to direct marketing; and,
* to complain about anything the Council does with your information (please see the ‘Complaints’ section below).

Some of the rights listed above apply only in certain situations, and some have a limited effect. Your rights are explained further in the [Individuals’ Rights Procedure](http://www.doncaster.gov.uk/services/the-council-democracy/data-protection-policy) on our website, as is how to make a request under one or more of them.

You can request information about yourself by making a subject access request on [this](https://www.doncaster.gov.uk/services/the-council-democracy/data-protection-policy) page of the Council’s website.

# Changes to this privacy notice

This notice is kept under regular review to make sure it is up to date and accurate.

# Data Protection Officer (DPO)

The Council is required by law to have a DPO. The DPO has a number of duties, including:

* monitoring the Council’s compliance with data protection law;
* providing expert advice and guidance on data protection;
* acting as the point of contact for data subjects; and,
* co-operating and consulting with the Information Commissioner’s Office (see ‘Complaints’ below).

 The Council’s Data Protection Officer can be contacted by email at information.governance@doncaster.gov.uk

# Complaints

If you are unhappy with the way in which your information has been handled you should contact the Council’s Data Protection Officer so that we can try and put things right.

Alternatively, and if we have been unable to resolve your complaint, you can also refer the matter to the Information Commissioner’s Office (ICO).  The ICO is the UK's independent body set up to uphold information rights, and they can investigate and adjudicate on any data protection related concerns you raise with them. They can be contacted via the methods below:

Website: [www.ico.org.uk](http://www.ico.org.uk)

Telephone: 0303 123 1113

Post: Information Commissioner’s Office

 Wycliffe House

 Water Lane

 Wilmslow

 Cheshire

 SK9 5AF

|  |  |  |  |
| --- | --- | --- | --- |
| **Personal Data Activity** | **Legal basis - GDPR Article 6** | **S8 DPA (delete as appropriate)** | **UK Legislation** |
|  | (1)(c) to do so is necessary because of a legal obligation that applies to the Council |  |  |
|  | (1)(e) to do so is necessary for the performance of a task carried out in the public interest, or in the exercise of official authority [you must state the function and what legislation applies for this condition **or** for which the applicable legislation is too numerous to list here] | (a) the administration of justice,(b) the exercise of a function of either House of Parliament,(c) the exercise of a function conferred on a person by an enactment or rule of law,(d) the exercise of a function of the Crown, a Minister of the Crown or agovernment department, or(e) an activity that supports or promotes democratic engagement. |  |
|  | (1)(f) it is in the legitimate interests of the Council to process this information **[you must state the interest and complete a balancing exercise to ensure the rights and freedoms of the individual do not outweigh the legitimate interest pursued]** |  |  |
|  | (1)(b) Because to do so is necessary to take steps at your request to enter into a contract for this service, or for the performance of a contract to which you are party. |  |  |
|  | (1)(a) Because to do so explicit consent is provided to administer and deliver the service |  |  |

|  |  |  |  |
| --- | --- | --- | --- |
| **Special Category Data Activity** | **Legal basis - GDPR Article 9** | **DPA 2018 condition** | **Other considerations** |
|  | (2)(a) the data subject has given explicit consent to the processing |  |  |
|  | (2)(b) processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law. | **Part 1 of schedule 1** |  |
|  | (2)(c) processing is necessary to protect the vital interests of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent. |  |  |
|  | (2)(e) processing relates to personal data which are manifestly made public by the data subject. |  |  |
|  | (2)(f) processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity. |  |  |
|  | (2)(g) processing is necessary for reasons of substantial public interest. | **Part 2 of schedule 1** |  |
|  | (2)(h) processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services. | **Part 1 of schedule 1** |  |
|  | (2)(i) processing is necessary for reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring high standards of quality and safety of health care and of medicinal products or medical devices. | **Part 1 of schedule 1** |  |
|  | (2)(j) processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes. | **Part 1 of schedule 1** |  |

|  |  |
| --- | --- |
| **Criminal Data Activity** | **DPA 2018 condition required** |
|  | **Part 1, 2 or 3 of schedule 1** |