

## General Data Protection Regulation Policy

**Approved by Senior Management of FWD Training & Consulting Ltd ("FWD"): 05 April 2018**

**Current until: 05 May 2020**

**Review date: 05 May 2019**

**Post holder responsible for review: Operations Director of FWD**

## General Data Protection Regulation Policy

### Introduction

FWD Training & Consultancy Ltd is fully committed to protecting the personal data of learners, employees, suppliers and other stakeholders in accordance with the requirements of the European Union Data Protection Regulations 2016.

### Whose Data we hold

At FWD, to enable our company to carry out the processes required to trade, we hold personal data. Through our secure systems, we may hold data on the following individuals

- Clients
- Prospects
- Carefully selected Third Parties
- Staff
- Suppliers

The above list is not exhaustive and may be amended to during the review process. A detailed list can be found within our Data Flow Chart.

### What Data we hold

In order for us to provide our services and to manage those services we will ask prospective and existing clients to share personal information with us. The circumstances in which we use the information, the reasons why we ask for it and details of how we will use it are explained within this policy. The information we collect about learners and clients varies depending on particular circumstances and requirements and may include, for example:

- general information about the learner as name, address, contact details, national insurance number and date of birth, this can be used to confirm ESFA eligibility for funding;
- financial details, such as bank account details, this can be used to pay employer incentive payments;
- for internal staff, sensitive personal information, such as Disclosure and Barring Service checks;
- information about the client's website such as the IP address, which is a unique number identifying the computer.

We may collect personal information from the following sources:

- the client or someone connected as part of a tender opportunity;
- publicly available sources of information, such as social media and networking sites;
- If our clients have provided information to us about someone else, we will confirm to them that that they have the consent of these individuals to share their personal information with us.

### **Where the data is stored**

All data is stored within SharePoint as part of the Microsoft 365 platform. This underpins a robust and reliable information security management system.

Paper based data is also stored within secured filing cabinets at Head Office with access on given to approved staff members.

Our service providers may use cloud-based computer systems (i.e. network of remote servers hosted on the internet which process and store your information) to which foreign law enforcement agencies may have the power to require access.

Our contracts with these firms will detail the necessary requirements to ensure your information is protected. We will assess these firm's security arrangements from time to time ensuring that they are only using your information as agreed.

The personal information we and our carefully selected third parties collect will not be transferred to, stored and processed outside the European Economic Area (EEA).

### **What the data is used for and who is it shared with**

We and/or our carefully selected third parties may collect and use personal information under the following circumstances or for the following reasons:

#### **a) To provide services relating to training such as an apprenticeship programme:**

- assessing the ESFA eligibility criteria for attracting government funded programme
- providing the services described within learner and employer documents.
- the collection and use of information such as the learners name, address, date of birth, is necessary to establish funded incentive payments. Without this information, we will be unable to assess the eligibility of the learner.

#### **b) Where we have a justifiable reason, such as:**

- keeping records about the learner and our correspondence with them. This also means we can appropriately and effectively manage our relationship with the learner as well as satisfy any legal and regulatory obligations we may have to keep such records.
- preventing and detecting fraud, financial crime and anti-money-laundering. We may use the personal information to prevent fraud and in doing so may:
  - collect personal information about the learners from databases as described within our Privacy Notice and from publicly available sources (such as social media and networking sites);
  - share the personal information with fraud prevention agencies. The personal information will be checked with and recorded by a fraud prevention agency. If false or inaccurate information is provided and fraud is identified, details will be passed to the fraud prevention agency.
  - share the personal information with operators within the government run organisations such as the ESFA and Ofsted;
  - we may anonymise and combine the information the learner has given us to understand more about them, create new products and services as well as helping us with our marketing.

#### **c) Where we have been given permission:**

- to use your sensitive personal information in order to provide you with a qualification certificate or funding incentives
- We may share information with third parties in order to carry out the above activities.

### **The Legal Bases for Processing**

All data that is processed within FWD is done so on a necessary basis in order to service learner and client requests.

We will legally process the data on a **Legitimate Interest Basis** for the sole purpose of providing the learner with details of training programmes, qualification details and funding eligibilities.

We will contact them, in order to communicate our products and/or services which we believe may be of interest to them and which relate to your general training and development needs. This activity is only applicable to FWD.

There may be times when we will require the permission to provide information about products and services to such as:

- where the product or service is not similar to those that we currently provide to the learner, but we believe they may be interested in it; or
- when the learner and client has opted out of us sending details of or contacting them in relation to the products and services we offer.

We may communicate with them by post, email, SMS, telephone and/or digital methods such as social media and online advertising unless they have told us you do not want us to.

Where the learner no longer holds a training contract with us or we have provided them with training in the past, we will keep them informed about our products and services for a period of up to 3 years if contacting them by telephone or for up to 5 years if contacting you via other means.

We may look to develop and enhance the information we hold about learners and clients with the aim of improving our product and service offerings and how we communicate these to them, where they have given us permission or where we believe that our products and service may be of interest. We may collect personal information about them or share the information with carefully selected third party databases which, when combined with the personal information you have given us, helps us to target and tailor communications which we believe may be more relevant. Details of these Third Parties can be found on our Data Flow Chart within this policy.

### **Privacy Notices**

A learner can request a paper copy of this from our office by contacting our Data Controller or visiting our website using the link below.

[www.fwdtraining.com/privacynotice](http://www.fwdtraining.com/privacynotice)

A copy should be read together with this GDPR policy.

### **Data Retention**

We will keep your information only for as long as is reasonably necessary for the purposes set out in our privacy notice and to fulfil our legal and regulatory obligations. For further information about how long we will keep your information, please contact the Data Controller using the contact details outlined in data controller section of this notice.

### **Subject Access Requests, Amendments to Data and Data Deletion**

#### **Subject Access Requests**

We will review that data that we hold for learners on an annual basis.

Should you require access to the information that we hold, learners must contact our data controller, Austen Basleigh. All requests must be made in writing or by email to [austen@fwdtraining.com](mailto:austen@fwdtraining.com)

We are unable to release information to which would lead to a data breach of another individual.

The release of information will be processed without charge. However, should we find that the request for information is manifestly, unfounded or excessive we reserve the right to issue a charge for this information or refuse to provide the information requested.

### **Amendments to Data**

The data that we hold will come from information we have obtained directly from the learner or their employer with their consent or available in the public domain. The companies that we contact for information are shown on our data flow chart within this policy. The learner can amend the information that has been given by them to FWD by speaking to our employees.

Should they wish to amend the information that we have obtained from the sources detailed in our data flow chart, they would need to contact these companies directly to amend their data. For example, if our DBS Checking has an incorrect address, we would be unable to amend this and the request to amend the data should be directed to them.

### **Data Deletion**

The information that we hold within our client and learner files can be deleted, at their request, by contacting our Data Controller if suitable within our legal and regulatory obligations

This request should be made in writing either by letter or email. All personal information will be removed from the paperwork and it will be scanned to our system. The contents of the file will be deleted completely from our systems. The deletion letter will sit within your file, which notes only the learner name. This will allow us to keep a note of the deletion however no personal information will be sorted.

With regards to documentation, in certain circumstances we may be required to retain information to allow FWD to be able to provide proof of training and learning. In this instance we will notify the learner of the information that we require to retain and why this is required.

All request for data access, amendment or deletion will be dealt with within 28 days as required by the ICO (Information Commissioners Office).

### **Data Controller**

Our Data Controller is Austen Basleigh and can be contacted on the details below;

By Post: Austen Basleigh

Director

FWD Training & Consultancy Ltd

First Floor

234-236 The Broadway

Bexleyheath

DA6 8AS

Email: [austen@fwdtraining.com](mailto:austen@fwdtraining.com)

Telephone: 020 8304 3666

### **Data Breaches**

A Data Breach, as defined by the Information Commissioners Office (ICO), is a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data.

Any Data Breach will be reported to Austen Basleigh, Data Controller, upon discovery. Steps will then be taken to establish the below;

- The categories of data that have been breached
- The individuals that may have been affected
- A description of how the breach may affect the individuals
- The details of our Data Controller
- Details on how the breach has been rectified or the steps that we plan to take to rectify

FWD will report any breach to the ICO where as a result of the above any actions could lead to an individual's rights and/or freedoms being affected. All breaches will be reported to the ICO within 72 hours of the discovery of the breach.

A log is kept internally of any data breaches, reportable to the ICO or otherwise, which will be made available to the ICO on request for audit purposes. Where we have not reported a breach, an explanation will be kept as to why this decision has been made.

Where a breach is considered 'high risk' to a person's rights and freedoms, we will notify the individuals concerned without undue delay.

### **Comments and Feedback**

FWD welcomes comments and feedback with regards to their policies from employees. Please direct any comments to [austen@fwdtraining.com](mailto:austen@fwdtraining.com)

## Data Flow Map

