

# **Northampton College Privacy Notice - How we use College Associate Personnel information**

## **What is a Privacy Notice?**

A privacy notice is a statement that describes how Northampton College collects, uses, retains and discloses your personal information. This Privacy Notice relates to Associate personnel engaged at Northampton College.

To ensure that we process your personal data fairly and lawfully we are required to inform you:

- Why we need your data
- How it will be used
- Who it will be shared with
- What rights you have to control how we use your information

The law determines how organisations can use personal information. The key laws are the General Data Protection Regulation (GDPR) enforced from 25 May 2018 and the Data Protection Act 1998 (DPA)

## **The categories of Associate Personnel information that we may collect, hold and share include:**

- Personal information (such as name, date of birth, address, country of residence, retention and recording of documents (e.g. passport to prove evidence of eligibility to work in the United Kingdom), contact details such as mobile number and email address, qualifications, photograph, employment details, next of kin details, and records relating to background checks (including including references, criminal convictions (e.g. DBS certificates and self-declarations), and online social media checks)).
- Contract Information (such as start date, hours worked, post(s), and salary information)
- Images may be captured on our CCTV systems.

## **Why we collect and use this information:**

We use the Associate Personnel data:

- To comply with statutory guidance and legal obligations, for example, to comply with both the Keeping Children Safe in Education Statutory Guidance and the legislation that requires organisations to carry out checks to ensure their employees are eligible to work in the United Kingdom.

- To enable contractors, subject to IR35, to be paid
- To respond to employment surveys and Freedom of Information requests (all data would be anonymised for these)
- To ensure people are not discriminated against on protected grounds
- To ensure the safety of students, staff and visitors, both inside and outside College buildings.

## The lawful basis on which we use this information:

We collect and use Associate Personnel information under the lawful bases of **Legal obligation** and/or **Contract** and/or **Consent** (Article 6).

The new legislation identifies certain data as being 'special category data'. This means that an organisation has to identify, in addition to the lawful basis for using the data, a 'condition' for collecting and processing it (which forms part of Article 9 of the legislation).

From an associate personnel perspective, the College collects on one category of Special Category Data and the table below denotes the lawful basis and condition for collecting these.

Type of Special Category Data	Lawful Basis - Article 6	Condition for processing special category data - Article 9 (2)
Data on race, ethnic origin, religion and sexual orientation (protected characteristics)	Consent	'(a) The data subject has given explicit consent to the processing of those personal data one or more specified purposes'

The legislation also requires the College, in processing criminal offence data, to meet the thresholds of both Article 6 and Article 10. The College meets these thresholds as detailed below:

Type of Personal Data	Lawful Basis - Article 6	Condition for processing criminal data - Article 10
Criminal	Contract	Official capacity - To safeguard young people and vulnerable adults from any person who has a criminal conviction or record of behaviour that could pose a risk to their safety and well-being. This is in accordance with the Keeping Children Safe in Education Statutory Guidance.

As Governors carry out public tasks the college is required to collate and retain in line with stated retention guidelines essential personal data collected at the time of their commencement of duties:

<b>Type of Record</b>	<b>Lawful Basis - Article 6</b>	<b>Condition for processing data pertaining to Governors records – Article 6 (3)</b>
Governors	Public task	Official capacity - Processing of this data is a statutory function in the exercise of official authority in performing specific tasks in the public interest as set out in law

## **Who we share Associate Personnel information with:**

The College shares associate personnel information with the following organisations:

- The Education and Training Foundation - Understanding trends and patterns within the Further Education sector workforce is important for providers, for policy makers, and for sector bodies. Common themes, such as average salary, average age, gender balance, and percentage of qualified personnel, help to inform decision-making and strategic activity. The College provides this data in an anonymised format and, where the data could lead to the identification of an individual employee, withholds this information.
- Office of Standards in Education (OFSTED)
- Department of Works and Pensions (Applies to contractors only)
- College's law firm
- Her Majesty's Revenue and Customs (HMRC) (Applies to contractors only)
- Capita – For the purposes of conducting Disclosure and Barring checks (as required by the Keeping Children Safe in Education Statutory Guidance)
- Current or prospective employers – for example, in obtaining/requesting workplace references
- Local Authority – for example, in relevant safeguarding cases
- Disclosure and Barring Service – for example, if completing a DBS barring referral form

- Law enforcement – for example, in the event of an associate personnel member allegedly committing a criminal offence, or in the event of an alleged serious safeguarding incident committed by an employee against a student, or if an associate personnel member is a witness to an alleged incident.
- Home Office and/or UK Visas and Immigration – for example, in the event a potential employee presents fake 'right to work in the United Kingdom' documentation. (Applies to Agency personnel, and Contractors only)
- Government agencies such as the Home Office, UK Visas and Immigration and Social services, if deemed necessary (such as safeguarding of young people and vulnerable adults) and within the confines of legislation.
- Midland HR – as hosts of the HR system
- Cloud based services such as Google, Microsoft, TES Develop (my EduCare) and Adobe.

## **Requesting access to your personal data – Subject Access Request**

Under data protection legislation, individual employees have the right to request access to the information that the College holds on them by making a Subject Access Request. To make such a request, please contact the College's Data Protection Officer:

Mr Julian Wood  
Northampton College  
Booth Lane  
Northampton,  
NN3 3RF

Email: [dataprotection@northamptoncollege.ac.uk](mailto:dataprotection@northamptoncollege.ac.uk) Extension: 01604 734567

Please note that when you have made a subject access request, you may be asked to complete a pro-forma to assist the College in providing you with your data.

You can ask for your data in either an electronic or a paper-based format.

The College will normally provide the requested data within one month of receiving your request.

## **Right to rectification**

The General Data Protection Regulations provide employees with the right to have personal data rectified if it is inaccurate or incomplete. To make such a request, please contact Mandy Dainty (HR Officer – Systems, Quality and Audit):

## Right to erasure ('the right to be forgotten')

Whilst the General Data Protection Regulations provide, in certain circumstances, the right of the individual to request the erasure of personal data, where the College has demonstrated that the data collection is lawful (Article 6) and, where appropriate, the data is subject to a condition (Article 9), the right to erasure is unlikely to apply.

## Right to restrict processing

Whilst the General Data Protection Regulations provide, in certain circumstances, the right of the individual to request the suppression of the processing of personal data, where the College has demonstrated that the data collection is lawful (Article 6) and, where appropriate, the data is subject to a condition (Article 9), the right to restrict processing is unlikely to apply.

However, where the individual contests the accuracy of the personal data held by the College, the College may restrict processing until the veracity of the data in question has been verified (Please also see Right to rectification).

## Data Retention

The data retention periods for associate personnel's personal and special category data are available below.

Type of Record	Minimum Retention Period
Agency Personnel File	6 years after role ceases
Associate Personnel File	6 years after role ceases
Consultants File	6 years after role ceases
Contractors File	6 years after role ceases
Governor File	6 years after role ceases
Bidvest Noonan – Contractors File	6 years after role ceases
Organisational Associate File	6 years after role ceases
Self-Employed Associates File	6 years after role ceases
Supported Interns File	6 years after role ceases
Volunteer File	6 years after role ceases
Work Experience File	6 years after role ceases

<b>Type of Record</b>	<b>Minimum Retention Period</b>	<b>Relevant to Associate Type</b>
Associate Details Form	6 years after role ceases	Associate; Contractor; Consultant; Governor; Bidvest Noonan – Contractor; Organisational Associate; Self-Employed
Agency Personnel Details Form	6 years after role ceases	Agency Personnel
Barred List Check	6 years after role ceases	Associate; Agency Personnel; Contractor; Consultant; Governor; Bidvest Noonan – Contractor; Organisational Associate; Self-Employed; Supported Intern; Volunteer; Work Experience
Confidentiality Agreements	6 years after role ceases	Associate; Agency Personnel; Contractor; Consultant; Governor; Bidvest Noonan – Contractor; Organisational Associate; Self-Employed; Supported Intern; Volunteer; Work Experience
DBS Certificate (Photocopy of Original)	6 years after role ceases	Associate; Agency Personnel; Contractor; Consultant; Governor; Self-Employed; Supported Intern; Volunteer

DBS Certificate (Confirmation from Organisation – Issue Date & Number)	6 years after role ceases	Agency Personnel; Bidvest Noonan – Contractor; Organisational Associate
DBS Evidence	6 years after role ceases	Agency Personnel; Consultant; Governor; Supported Intern; Volunteer
CV	6 years after role ceases	Agency Personnel; Contractor; Consultant; Self-Employed; Supported Intern; Work Experience
ICT Form	6 years after role ceases	Associate; Agency Personnel; Contractor; Consultant; Governor; Bidvest Noonan – Contractor; Organisational Associate; Self-Employed; Supported Intern; Visitor; Volunteer; Work Experience
Invoices	6 years after role ceases	Agency Personnel; Contractor; Consultant; Self-Employed
Photocopy of Photographic ID (i.e. Passport, Driving Licence)	6 years after role ceases	Associate; Agency Personnel; Contractor; Consultant; Governor; Bidvest Noonan – Contractor; Organisational Associate; Self-Employed; Supported Intern; Visitor; Volunteer; Work Experience
Qualifications (Photocopies)	6 years after role ceases	Agency Personnel; Contractor; Consultant; Self-Employed;

		Supported Intern; Volunteer
References	6 years after role ceases	Agency Personnel; Contractor; Consultant; Self-Employed; Supported Intern; Volunteer

Right to Work Evidence	6 years after role ceases	Agency Personnel; Contractor; Consultant; Governor; Self-Employed
Risk Assessments	6 years after role ceases	Work Experience
Tax Information (including IR35 assessment)	6 years after role ceases	Contractor; Consultant; Self-Employed
Volunteer / Work Experience Details Form	6 years after role ceases	Supported Intern; Volunteer; Work Experience

If you have any concerns regarding the way the College collects, processes, stores or uses your personal data, please raise your concern with either Julian Wood (Data Protection Officer) or Mandy Dainty (HR Officer – Systems, Quality and Audit) in the first instance. Alternatively, you can contact the Information Commissioner's Office at <https://ico.org.uk/concerns/>

## How to change your details

If your personal details held by the College change, please contact a member of the HR team to update these accordingly.

## Contact

If you would like to discuss anything in this Privacy Notice, please contact the College's Data Protection Officer, Julian Wood.