

# Privacy notice for Pendine Academy Diploma and Framework students

PENDINE ACADEMY IS COMMITTED TO PROTECTING THE PRIVACY AND SECURITY OF YOUR PERSONAL INFORMATION. THIS PRIVACY NOTICE DESCRIBES HOW WE COLLECT AND USE YOUR PERSONAL INFORMATION, IN ACCORDANCE WITH THE GENERAL DATA PROTECTION REGULATION (GDPR).

In this notice, whenever you see the words ‘we’, ‘us’, ‘our’ and ‘Pendine Academy’, it refers to Pendine Academy of Social Care Ltd (ICO registration number A8308419), which also trades under the brand name Smartcare Training, a subsidiary company of Pendine Park Care Organisation Ltd (ICO registration number is Z2840886). Whenever you see the words ‘you’ and ‘your’, it refers to anyone who attends or undertakes a course or non-funded qualification with us.

This Privacy Notice is also available on our website, at [www.smartcaretraining.com/privacy.html](http://www.smartcaretraining.com/privacy.html)

## 1. Our Responsibilities and Data Protection Principles

With regard to the personal information we process to enable you to complete your funded diploma and framework qualifications, Pendine Academy is both a **“data controller”** and a **“data processor”**. This is because we process some information about you that **we decide** how we hold and use this data (our *controller* responsibilities), and we process other information **as instructed by Coleg Cambria** (our *processor* responsibilities), who we have a contract with to enable us to deliver and access funding for you to complete your diploma and framework qualifications. Within this Privacy Notice, we will refer to both our responsibilities as a data controller and a data processor.

**Note:** Coleg Cambria also provide your information to the Welsh Government in relation to your funding for your diploma. You should therefore be aware that you should be read and understand any privacy notice from Coleg Cambria and the Welsh Government in relation to your funded diploma programme.

As a data processor, we cannot contract out any activities in relation to the personal information we process on behalf of Coleg Cambria, unless given specific permission by Coleg Cambria. We must also notify Coleg Cambria of any security breach without any undue delay. We must also follow the guidelines set out by Coleg Cambria to process the personal information they have contracted us to collect on their behalf.

Whilst we carry out our duties as both a controller and processor, we will comply with data protection law. This says that the personal information we hold and process about you must be:

1. Used lawfully, fairly and in a transparent way.
2. Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
3. Relevant to the purposes we have told you about and limited only to those purposes.
4. Accurate and kept up to date.
5. Kept only as long as necessary for the purposes we have told you about.
6. Kept securely.

## 2. The kind of information we hold on you...

Personal data, or personal information, means any information about an individual that can identify that individual. It does not include data where the identity has been removed (anonymous data). There are “special categories” of more sensitive personal data which require a higher level of protection.

### Pendine Academy as a Data Controller

Pendine Academy will collect, store, and use the following categories of personal information:

CATEGORY	DATA TYPES
<b>Personal and Contact Details</b>	Name, title, date of birth, gender, Welsh language ability, if you require any support and your address, personal email address and telephone numbers
<b>Employer Details</b>	Name of Organisation/company you work for, its address and contact details and manager name and contact details
<b>Diploma Details</b>	Name of your Pendine Academy Assessor, enrolment date, diploma review information, diploma review and assessor meeting dates, IQA review information and dates, suspension dates, completion/leaver dates, reasons for leaving
<b>Qualification Details (diploma and framework qualifications)</b>	Qualification titles, units, Awarding Body registration numbers, dates of registration and certification, qualification certificate copies, qualification results

## Pendine Academy as a Data Processor

Pendine Academy will collect and provide Coleg Cambria with following categories of personal information:

<b>CATEGORY</b>	<b>DATA TYPES</b>
<b>Personal Details</b>	Name, title, date of birth, gender, hobbies and interests, career objectives, experiences
<b>Contact Details</b>	Address, telephone numbers and personal email address
<b>Eligibility for Funded Programme details</b>	This includes your eligibility to work in the UK (and copies of corresponding ID documentation) and eligibility to enrol on a funded course and your National Insurance Number
<b>Diploma Details</b>	Name of your Pendine Academy Assessor, enrolment date, diploma review information, diploma review and assessor meeting dates, IQA review information and dates, suspension information and dates, completion/leaver dates, reasons for leaving
<b>Qualification Details (for diploma and framework qualifications)</b>	Qualification titles, qualification units, Awarding Body registration numbers, dates of registration and dates of certification, results of qualifications
<b>Funded programme details</b>	Education and previous qualification status, Welsh language abilities,
<b>Employer and work details</b>	Name of Organisation/company you work for, its address and contact details and manager name and contact details, number of hours worked per week, information about your employer (number of employees, turnover status, SME status)

We also collect and provide Coleg Cambria with following “special categories” of sensitive personal information:

<b>CATEGORY</b>	<b>DATA TYPES</b>
<b>Sensitive data</b>	Ethnicity, nationality, disability / learning difficulty status, health information, immigration status, household status, caring responsibilities

### 3. How we collect your personal information

We collect this personal information directly from you through the sign up and enrolment processes. We will also collect personal information throughout the time you are completing your diploma with us, during Assessor Reviews and when you complete your qualification or if you cease to continue with your diploma.

### **Pendine Academy as a Data Controller:**

All information for which we are controllers are collected on Pendine Academy documentation, except where we take copies of Assessor Reviews and hold on your personal records.

### **Pendine Academy as a Data Processor:**

All other information for which we are processors is collected on Coleg Cambria documentation.

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## **4. How we will use information about you**

We will only use your personal information when the law allows us to. Most commonly, we will use your personal information, as listed above in point 2, in the following circumstances:

1. To carry out the contract we have with you and with Coleg Cambria and enable us to support you to complete your diploma
2. Where we need to comply with a legal obligation.
3. Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests.

We may also use your personal information in the following situations, which are likely to be rare:

1. Where we need to protect your interests (or someone else's interests).
  2. Where it is needed in the public interest.
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## **5. Situations in which we will use your personal information**

### **Pendine Academy as a Data Controller:**

The situations in which we will process your personal information are listed below:

- Making a decision to enrol you for the diploma qualification
- Complying with our legal obligations as a training provider
- Complying with our obligations with our Awarding Bodies
- Supporting you to gain your diploma and framework qualifications
- Building your portfolio of work (paper-based or your e-portfolio)
- Contacting you to organise meetings and your diploma and framework work
- Carrying out Assessor review meetings and tests
- Know if you are taking a suspension from your diploma and framework for any length of time
- Carrying out IQA reviews
- Registering your qualifications with the Awarding Bodies
- Applying for your qualification and framework certificates
- Equal opportunities monitoring
- Sharing with third parties to prove your leaving status (i.e. job change) – with your consent only
- To conduct data analytics studies to review and better understand how we provide our services

- Marketing and advertising our business through use of videos, photographs and testimonials (see below)
- Business management and planning, including accounting and auditing

Some of the above grounds for processing will overlap and there may be several grounds which justify our use of your personal information.

### Videos, Photographs and Testimonials

We use videos and photographs from events and written testimonials about our services on our website and within our marketing materials. If you are part of a crowd or group of people in a photograph or video that we publish, and cannot be identified easily, we do not require your consent. However, if you are present when such photographs or video footage are being taken, and you do not wish to be part of the footage, please tell the photographer or the staff member organising the footage, so they can act accordingly.

If we wish to identify you (such as use a caption with the photograph or video), or the photograph or video just contains you or is of a small group of people including you, we will explain why we are using your image, what it is being used for and who might look at the image and ask for your consent beforehand (if you do not wish to consent then we will not include you in the photograph/video). If we use an agency to take the photographs or video footage, we will ensure the agency obtains the correct permission.

If you provide us with a written testimonial about our services that we wish to publish publicly and include your name with the testimonial, we will inform you of why we are using it, what it is being used for and who might look at it and we will ask for your consent to use the testimonial.

### Pendine Academy as a Data Processor:

The situations in which we will process your personal information are listed below:

- We will collect and record your personal information (as listed in point 2 as a Data Processor) on Coleg Cambria documentation at enrolment, Assessor Reviews, changes to circumstances, suspensions and leaving or completing the qualification / framework
- We will then provide Coleg Cambria with this documentation
- We do NOT store or decide what to do with this information EXCEPT for Assessor Review documentation (we keep a copy of Assessor Reviews on your personal file)
- We can request access to this information to enable us to view your information

Please refer to Coleg Cambria's Privacy Notice for information on what happens with your personal information.

## 6. If you fail to provide personal information

If you fail to provide certain information when requested, both the Pendine Academy and Coleg Cambria may not be able to perform the contract we/Coleg Cambria have entered into with you, or we may be prevented from complying with our/Coleg Cambria's legal obligations.

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## 7. Change of purpose

We will only use your personal information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use your personal information for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so. Please note that we may process your personal information without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

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## 8. How we will use particularly sensitive personal information

### Pendine Academy as a Data Controller:

We need to have further justification for collecting, storing and using this type of personal information. We do not process any special categories of personal information. We may approach you for your written consent to allow us to process sensitive data. If we do so, we will provide you with full details of the information that we would like and the reason we need it, so that you can carefully consider whether you wish to consent.

We may request access to your sensitive personal information held by Coleg Cambria to enable us to provide anonymous reports in relation to equal opportunities monitoring.

### Pendine Academy as a Data Processor:

We collect and provide Coleg Cambria with sensitive data including ethnicity, nationality, eligibility to work in the UK and for funded programmes, disability / learning difficulty status, health information, immigration status, household status and caring responsibilities.

We do not store or keep this information, but we may have access to view this information from Coleg Cambria on request and adhering to their data protection guidelines.

Please refer to Coleg Cambria's Privacy Notice for information on the purpose and how they store and use your sensitive personal information.

## 9. Automated decision-making

Automated decision-making takes place when an electronic system uses personal information to make a decision without human intervention. We do not envisage that any decisions will be taken about you using automated means, however we will notify you in writing if this position changes.

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## 10. Data sharing

### Pendine Academy as a Data Controller:

We may have to share your data with third parties, including third-party service providers. We require third parties to respect the security of your data and to treat it in accordance with the law. We may transfer your personal information outside the EU (although we do not envisage we will do so). If we do, you can expect a similar degree of protection in respect of your personal information.

We will share your personal information with third parties where required by law, where it is necessary to administer the working relationship with you or where we have another legitimate interest in doing so. For example, we share your information with the relevant Awarding Bodies for your diploma and framework qualifications. We also provide anonymised diploma and framework statistical data and anonymised equal opportunities data to Coleg Cambria.

We need to share your personal information with a regulator or to otherwise comply with the law, such as with ESTYN. We may also share your personal information with other third parties, for example in the context of the possible sale or restructuring of the business.

All our third-party service providers are required to take appropriate security measures to protect your personal information in line with our policies. We do not allow our third-party service providers to use your personal data for their own purposes. We only permit them to process your personal data for specified purposes and in accordance with our instructions. Third parties will only process your personal information on our instructions and where they have agreed to treat the information confidentially and to keep it secure.

### Pendine Academy as a Data Processor:

Please refer to Coleg Cambria's Privacy Notice for information on how they share your personal information with third parties.

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## 11. Data security

### Pendine Academy as a Data Controller:

We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition,

we limit access to your personal information to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal information on our instructions and they are subject to a duty of confidentiality.

We have put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator (i.e. the ICO) of a suspected breach where we are legally required to do so.

#### **Pendine Academy as a Data Processor:**

Please refer to Coleg Cambria's Privacy Notice for information on how they store and secure your personal data.

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## **12. Data retention – how long we will use your information**

#### **Pendine Academy as a Data Controller:**

We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements. To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

In some circumstances we may anonymise your personal information so that it can no longer be associated with you, in which case we may use such information without further notice to you. Once you are no longer a diploma or framework student with the Pendine Academy, we will retain and securely destroy your personal information in accordance with applicable laws and regulations.

#### **Pendine Academy as a Data Processor:**

Please refer to Coleg Cambria's Privacy Notice for information on how they retain your personal data.



## 13. Rights of access, correction, erasure, restriction and withdrawal of consent

### Pendine Academy as a Data Controller:

#### Your duty to inform us of changes

It is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal information changes during the time you are completing your diploma and framework qualifications with us.

#### Your rights in connection with personal information

Under certain circumstances, by law you have the right to:

- **Request access** to your personal information (commonly known as a “data subject access request”). This enables you to receive a copy of the personal information we hold about you and check that we are lawfully processing it.
- **Request correction** of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.
- **Request erasure** of your personal information. This enables you to ask us to delete or remove personal information where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing (see below).
- **Object to processing** of your personal information where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground. You also have the right to object where we are processing your personal information for direct marketing purposes.
- **Request the restriction of processing** of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.
- **Request the transfer** of your personal information to another party.

If you want to review, verify, correct or request erasure of your personal information, object to the processing of your personal data, or request that we transfer a copy of your personal information to another party, please contact the Manager at the Pendine Academy in writing.

#### No fee usually required

You will not have to pay a fee to access your personal information (or to exercise any of the other rights). However, we may charge a reasonable fee if your request for access is clearly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances.

#### What we may need from you

We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is

another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

### Your right to withdraw consent

In the limited circumstances where you may have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

### Pendine Academy as a Data Processor:

Please refer to Coleg Cambria's Privacy Notice for information on your rights of access, correction, erasure and restriction and withdrawal of consent.

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## 14. Changes to this Privacy Notice

We reserve the right to update this privacy notice at any time, and we will notify you regarding any new privacy notices if we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information.

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If you have any questions about this Privacy Notice, please contact the Pendine Academy at  
**Bromfield House, Ellice Way, Wrexham LL13 7YW**  
**or telephone: 01978 720315207**  
**or email: [info@smartcaretraining.com](mailto:info@smartcaretraining.com)**