

## GDPR Introduction Statement

### Introduction

As part of delivering training services to our learners, (apprentices and non-apprentices) Tolley will need to hold personal data, as defined by the new GDPR rules.

Lexis Nexis has a Privacy Policy in place aimed at business-to- business transactions:

<https://www.lexisnexis.com/global/privacy/en/privacy-policy-uk.page>

An additional business to consumer policy aimed specifically at the Tolley Exam Training business and interaction with learners is currently under review.

The policies will allow us to:

- Collect and store relevant personal data;
- Use personal data to deliver exam training services to all learners;
- Share information with Employers, Main Providers, and Employer Providers on the apprenticeship program and official government bodies such as ESFA, Ofsted, and the Office for Learners;
- Use the information to create statistical analysis/data we can then include in our Self-Assessment Review/Quality Improvement Plan and marketing collateral (providing it is anonymised);
- Market relevant products to learners during and at the end of their training period provided they have not already opted out.

Broadly, under the terms of GDPR, we must:

- Make it clear to learners the specific purpose for which their data is to be used;
- Give learners the ability to approve the use of their data only for a single specified purpose;
- Obtain explicit permission from a learner before their data can be used for any other purpose (or shared with any third party for any reason);
- Enable learners to make a “Subject Access Request” to request access to their personal information;
- Enable learners to exercise their “right to be forgotten” (i.e. ensure that all personal data is completely erased from systems and records once the relationship ends);
- Notify learners of any data breach affecting their data within 72 hours of the incident being discovered.

The definition of ‘personal data’ includes but is not limited to:

- Learner name;
- Learner ULN (for apprentices);
- Learner work and/or personal email;
- Learner address;
- Learner date of birth (for apprentices).

The definition of 'special category data' includes but is not limited to:

- Learner gender (for apprentices);
- Learner race/ethnicity (for apprentices);
- Any learning difficulties, learner disabilities and/or health problems of the learner;
- Any safeguarding concerns in respect of the learner.

### **Learner access to the privacy policy**

Learners are provided with access to the Privacy Policy and Preference Centre via the online booking form (at the end of the form with the Terms and Conditions).

Where employers book on behalf of the learners, the employers are provided with the business-to-business privacy policy. Access to the privacy policy and Preference Centre is provided on a central email within one month of being captured on Elegy.

In addition, all learners will receive links to the privacy policy and Preference Centre on the Client Service's welcome email.

At the time of writing, all links are to the business-to-business Privacy Policy and this will be reviewed when the business to consumer policy is finalised.

### **Apprentices**

Under the agreements Tolley has with the Main Providers and Employer Providers Tolley should be provided with all the necessary personal data relating to the apprentices.

The agreements and privacy policies between the Main Providers and the apprentices clarify personal data will be used for the purposes of:

- Delivering the education and training as per the apprenticeship programme;
- Providing evidence to the employer that the apprentice is learning and progressing on the apprenticeship programme;
- Providing evidence to the Main Providers and Employer Providers that the apprentice is learning and progressing on the apprenticeship programme;
- Providing evidence to the Main Providers and Employer Providers that the apprentice has passed the required professional qualification.

### **Storing information regarding apprentices**

Information from Main Providers and Employer Providers will be provided to Tolley in a password protected spreadsheet and/or via email. All emails are encrypted. Once received, the information must be saved in a secure location on the network with authorised access only.

Copies must not be kept on personal C:/drives or in email folders. Information provided to us in other formats should similarly be stored in a secure environment.

### **Storing enrolment information**

Online enrolment forms or other enrolment spreadsheets may be retained by Client Services as required in a secured location on the network or the Exam Training mailbox. Both have authorised access only.

Where learners provide additional information regarding learning needs/disabilities this may be retained by Client Services as required in a secured location on the network or the Exam Training mailbox. Tutors may be informed where necessary to facilitate the delivery of the classroom session.

## **GDPR and the tutor**

Tutors should read the LexisNexis Privacy Policy and all guidance published. The privacy policy can be found here:

<https://www.lexisnexis.com/global/privacy/en/privacy-policy-uk.page>

## **Documents with personal data**

Tutors should, as far as is practical, keep all documents with learners' personal data on a secured network location.

Where network access is not available, for example to freelance tutors, documents containing personal data can be stored on a personal computer. All staff should always ensure any personal devices have up to date anti-virus software and documents are only stored as long as is necessary. Such documents should be password protected.

## **Use of email**

Tutors should be aware that email addresses are also personal data. Therefore, if emailing learners or freelance tutors/writers, unless a tutor is certain they already know each other, they should use BCC.

## **Registers**

Registers are an important part of the classroom from a health and safety perspective and to ensure attendance. Registers may include learner first name, learner last name, and employer firm.

Registers can therefore be circulated and/or roll calls taken. Absentees must be reported by first break. Ideally absentees should be sent by encrypted email with a password protected copy of the register. However, if the tutor does not have the facilities in the classroom at that time, they can email and attach a picture of the register from a mobile phone. Attendance on online classes will be recorded by a member of the Client Service Team.

## Remote learning sessions

When delivering an online learning sessions tutors should have regard to any personal data that may be visible to learners when they share their screen. Further information can be found in the **Guidance for Remote Learning Sessions** for guidance on how to stay safe whilst delivering online sessions from a home environment.

**Leaving computers unattended in the classroom** Computers (including tablets and laptops) can hold personal data and therefore when leaving the classroom, the tutor should ensure these are locked. There is no requirement to switch off the computer.

## Using public access networks

Occasionally teaching may require tutors to stay overnight in a hotel. Tutors should take additional care when using hotel or public networks and always use VPN or Pulse Secure to connect to the LN network.



Jonathan Scriven – Director of Tax Markets