



May 2018

Information for learners – Fair Processing Notice

Introduction

WAMITAB is committed to data security and the fair and transparent processing of personal data. This Fair Processing Notice (**Notice**) sets out how we will treat the personal data which you provide to us in compliance with the Data Protection Act 1998, when it comes into force, the General Data Protection Regulation (EU) 2016/679 (**GDPR**), and any regulatory requirements as specified by the qualification regulators of England, Wales, Northern Ireland and Scotland. WAMITAB is a registered organisation with the Information Commissioner's Office.

Please read this Notice carefully as it contains important information on who we are, how and why we collect, store, use and share personal data, your rights in relation to your personal data, and how to contact us in the event that you would like to report a concern about the way in which we process your data.

Who are we?

WAMITAB is a company limited by guarantee without share capital (02332283) and Registered Charity (1006826). Our registered address is Peterbridge House, 3 The Lakes, Northampton, NN4 7HE.

For the purposes of the GDPR, WAMITAB is the 'controller' of the personal data you provide to us.

If you have any queries about this Notice, the way in which WAMITAB processes personal data, or about exercising any of your rights, please send an email to dpcompliance@wamitab.org.uk or write to Data Protection, WAMITAB, Peterbridge House, 3 The Lakes, Northampton, NN4 7HE.

Correspondence on any aspect of a learner's examination or assessment will only be conducted between WAMITAB and the head of the centre, the examinations officer or other authorised personnel at the examination/assessment centre/training provider.

WAMITAB will undertake the following administrative activities in relation to the processing and exchange of learners' personal data:

1. What personal data do we collect?

Personal data relating to the name(s), date of birth, gender, WAMITAB Unique Learner Identifier (ULI) or Unique Learner Number (ULN) of an individual learner will always be collected by WAMITAB on the basis of legitimate interests for the purposes of examining and awarding qualifications. In some cases additional information, which may include sensitive personal data relating to health, will also be collected to support requests for access arrangements and reasonable adjustments and/or special consideration. Such personal data will be supplemented by the results of examinations and assessments undertaken by the respective learner.

2. From where do we collect your personal data?

A learner's personal data will only be collected from registered examination/assessment centres/training providers in the context of examination/assessment entries and/or certification claims.

3. How do we use your personal data?

Such data collected will not be used by WAMITAB other than for examination/assessment administration purposes, conducting examinations and assessments and the issuing of examination results and certificates.

Learners' personal data including examination results and outcomes of any reviews of marking, reviews of moderation and appeals may be shared by WAMITAB with the examination/assessment centre/training provider which entered the learners.

4. Personal data within learners' work will be collected and processed by WAMITAB for the purposes of marking, issuing of examination results, certification and providing learners with access to post-results services.

In order for WAMITAB to achieve this, some personal information may be transferred to third parties such as examiners, who may in some instances, reside outside the European Economic Area.

5. Who do we share your personal data with?

WAMITAB may be required by law (Apprenticeships, Skills, Children and Learning Act 2009 – ASCLA 2009), to provide a learner's personal data to educational agencies such as Department for Education (DfE), Welsh Government (WG), Department of Education Northern Ireland (DE), Local Authorities, qualification regulators, Education and Skills Funding Agency (ESFA), Learning Records Service (LRS) and UK environmental regulators (Environment Agency, Natural Resource Wales, Northern Ireland Environment Agency and the Scottish Environmental Protection Agency).

6. Some of the information learners supply will be used by the Education and Skills Funding Agency to fulfil its statutory functions, issue/verify a learner's Unique Learner Number (ULN) and update/check a learner's Personal Learning Record.

The Education and Skills Funding Agency may share a learner's ULN and Personal Learning Record with other education related organisations, such as a careers service, a learner's school or college, Government departments and public bodies responsible for education. Further details of how information is processed and shared can be found at:

<https://www.gov.uk/government/publications/lrs-privacy-notice>

7. How long will we keep your personal data?

Learner data for both regulated and non-regulated WAMITAB qualifications is kept indefinitely for the purpose of certificate replacement or verification of technical competence.

8. Where do we store your personal data and how is it protected?

We take reasonable steps to protect your personal data from loss or destruction. We also have procedures in place to deal with any suspected data security breach. We will notify you and any applicable regulator of a suspected data security breach where we are legally required to do so.

Where you have a username or password (or other identification information) which enables you to access certain services or parts of our Website, you are responsible for keeping this password confidential. We ask you not to share a password with anyone.

Unfortunately, the transmission of information via the internet is not completely secure. Although we will do our best to protect your personal data, we cannot guarantee the security of your personal data transmitted to our Website; any transmission is at your own risk. Once we have received your personal data, we will use strict procedures and security features to try to prevent unauthorised access.

9. Your Rights

Under the GDPR, you have various rights with respect to our use of your personal data. If you wish to contact us regarding exercising any of these rights please use the contact details given in the “Who are we” section on page 1.

Right to Access

You have the right to request a copy of the personal data that we hold about you by completing the subject access request form. We will respond within one calendar month of request. Please note that there are exceptions to this right. We may be unable to make all information available to you if, for example, making the information available to you would reveal personal data about another person, if we are legally prevented from disclosing such information, or, if your request is manifestly unfounded or excessive.

Right to rectification

We aim to keep your personal data accurate and complete. We encourage you to contact us using the contact details provided to let us know if any of your personal data is not accurate or changes, so that we can keep your personal data up-to-date.

Right to erasure

You have the right to request the deletion of your personal data where, for example, the personal data are no longer necessary for the purposes for which they were collected, where you withdraw your consent to processing, where there is no overriding legitimate interest for us to continue to process your personal data, or your personal data has been unlawfully processed.

Right to object

In certain circumstances, you have the right to object to the processing of your personal data where, for example, your personal data is being processed on the basis of legitimate interests and there is no overriding legitimate interest for us to continue to process your personal data, or if your data is being processed for direct marketing purposes.

Right to restrict processing

In certain circumstances, you have the right to request that we restrict the further processing of your personal data. This right arises where, for example, you have contested the accuracy of the personal data we hold about you and we are verifying the information, you have objected to processing based

on legitimate interests and we are considering whether there are any overriding legitimate interests, or the processing is unlawful and you elect that processing is restricted rather than deleted.

Right to data portability

In certain circumstances, you have the right to request that some of your personal data is provided to you, or to another data controller, in a commonly used, machine-readable format. This right arises where you have provided your personal data to us, the processing is based on consent or the performance of a contract, and processing is carried out by automated means.

Please note that the GDPR sets out exceptions to these rights. If we are unable to comply with your request due to an exception we will explain this to you in our response.

10. Complaints

If you believe that your data protection rights may have been breached, and we have been unable to resolve your concern, you may lodge a complaint with the applicable supervisory authority or to seek a remedy through the courts. Please visit <https://ico.org.uk/concerns/> for more information on how to report a concern to the UK Information Commissioner's Office.

11. Discussing the Notice with your parent or carer

If you have not reached the age of 16, you may first wish to discuss this Notice with your parent or carer.

Awarding organisations, schools, Department for Education (DfE), Welsh Government (WG), Department of Education Northern Ireland (DE), Local Authorities, qualification regulators and Education and Skills Funding Agency (ESFA) are all 'data controllers' under the Data Protection Act 1998 and when it is introduced, the GDPR. They will determine the purpose(s) for which 'personal data' (information about living individuals from which they can be identified) is processed and the way in which that processing is undertaken.

It is a requirement for data controllers to provide data subjects (individuals who are the subject of personal data) with details of who they are, the purposes for which they process the personal data, and any other information that is necessary to make the processing of the personal data secure and accurate, including any third parties to whom it may be passed to.

12. Changes to our Notice

Any changes we may make to this Notice in the future will be posted on our website. Please check our website for any updates or changes to this Notice.