

Learners and Apprentices Privacy Notice



What is the purpose of this document?

Inspiro's mission is to be recognised as providing first class quality training, support and development to employers and learners across a wide range of sectors. Through high quality delivery of training and working in partnership with employers and Government bodies, Inspiro aims to support employers to develop their businesses and improve the work skills of employees, young people and adults across the UK.

Inspiro is committed to protecting the privacy and security of your personal information and takes our Data Protection obligations very seriously. This Privacy Notice applies to all learners and/or apprentices who receive or are due to receive training, learning and developmental support from Inspiro. Such learners and/or apprentices are referred to in this Notice as "learners" or "you".

This Privacy Notice describes how we collect and use personal information about you during and after your relationship with us, in accordance with Data Protection Legislation (UK General Data Protection Regulation (GDPR), Data Protection Act 2018, Privacy & Electronic Communications (EC Directive) Regulations 2003 and any subsequent updated legislation).

Inspiro is a "data controller". This means that we are responsible for deciding how we hold and use personal information about you. We are required under Data Protection Legislation to notify you of the information contained in this privacy notice. In certain circumstances Inspiro also acts as a 'data processor' which means we act on instruction from our client under contract. If you are employed is likely that your employer is a data controller.

This notice does not form part of any contract of employment or other contract to provide services. We may update this notice at any time.

It is important that you read this notice, together with any other privacy notice we may provide on specific occasions when we are collecting or processing personal information about you, so that you are aware of how and why we are using such information. Any questions should be referred to our Data Protection Officer (dpo@inspirolearning.co.uk).

Data protection principles

The UK GDPR is based on six principles which are to be considered when processing Personal Data. Under the UK GDPR, Article 5 (1) Personal Data should:

1. Be processed fairly, lawfully and transparently,
2. Be collected and processed only for specified, explicit and legitimate purposes,
3. Be adequate, relevant and limited to what is necessary for the purposes for which it is processed,
4. Be kept accurate and up to date and any inaccurate data must be deleted or rectified without delay,
5. Be kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the data are processed,
6. Be processed in a manner that ensures appropriate security, using appropriate technical and organisational measures.

Additionally, the UK GDPR Article 5 (2) requires organisations to demonstrate compliance with all the above principles and is sometimes known as the seventh principle.

Our legal basis for processing your data

We collect personal information about learners through contacting employers of potential learners, contacting potential learners themselves, advertising and filling vacancies, and enrolling learners on apprenticeships. We therefore receive personal information, either directly from learners or from their employer. We may also collect personal information about you while training and apprenticeship support and learning activities.

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We will only use your personal information when the law allows us to do so. Most commonly we will use your personal information in accordance with the following conditions for processing:

- **Consent** (Article 6 (1a)) – In limited circumstances we will process your personal data based on your consent.
- **Contract** (Article 6(1b)) – The majority of our processing is undertaken as part of our contractual relationship with you or your employer.
- **Legal obligation** (Article 6 (1c)) – We process your personal data based on a statute or law, such as health and safety legislation.
- **Vital Interests** (Article 6 (1d)) – We process your personal data in emergency health situations.
- **Legitimate interests** (Article 6 (1f)) – We process your data for our legitimate interest and your interests and fundamental rights do not override those interests, for example managing the funding of the apprenticeships.

Special category data is sensitive personal data which requires higher levels of protection. We need to have further justification to process this type of personal information. We will use your personal information in accordance with the following conditions for processing:

- **Explicit Consent** (Article 9 (2a)) - We process your personal data based on your explicit consent in certain limited circumstances.
- **Employment, Social Security & Social Protection Law** (Article 9 (2b)) – We process your personal data based on employment and social security law to carry out our obligations as a training provider.
- **Vital Interests** (Article 9 (2c)) – We process your personal data in emergency health situations.
- **Legal Claims** (Article 9 (2f)) – We will process your personal data in order to establish, exercise or defend legal claims.
- **Health purposes** (Article 9 (2h)) – We will process your personal data to assess your capacity to undertake training.

We rely on the processing conditions in the DPA which relate to processing of special category data for employment, statutory and regulatory purposes, Schedule 1 Part 1 & 2 (various paragraphs) which relates to processing for employment or potential employment, the assessment of your training capacity, including preventative or occupational medicine and ensuring Inspiro is diverse and inclusive as an organisation. Further detail can be obtained from our DPO (dpo@inspirolearning.co.uk).

What data do we process and what is our legal basis for processing?

We collect, store, and use the following categories of personal data about you, and we list our legal basis for processing:

- **Contact details**, such as: your name, preferred pronoun, email address, home address, telephone numbers. (Article 6(1)(b)).
- **Emergency contact details**, such as: next of kin, family or spouse information, emergency contact information. (Article 6(1)(b & d)).
- **Identity details**, such as: date of birth, gender, learner number, other documents confirming identity and place of residence. (Article 6(1)(b)).
- **Employment information**, such as: the details of your current or previous employer. (Article 6(1)(b)).
- **Health information**, such as: long term illness, medical condition, disability, occupational health referrals and medical reports. (Article 6(1)(c) & Article 9 (2)(b)).

- **Accident information**, such as: injury at work, third-party accidents, accident book entries, first aid records and reporting to the regulator as required. (Article 6(1)(c) & Article 9 (2)(b).
- **Correspondence**, such as: emails, letters and other communications with or about you in connection with your training or employment. (Article 6(1)(b).
- **Monitoring information**, such as: information obtained from CCTV footage and IT usage. (Article 6(1)(f).
- **Equal opportunity information** such as information about your ethnicity but only if provided by you. (Article 6(1)(c) & Article 9 (2)(b).
- **Marketing information**, such as: your communication preferences (Article 6(1)(a).
- **Monitoring information**, such as: your attendance at Inspiro events or training sessions. (Article 6(1)(b & f).
- **Education & training information**, such as: training records, performance reviews and other performance measures. (Article 6(1)(b).

How is your personal information collected?

We collect personal information about learners through contacting employers of potential learners, contacting potential learners themselves, advertising and filling vacancies, and enrolling learners on apprenticeships. We therefore receive personal information, either directly from learners or from their employer. We may also collect personal information about you in the course of training and apprenticeship support and learning activities.

Collecting your information and recording your progress allows us to support learners to achieve their chosen qualifications and enables us to manage the funding of the apprenticeships.

It is important that our records are correct, as inaccurate or out of date information may cause difficulties in situations where contact is required for emergencies. Please update your Inspiro representative as soon as possible of any changes in your personal information. You can amend the information we hold about you at any time by calling **0800 731 8199** or by emailing: contact@inspirolearning.co.uk. You can also use these contact details to update your communication preferences.

Purposes of our processing

We may use your personal information for the following purposes:

- providing services, including access to a number of third party hosted learning support platforms,
- conducting surveys, including research on the support we provide,
- internal record keeping, including the management of feedback or complaints,
- requesting funding from the relevant funding body,
- business administrative purposes and operational support (e.g. in order to process apprenticeships, traineeships, qualifications),
- conduct performance reviews, manage performance and set performance goals,
- help plan your education, training and development requirements,
- monitor equal opportunities and diversity,
- comply with health and safety obligations and regulations,
- monitor your use of our or our client's IT systems,
- deal with legal disputes involving you and other employees or contractors, including accidents at work,
- decide if you're fit to undertake training which may include physical or mental health, or disability status,
- manage and monitor leaves of absence, which may include sickness absence or family related leaves,

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- prevent fraud,
- carry out business management and planning, for example accounting, auditing or for business continuity,
- to conduct data analytics studies to review and better understand our services.

Please note this list is not exhaustive but gives an indication of the processing activities we undertake.

If you fail to provide personal information

If you fail to provide certain information when requested, we may not be able to train you or we may be prevented from complying with our legal obligations (such as to ensure the health and safety of our learners). This could affect your ability to be trained by Inspiro.

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.

Information about criminal convictions

We may only use information relating to criminal convictions where the law allows us to do so, which will usually be where such processing is necessary to carry out our safeguarding obligations.

Less commonly, we may use information relating to criminal convictions where it is necessary in relation to legal claims, where it is necessary to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

Who we share your data with?

We only share your information where we are strictly able to and only in accordance with Data Protection legislation. We may share your personal data in the following circumstances:

- Within Inspiro,
- With your employer,
- With the relevant funding agency and other relevant government bodies, such as DfE, ESFA,
- With relevant regulators where required by law,
- To accommodation and transport providers and relevant booking service providers,
- Where we are using contracted service partners for services such as IT, HR platform, web development, hosting and system administration, email communications and customer support,
- To any competent law enforcement body, regulatory, government agency, court or other third party where we believe disclosure is necessary (i) as a matter of applicable law or regulation, (ii) to exercise, establish or defend our legal rights, or (iii) to protect your vital interests or those of any other person,
- To a potential buyer (and its agents and advisers) in connection with any proposed purchase, merger or acquisition of any part of our business, or to other interested third parties (and their agents and advisors) in the case of any reorganisation or other potential transfer of any part of our business, provided that we inform the buyer (or relevant third party) it must use your personal information only for the purposes disclosed in this notice,

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- To enforce or apply our Terms of Service or other agreements or to protect Inspiro and its customers (including with other companies and organisations for the purposes of fraud protection and credit risk reduction),
- To any other person with your consent to the disclosure.

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. A list of third parties who we may share your data with can be obtained from our DPO (dpo@inspirolearning.co.uk).

International Transfers

Our data is typically hosted in the UK and other parts of the EEA, there are however some of our contracted technical service providers that process from outside of the EEA. Where these transfers and any other transfer that may occur in the future are concerned, we ensure that there is a legal basis for the transfer and a lawful transfer mechanism in place prior to any transfers in place.

Any such transfers currently done are done using either a transfer to a country with an adequacy ruling, or if a third country, using the relevant transfer mechanism such as the European Commission Standard Contractual Terms, or the UK International Data Transfer Agreement, or the UK Addendum to the Standard Contractual Clauses and the relevant transfer impact/risk assessments.

Data security

We have 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 instruction and they are subject to a duty of confidentiality.

Third parties will only process your personal information on our instructions under contract and where they have agreed to treat the information confidentially and to keep it secure.

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

How long will you use my information for?

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. Retention periods may also be decided by funding agencies. Details of retention periods for different aspects of your personal information are available in our retention policy which is available from our DPO. 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 learner, we will retain and securely destroy your personal information in accordance with our data retention policy and applicable laws and regulations.

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Your rights

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 your relationship with us.

Your rights in connection with personal information

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

Be informed of how your personal information is processed, by the provision of privacy notices such as this notice.

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 to check that we are lawfully processing it.

Request rectification 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.

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 situation which makes you want to object to processing on this ground. You also have the absolute 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.

Request the transfer of your personal information to another party (data portability).

Request a review of automated decision making, including profiling. This gives you the right to not be subject to a decision based solely on automated processing which has a legal effect on you. It is unlikely Inspiro will use automated decision making but we will inform you if this changes.

If Inspiro is acting as a Data Processor, we will inform you of this and refer your request to our client, as the Data Controller, in accordance with our contract.

In the limited circumstances where you may have provided your consent to the processing of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time.

If you want to exercise any of your rights, please contact our DPO (dpo@inspirolearning.co.uk). You will not usually have to pay a fee to access your personal data (or to exercise any of the other rights). However, we may charge a reasonable fee if your request for access is unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances.

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 DPO as per above.

Your right to complain

We would encourage you to contact us, in the first instance, if you are unhappy with any aspect of the way in which we process your personal data. You can get in touch with our DPO using the details provided above.

If you are not satisfied with the outcome of your complaint, you have the right to refer such matters to the ICO (www.ico.org.uk). It is worth noting the ICO expect individuals to exhaust the complaints process internally before referring complaints to them.

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Changes to this privacy notice

From time to time, we may revise this Privacy Notice and you will be notified of any such changes. Inspiro recommends that you review this Privacy Notice regularly for any updates. The date on which this notice was last revised is located in the version control box.