

# Higher Education Privacy Notice



## Introduction

As a Data Controller, South West College (“the College”) values the relationships with all our students, staff and stakeholders and recognises and respects the importance of protecting the privacy of your personal data. The College will process all personal data in compliance with GDPR and the Data Protection Act 2018 for the purpose of providing you with a service you have requested and to meet our statutory obligations.

We will never ask for information that is unnecessary to deliver this service. SWC is the Data Controller registered with the Information Commissioner Office (ICO) and is responsible under the Data Protection Act 2018 for the personal data that you submit to us.

The Data Protection Officer for the College is Nicola Nugent.

The College’s registration reference number with ICO is Z1124639.

## Lawful Basis Personal Data

As a FE College our main lawful basis for processing your personal data are as follows:

- **Article 6.1(a)** – the data subject has given consent to the processing of his or her personal data for one or more specific purposes e.g. consent to contact next of kin
- **Article 6.1(c)** – processing is necessary for compliance with a legal obligation to which the controller is subject, e.g. Disability Discrimination Act 1995, SENDO
- **Article 6.1(e)** – processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller. On behalf of the Department for the Economy (DfE), our role is to provide you with quality education. e.g. The Further Education (Northern Ireland) Order 1997, Additional Support Funds Circular (FE 04/17)

On occasions we may be required to process your personal data for other reasons, however, we will only do so where a Lawful Basis applies.

### **Special Category Data**

We are also required to collect, process and maintain special category data such as racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation. Our lawful basis for processing this information is mainly:

- **Article 9.2(g)** – processing is necessary for reasons of substantial public interest, on the basis of Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject;
- **Schedule 1(8) Data Protection Act (2018)** – Equality of opportunity or treatment; and
- **Schedule 1(16) Data Protection Act (2018)** – Support for individuals with a particular disability or medical condition.

### **Information on Criminal Convictions**

The College is required to collect information about criminal convictions as part of the student admission process, or we may be notified of such information directly by you in the course of you working for us. As per the Safeguarding Vulnerable Groups (NI) Order 2007, Rehabilitation of Offenders Act 1974, Protection of Freedom Act 2012, there is a legitimacy in our field of work to ask for this. We will use the information to make decisions about your engagement or continued employment/ enrolment.

### **Categories of Personal Data**

Personal data and special category data captured may include:

- Name
- Date of birth
- Contact details
- Next of Kin
- Religious Belief
- Dependents
- Ethnicity
- Gender

- Sexual Orientation
- Marital Status
- Employment Status
- Political Opinion
- Residency
- Educational Background i.e. grades
- Disabilities, learning difficulties, long term medical conditions
- Criminal Convictions
- Photographic image for student/staff ID cards

Information may be obtained directly from the individual, or in some cases from a third party organisation involved in the services provided by the College that has obtained the information in the first instance.

All students should have a reasonable expectation of being captured on CCTV on a daily basis.

While the use of CCTV is primarily for the following purposes, the College will regulate its use within the provisions of UK GDPR so as not to become intrusive:

- Deterring, prevention and detection of a crime including misuse/abuse of College equipment.
- Identification, apprehension and prosecution of offenders.
- Security of campus buildings and ground.
- Safeguarding/Health and Safety.

In exceptional circumstances the images may be viewed for investigatory purposes. The College will only collect and process the necessary information required for these purposes, and without it the College may not be able to fulfil its obligations. Information is passed between various sections of the College for operational reasons and where a lawful basis exists to process as is necessary and proportionate for intended purposes only.

### **Purpose of Processing**

The College holds the personal data and special category data of its students in order to implement and manage all services and processes relating to students, including; student

recruitment, admission, registration, teaching and learning (including attendance, progress and achievement), examination, graduation, collection and payment of monies and other services such as student support and careers.

### **How do we Collect Personal Data?**

We collect personal information about students through the initial application/enrolment stages from you, internal departmental processes, manual forms, telephone calls and on-line systems, third parties e.g. School Links.

### **Who will have access to my information, or who will you share it with?**

We will share personal information with third parties where required to do so by law, where it is necessary to administer the working relationship with you or where there is a third party legitimate interest in doing so.

Information may be passed between various sections of the College for operational reasons and may also be disclosed to external agencies to which we have obligations, for example Government Agencies and associated Statutory Bodies (e.g. Department for the Economy, HMRC), FE Shared Services – Data Collection, Higher Education Statistics Agency, Funding Bodies, Government Survey & Research Organisations, UCAS, Student Loans Company, Education Authority, Learner Records Service, Crime Prevention Agencies, Employers who pay fees and/or allow you time off work to attend your course, Placement Providers, Examination Awarding Bodies, Social Welfare Organisations, Trade Unions, Careers Service, UKBA, Debt Recovery Agencies and potentially other such organisations for defined purposes. We may also disclose information to examining bodies, legal representatives.

We require third party service providers to respect the security of your data and to treat it in accordance with the law. For details on how the main awarding organisations for Higher Education in SWC manage your personal information please click on links below:

QUB	<a href="https://www.qub.ac.uk/privacy-and-cookies">Privacy and Cookies   About   Queen's University Belfast (qub.ac.uk)</a>
UU	<a href="https://www.uu.ac.uk/privacy-notice">Privacy Notices - Ulster University</a>
OU	<a href="https://www.open.ac.uk/privacy">Privacy at the OU   About The Open University</a>
ATI	<a href="https://www.accounting-technicians-ireland.com/privacy">Privacy   Accounting Technicians Ireland</a>
ILM	<a href="https://www.i-l-m.com/privacy-policy">Privacy Policy (i-l-m.com)</a>
CIPD	<a href="https://www.cipd.co.uk/privacy-policy">Privacy Policy   CIPD</a>

Pearson [Privacy Policy | Pearson qualifications](#)

City & Guilds [Privacy Policy | City & Guilds \(cityandguilds.com\)](#)

### **International Data Transfer**

Transfer of personal data to the European Union, to third countries or international organisations is restricted under UK GDPR regulations. Overseas sharing will be processed in accordance with [Chapter V](#) of UK GDPR.

### **Retention Period**

We will only retain personal data for as long as necessary to fulfil the purpose we collected it for, for the purpose of satisfying any legal, accounting or reporting requirements. The College will retain records in line with the [FE Sector Retention and Disposal Schedule](#).

### **Data Subjects Rights**

You have the right to:

- To be informed about what we do with your information at point of data collection
- Access your personal data that we process;
- To rectify inaccuracies in personal data that we hold about you;
- To be forgotten, that is your details to be removed from systems that we use to process your personal data
- To restrict the processing of your personal data
- To obtain a copy of your personal data in a commonly used electronic form
- To object to certain processing of your personal data by us
- To request that we stop sending you direct marketing communications
- To withdraw consent – only where processing is based on consent

For additional information on exercising your rights, please contact our Data Protection Officer (details below) or see our [Data Protection Policy](#).

### **The Right to Lodge a Complaint**

If you are not happy with how your information is being processed by the College, please contact the DPO:

*Data Protection Officer*  
*South West College*

2 Mountjoy Road  
Omagh  
Co Tyrone BT79 7AH  
Email: [gdpr@swc.ac.uk](mailto:gdpr@swc.ac.uk)

If you are dissatisfied with the College response, you have a right to complain to the Information Commissioners Office (ICO).

**The ICO contact details are:**

*Information Commissioner's Office  
Wycliffe House  
Water Lane  
Cheshire SK9 5AF  
Tel: 0303 123 1113 or 01625 545 745*

**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 your working relationship with us.

**Use of Artificial Intelligence (AI) and Automated Decision Making**

South West College may use Artificial Intelligence (AI) technologies to support application processing, enrolment management, and to enhance student services. Where AI tools process personal data, this will be done in compliance with UK GDPR and the Data Protection Act 2018. All outputs generated by AI are subject to human review before any decisions affecting individuals are made.

The College will not use automated decision making, including AI, to make decisions that will have significant impacts on data subjects without appropriate safeguards.

**Failure to provide personal information**

If you fail to provide certain information when requested, we will not be able to fulfil our legal obligations or deliver the service you have requested.

**Changes to this Privacy Notice**

This Privacy Notice is reviewed annually, or sooner if there are significant changes in legislation, College Policy, or processing activities.

We reserve the right to update this privacy notice at any time and the current version is available at <http://www.swc.ac.uk/discover/public-information/data-protection>.