

Learning Support 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 support for your educational needs so that you have equality of opportunity and to meet our statutory obligations.

This Privacy Notice explains how we hold and use any personal information we collect about you before, during and after your working relationship with us. Your personal information will be used for assessment and to draw up a learning plan.

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

Our lawful basis for processing your personal data in relation to your learning support 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*. Consent is only sought for specific, non-essential processing activities, such as contacting your next of kin. Where consent is required, you will be informed and have the right to withdraw it at any time without affecting your access to learning support services.
- **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 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.

Data Protection Impact Assessments (DPIAs)

South West College conducts Data Protection Impact Assessments (DPIAs) for any high-risk processing activities, including the introduction of new technologies or the use of Artificial Intelligence (AI) in processing personal data. This ensures that risks to your privacy are identified and mitigated in accordance with UK GDPR requirements.

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.

Special Category Data

We are also required to collect, process and maintain special category data such as data concerning your health, disability, learning need or long-term health condition. 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.

- **Schedule 1(16) Data Protection Act (2018)** – Support for individuals with a particular disability or medical condition.

Categories of Personal Data

Personal data and special category data captured may include:

- Name
- Date of birth
- Disability/Medical condition
- Contact details
- Previous support history
- Medical evidence

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.

The College will only collect the necessary information required for the purposes it is obtained and processed, 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.

How do we Collect Personal Data?

We collect personal information about students and employees through the initial application stages from you, internal departmental processes, manual forms, telephone calls, disclosures from you and on-line systems.

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 e.g. Learning Support Worker, examination bodies/personnel, your individual tutors and your support worker if applicable. Your information may also be passed on to relevant staff within a work placement that you might be attending to ensure your safety and that all support is accessible to you to complete

your education. Your information may also be passed to relevant third parties with a legal or medical responsibility to you.

We require third party service providers to respect the security of your data and to treat it in accordance with the law.

For full details on Data Protection and your Rights, please visit our website <http://www.swc.ac.uk/discover/public-information>

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
- To not give consent to the recording of your contribution to class discussion when sessions are being recorded unless your contribution is essential for assessment purposes.

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

Data Breach Notification

In the unlikely event of a data breach that affects your personal data, South West College will notify you without undue delay if the breach is likely to result in a high risk to your rights and freedoms. We will also inform the Information Commissioner's Office (ICO) as required by law.

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*

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.

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>.