



How We Use Your Information Privacy Notice for Students

David Game College Higher Education Centre

September 2018

Introduction

This notice is to help you understand **how** and **why** we collect your personal information and **what** we do with that information. It also explains the decisions that you can make about your own information.

David Game College (Higher Education Centre) is responsible for the collection and use of your personal information, and our registered address is 31 Jewry Street, London, EC3N 2ET.

If you have any questions about this notice please talk to the Data Protection Officer for the College, who can be contacted at dpo@davidgamecollege.com.

What is "personal information"?

Personal information is information that the College holds about you and which identifies you.

This includes information such as your name, date of birth and address as well as things like exam results, medical details, and behaviour records. We will also hold information such as your religion or ethnic group for the purposes of completing statutory reporting to the designated government data collection organisation, (i.e. HESA). CCTV, photos and video recordings of you are also personal information. Where required, we will hold details of your right to study in the UK, and a copy of your passport or ID documentation.

Our legal bases for using your information

This section contains information about the legal bases that we are relying on when handling your information.

The two tables below contain a general description of the different legal bases but we have also used a colour code system so that you can see which bases we are relying on for each of the purposes described at paragraphs 1 to 37 below.

Necessary for contract ("CT")

We will need to use your information in order to perform our obligations under our contract with you and for you to perform your obligations as well. For example, we need your name and contact details so that we can update you your progress and so that we can contact you if there is a concern. Generally, this information will be used to:

- Provide you with the education specified in our agreement.
- Administer the payment of fees for your course.

Legitimate interests ("L")

This means that the College is using your information when this is necessary for the College's legitimate interests or someone else's legitimate interests. We won't rely on this basis when your interests and fundamental rights override our legitimate interests. Specifically, the College has a legitimate interest in:

- Making sure that you are behaving properly.
- Looking after you, your classmates and our staff (e.g. your teachers).

- Keeping the College buildings safe.
- Making sure that the College is well managed and that we protect the College's reputation.
- Telling people about the College and what we do here e.g. we may use photographs of you in our prospectus, on our website or in our social media.
- Ensuring that all relevant legal obligations of the College are complied with (for example in relation to inspections).
- Using your information in connection with legal disputes.
- Improving the College e.g. if we want to raise money to improve facilities or to make sure that we are providing you and your classmates with a good schooling/college experience.
- Sharing your attendance and progression data with any agent with whom you are connected.

In addition your personal information may be processed for the legitimate interests of others. For example, we may use information about you when investigating a complaint made by one of your fellow students.

Legal obligation ("LO")

The College might need to use your information in order to comply with a legal obligation. We will also have to disclose your information to third parties such as the courts, the Local Authority or the police where legally obliged to do so. We also have certain legal obligations to the Office of Students.

Vital interests ("VI")

In limited circumstances we may use your information to protect your vital interests or the vital interests of someone else (e.g. if you or they are seriously hurt).

Performance of a task carried out in the public interest (or carrying out public tasks) ("PI")

This applies where what we are doing is for the benefit of people generally. The following are examples of where this applies:

- providing you and others with an education;
- safeguarding and promoting your welfare and the welfare of your classmates;
- facilitating the efficient operation of the College; and
- ensuring that we comply with all of our legal obligations.

The College must also comply with an additional condition where it processes special categories of personal information. These special categories include: personal information revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, genetic information, biometric information, health information, and information about sex life or orientation. Trade union membership (e.g. if you are a member because of an apprenticeship) is also a special category of personal information.

Substantial public interest ("SPI")

The College is allowed to use special categories of personal information where doing so is necessary in the substantial public interest. This is similar to "public interest" in the table above. For example, the College will use information about your health to look after you. We may also use other types of special category personal data about you to provide you with an education, to

look after you and your classmates or when the College is inspected.

Employment and social protection and social security law ("ESP")

There will be times when the College needs to use your information because we are an employer (e.g. we employ your teachers). Also the College will use your information to comply with social protection law (e.g. to look after you) and social security laws. Social protection law is concerned with preventing, managing, and overcoming situations that adversely affect people's wellbeing.

Vital interests

In limited circumstances we may use your information to protect your vital interests or the vital interests of someone else (e.g. if you or they are seriously hurt).

Legal claims ("LC")

We are allowed to use your information if this is necessary in relation to legal claims. For example, this allows us to share information with our legal advisors and insurers. This applies whenever sharing special category data is necessary in relation to legal claims.

Medical purposes ("MP")

This includes medical treatment and the management of healthcare services.

How and why does the College collect and use your personal information?

We set out below different ways in which we use personal information and where this personal information comes from. The letters highlighted in different colours below refer to the legal bases we are relying on. Please see the section above for an explanation.

1. The College's primary reason for using your personal information is to provide you with an education - **CT**, **LI**, **PI**, **SPI**.
2. The College will also use your personal information to safeguard and promote your welfare and the welfare of others (for example, so that we can look after you if you are hurt) - **CT**, **LI**, **PI**, **SPI**, **ESP**, **MP**.
3. We will use information about you during the admissions process e.g. when assessing your suitability to enrol on a particular course at the College. We may let your old school/college know if you have been offered a place at the College - **LI**, **PI**, **SPI**.
4. If you are from another country we have to make sure that you have the right to study in the UK. Sometimes the government will ask us to provide information as part of our reporting requirements. In addition to this we have a duty to provide information about you to UK Visas and Immigration who are part of the government - **CT**, **LI**, **LO**, **PI**, **SPI**.
5. We need to tell the appropriate teachers if you have a health issue - **LI**, **PI**, **SPI**.
6. We will need to tell your teachers if you have special educational needs or need extra help with some tasks - **LI**, **PI**, **SPI**.
7. We will need to share information about you (e.g. about your health and wellbeing) with the our Welfare staff- **LI**, **PI**, **SPI**, **ESP**, **MP**.
8. If we have information that you suffer from an allergy we will use this information so that we can look after you - **LI**, **PI**, **SPI**, **V**, **MP**.

9. If we have information that you suffer from a disability we will use information about that disability to provide support - LI, PI, SPI, ESP and in certain circumstances, MP.
10. Where appropriate, the College will have information about your religious beliefs and practices. For example, if you do not eat certain foods - LI, PI, SPI.
11. We use CCTV to make sure the College site is safe. CCTV is not used in private areas such as changing rooms - CT, LI, PI, SPI.
12. We record your attendance and if you have time away from the College we record the reason(s) why - LI, PI, SPI.
13. We share certain information with HESA (the Higher Education Statistics Agency), including your name, course, qualifications, and equal opportunities information that you have provided to us. More details about how they use your information are provided here: <https://www.hesa.ac.uk/about/regulation/data-protection/notices> - LI, LO, PI, SPI.
14. In order to fulfil the registration requirements with the Office for Students, we are required to provide certain information about you to them, including your name, course, qualifications, and equal opportunities information that you have provided to us. - LI, LO, PI, SPI
15. We may need to share information about you with the Health and Safety Executive (a government organisation) if there is a health and safety issue at the College - LI, LO, PI, SPI.
16. We will need information about any court orders or criminal matters which relate to you. This is so that we can safeguard your welfare and wellbeing and the other students at the College - LI, PI, SPI.
17. Depending on where you will go when you leave us we will provide your information to other schools, colleges and universities, HESA, UCAS or potential employers. For example, we will share information about your exam results and provide references - LI, PI, SPI.
18. We may pass on information to your next school which they need to look after you, for example, information about any concerns we have had about your welfare - LI, LO, PI, SPI, ESP.
19. When you take public examinations (e.g. GCSEs or A Levels) we will need to share information about you with examination boards. For example, if you require extra time in your exams - LI, PI, SPI.
20. The College passes your name, DOB and results to Pearson, who are the awarding body for the qualifications taken by you, in order for you to receive the appropriate award - CT, LI, PI
21. The College is sometimes inspected to make sure that we are continuing to be a good College. We will have to make your information available to the inspectors to help them to carry out their job. This will include the QAA and Ofsted - LI, LO, PI, SPI.
22. If someone makes a complaint about how the College has behaved we may need to use your information to deal with this appropriately. For example, if an individual makes a complaint

about a lecturer, we may need to use your information as part of our investigation - **LI**, **PI**, **SPI**.

23. We may need to share information about you with the police or our legal advisers if something goes wrong or to help with an enquiry. For example, if one of your classmates is injured at College or if there is a burglary - **CT**, **LI**, **LO**, **PI**, **SPI**, **LC**.
24. We use consultants, experts and other advisors to assist the College in fulfilling its obligations and to help run the College properly. We will share your information with them if this is relevant to their work - **CT**, **LI**, **PI**, **SPI**.
25. If you have misbehaved in a serious way, we may need to share information with the police and we may need to use information about the action taken by the police - **LI**, **LO**, **PI**, **SPI**, **ESP**.
26. We may share some information with our insurance company to make sure that we have the insurance cover that we need - **LI**, **PI**, **SPI**, **LC**.
27. Students will sometimes appoint someone to act on their behalf during the admissions process (an agent). If this applies to you, the agent may pass information to the College on your behalf. We will sometimes share information with the agent, for example, we may send them the letter telling you that we are offering you a place so that they can pass this on to you, and we will share your attendance records and progression reports with them - **LI**.
28. We will monitor your use of email, the internet and mobile electronic devices e.g. iPads. In certain circumstances we will look at the content of your communications (e.g. emails and text messages). We monitor and look at your use of technology (e.g. your use of your phone) to check that you and your classmates are not misbehaving, at risk of harm or for other good reasons. If you would like more information about this you can read the ICT Acceptable Use Policy] or speak to Student Services staff. - **LI**, **PI**, **SPI**.
29. We may use photographs or videos of you for the College's website and social media sites or prospectus to show prospective students what we do here and to advertise the College. We may continue to use these photographs and videos after you have left the College - **LI**.
30. Sometimes we use photographs and videos for teaching purposes, for example, to make a business presentation, or piece of artwork. - **LI**.

If you have concerns about us using photographs or videos of you please speak to Student Services staff.

31. We publish our aggregated exam results, and other news on the website and put articles and photographs in the local news to tell people about what we have been doing - **LI**.
32. The College must make sure that our computer network is working well and is secure. This may involve information about you, for example, our anti-virus software might scan files containing information about you - **LI**.
33. We can keep information about you for a very long time or even indefinitely if we are retaining it for archiving purposes (this is known as "archiving in the public interest" under

data protection law). For example, we keep old photographs so that we have a record of what the College was like in the past - LI.

Financial Information

34. We will process financial information about you in relation to the payment of fees. In some cases we get information about you from third parties such as credit reference agencies, partner institutions such as New College Swindon or Buckinghamshire New University, or Student Finance England. - LI, CT.
35. We will hold information about bankruptcy petitions and statutory demands, where relevant - LI, CT.
36. We may search the files of any licensed credit reference agency in order to verify your identity. This also allows us to assess your application for the award of a bursary or for credit in contemplation of an agreement for the deferment of fees. The credit reference agency will keep a record of that search and details about your application. This record will be seen by other organisations which make searches about you - LI, CT.
37. We may share your information with debt recovery suppliers if you do not pay any school fees owed to the School - LI, CT.

Failure to supply information may result in a refusal of an award or credit.

We will only share your information with other people and organisations when we have a good reason to do so. In exceptional circumstances we may need to share it more widely than we would normally.

We sometimes use contractors to handle personal information on our behalf. The following are examples:

- a. A software supplier provides the student portal, and have access to your data for the purposes of administration.
- b. IT consultants who might access information about you when checking the security of our IT network; and
- c. we use third party "cloud computing" services to store some information rather than the information being stored on hard drives located on the College site.

If you have any questions about any of the above, please speak to The Data Protection Officer.

Criminal offence information

In exceptional circumstances, we may use information about criminal convictions or offences. We will only do this where the law allows us to. This will usually be where such processing is necessary to carry out our obligations, to exercise our rights or to look after our students.

More than one basis

As you will see from the information above, in some cases we will rely on more than one basis for a particular use of your information. In addition, we may move from one of the legal bases listed above to another as circumstances change. For example, if we become really worried about your wellbeing, we may start to rely on "legal obligation" to share personal information with the Local Authority in addition to the other legal bases which are noted for looking after you.

Consent

We may ask for your consent to use your information in certain ways as an alternative to relying on any of the bases in the table above. For example, we may ask for your consent before taking or using some photographs and videos if the photograph or video is more intrusive and we cannot rely on legitimate interests. If we ask for your consent to use your personal information you can take back this consent at any time.

Any use of your information before you withdraw your consent remains valid. Please speak to the Data Protection Officer or the Student Services Manager if you would like to withdraw any consent that you have given.

Sending information to other countries

The European Commission has produced a list of countries which have adequate data protection rules. The list can be found here: https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/adequacy-protection-personal-data-non-eu-countries_en

If the country that we are sending your information to is not on the list, or is not a country within the EEA (which means the European Union, Liechtenstein, Norway and Iceland), then it might not have the same level of protection for personal information as there is in the UK.

We send your information to countries which do not have the same level of protection for personal information as there is in the UK. For example, we use Microsoft Office 365, Dropbox and Google Drive, which store information in the US.

For transfer of data to companies based in the US we make sure that the companies concerned are approved under the EU-US Privacy Shield (<https://www.privacyshield.gov/list>).

For how long do we keep your information?

We keep your information for as long as we need to in order to educate and look after you. We will keep some information after you have left the College, for example, so that we can find out what happened if you make a complaint.

In exceptional circumstances we may keep your information for a longer time than usual, but we would only do so if we had a good reason and only if we are allowed to do so under data protection law.

Please see our Data Protection Policy for more detailed information. This can be found on our website here: <https://www.dghe.ac.uk/college/policies>

What decisions can you make about your information?

Data protection legislation gives you a number of rights regarding your information. Your rights are as follows:

- **Rectification:** if information the College holds about you is incorrect you can ask us to correct it.
- **Access:** you can also ask what information we hold about you and be provided with a copy. This is commonly known as making a subject access request. We will also give you extra information, such as why we use this information about you, where it came from and what types of people we have sent it to.
- **Deletion:** you can ask us to delete the information that we hold about you in certain circumstances. For example, where we no longer need the information.

- **Portability:** you can request the transfer of your information to you or to a third party in a format that can be read by computer in certain circumstances.
- **Restriction:** our use of information about you may be restricted to simply storing it in some cases. For example, if you tell us that the information is inaccurate we can only use it for limited purposes while we check its accuracy.
- **Object:** you may object to us using your information where:
 - we are using it for direct marketing purposes
 - the legal basis on which we are relying is either legitimate interests or performance of a task carried out in the public interest. Please see the section "Our legal bases for using your information" above;
 - if we ever use your information for scientific or historical research purposes or statistical purposes.

The Data Protection Officer can give you more information about your data protection rights.

Further information and guidance

This notice is to explain how we look after your personal information. The Data Protection Officer can answer any questions which you might have.

Please speak to the Data Protection Officer if:

- a) you would like to exercise any of your rights listed above; or
- b) you would like us to update the information we hold about you; or
- c) you would prefer that certain information is kept confidential.

The Data Protection Officer is in charge of the College's data protection compliance. You can ask Student Services to speak to the Data Protection Officer or speak to them yourself.

If you consider that we have not acted properly when using your personal information you can contact the Information Commissioner's Office: ico.org.uk