



# **NPTC Group of Colleges HE Student Privacy Notice**

## **Protection and Use of Student Data**

### **Data Protection Act 2018 and UK General Data Protection Regulation**

**1** The Data Protection Act 2018 (DPA) and the UK General Data Protection Regulation (GDPR) regulate the processing of personal data in any format by NPTC Group of Colleges ('the Group'), including both digital and hard copy personal data and all other formats. 'Personal data' is any information relating to a living individual, and 'processing' is any activity carried out involving personal data, including holding and storing it. This statement applies under both the DPA and GDPR or any successor legislation to the GDPR or the DPA.

**2** This statement establishes the Group procedures governing the collection and release of student data and is provided to students at the application and registration stages. It includes information about how student data is used, and where it is supplied by the Group to the Welsh Government and other external parties.

**3** The Group is the data controller for all personal data that it holds and processes, except where it is done in the capacity of a data processor on behalf of another data controller. The Group's contact details are:

NPTC Group of Colleges  
Dwr y Felin Road  
Neath  
SA10 7RF

**4** The Group Data Protection Officer is:

Mrs Susan Kirby  
Data Protection Officer  
NPTC Group of Colleges  
Dwr y Felin Road  
Neath  
SA10 7RF  
0330 818 9014  
[data-protection-officer@nptcgroup.ac.uk](mailto:data-protection-officer@nptcgroup.ac.uk)

## **Notification to Applicants and Registered Students**

**5** The Group may obtain, hold and process the personal data of students including personal details, family and social circumstances, education and training records, employment information, financial details, and services provided. It may obtain, hold and process the sensitive personal data (the term used by the DPA) and special category data (the term used by GDPR) of students including racial or ethnic origin, religious or philosophical beliefs, biometric data, physical or mental health, Trade Union membership, sex life and sexual orientation and criminal offences (including current on-going proceedings) .

**6** Personal data and sensitive personal data/special category data held by the Group relating to students is obtained directly from the student or applicant, or from third party sources such as UCAS, other institutions involved in joint programmes or the Student Loans Company. When personal data about you is provided from third party sources, we will look to ensure that the third party has lawful authority to provide us with your personal data.

**7** The Group holds the personal data and sensitive personal data/special category data of its students in order to implement and manage all services and processes relating to students, including student recruitment, admission, enrolment, teaching and learning, examination, graduation, bursary awards, and other services such as accommodation, student support, and careers. Only information required for these purposes is obtained and processed, and without it the Group may not be able to provide its services. Information is passed between various sections of the Group for operational reasons as is necessary and proportionate for intended purposes.

**8** Where a HE course is run by the Group as an agent of, or under a franchise agreement with another HE institution, specific information will be shared with that institution. The Group currently has partnership arrangements with University of South Wales, University of Wales Trinity St David, and Wrexham Glyndŵr University. The Group also has courses approved by Pearson.

**9** Student personal data is collected and processed by the Group as it is necessary for the performance of the contract under which the Group provides services to students. Some processing activities may also be carried out under a legal obligation (for example, disclosing personal data to external parties under statutory powers), where it is necessary to protect the vital interests of the student or another party (for example, disclosures to external parties to ensure the safety and wellbeing of individuals), where it is necessary for the performance of a task carried out in the public interest or in the exercise of official authority (for example, collecting or disclosing information in order to meet regulatory or statutory requirements), or where it is necessary for legitimate interests pursued by the Group or a third party (the legitimate interests will relate to the efficient, lawful and proportionate delivery of services and will not be to the detriment of the interests or rights of individuals). Where any of these legal bases do not apply, the consent of an individual to process their personal data will be sought.

**10** Where students' sensitive personal data/special category data is collected and processed by the Group this will be on the legal basis of explicit consent of the student, employment or social security/protection requirements, protecting the vital interests of the student or another party, the exercise or defence of a legal claim, reasons of substantial public interest, purposes of medical or health care, or where the information has been made public by the student. Any processing will be proportionate and relate to the provision of services by the Group. When this data is used for monitoring and reporting purposes it will be anonymised or pseudonymised if possible.

**11** The Group may disclose student's personal data and sensitive personal data/special category data to external agencies to which it has obligations; for example for the Welsh Government, for visa and immigration purposes, and to other arms of central or local government, to the Higher Education Statistics Agency (HESA) the Higher Education Funding Council for Wales (HEFCW), the Student Loan Company (SLC) Student Finance Wales (SFW), Office of the Independent Adjudicator for Higher Education and potentially other such organisations for defined purposes. It may also disclose information to examining bodies, legal representatives, Police or security agencies, suppliers or service providers, survey and research organisations engaged by the Group, and regulatory authorities.

If students have unpaid debts to the Group at the end of their course the Group may, at its discretion, pass this information to debt collecting agencies in order to pursue the debt.

**12** The Group also uses student's personal data as follows:

a) Provide contact details to the Students' Union to enable it to offer appropriate services to students. Please contact [student-union@nptcgroup.ac.uk](mailto:student-union@nptcgroup.ac.uk) if you do not want your contact details shared with the Students' Union.

b) Individual photographs of students for identification purposes, for example Student lanyards or the College's Moodle site.

c) The Group's Student Support Services may contact students declaring a disability to confidentially discuss available support.

d) Provide progress reports to sponsors of students (except relatives).

e) Provide references to education institutions and employers, usually with the consent of the student or graduate.

f) Publication of the names of graduating students in the degree ceremony graduation programme.

g) Disclose information about students and graduates for the purpose of promoting the Group, and to their former schools for the purposes of schools liaison, but only with the consent of the student or graduate if they are personally identified.

h) For the purposes of plagiarism detection, utilising the on-line *Turnitin* plagiarism detection service.

i) Supply personal and financial details to providers of financial services engaged by the Group, for example for the payment of fees, refunds, loans and similar services, including the Student Loan Company and Student Finance Wales.

j) Disclosing information to external parties for safeguarding and duty of care purposes, for example to medical practitioners and law enforcement agencies.

k) Subject to review on a case-by-case basis, providing contact details to third party companies and organisations formally engaged by the Group to provide enhanced levels of service to support core activities.

**13** The Group requires all students to participate in its attendance monitoring system (register marking). For some student groups it is a statutory requirement that the Group monitors attendance (for example for students claiming a Student Loan and international students) and there may be a requirement to report non-attendance to official bodies (e.g. UK Visas and Immigration). It also aids the Group in its duty of care and support provisions, as well as enabling the analysis of specific elements of service provision such as space management.

**14** In some instances the Group may transfer students' personal data to third parties located in other countries. Any such transfers will be strictly in relation to the delivery of the Group's core services, including to partner institutions abroad. IT services used by the Group may involve the transfer or hosting of student personal data overseas. Personal data may be shared with international agents that the Group uses for the delivery of services to overseas students. All instances of overseas transfers of personal data are subject to appropriate technical safeguards and contractual provisions incorporating appropriate assurances to ensure the security of the data and full compliance with legislative and regulatory requirements.

**15** Some sections of the Group undertake processes involving applicant or student personal data that include elements of profiling. Examples are the Marketing Communications Office and the Admissions Office, where these processes are employed to determine the nature of communications sent to individuals and to facilitate student recruitment and admissions procedures.

**16** A basic academic record for individual students will be kept permanently by the Group, with more detailed records kept for defined retention periods. Details of the retention periods attributed to different elements of student records can be obtained upon request.

**17** If you have any queries about the use of student personal data outlined above then please contact the Data Protection Officer (data-protection-officer@nptcgroup.ac.uk) or 0330 888 9014

## Individual Rights

**18** Individuals whose personal data and sensitive personal data/special category data is held by the Group have the following rights regarding their data:

- a) The right to request access to their personal data held by the Group.
- b) The right to have inaccurate or incomplete personal data rectified.
- c) The right to erasure of personal data – this will only apply where there is no legitimate reason for the Group to continue to process the personal data. There will usually be a requirement for the Group to keep a basic student record indefinitely.
- d) The right to restrict the processing of personal data – individuals have the right to block the processing of their personal data by the Group in specific situations.
- e) The right to data portability – students have the right to request provision of some elements of their information (for example academic progress details) in digital form in order to provide it to other organisations.
- f) The right to object – students can object to the processing of their personal data by the Group in certain circumstances, including the sending and receipt of direct marketing material.
- g) The right to object to automated decision making and profiling – individuals have the right to object to decisions taken by automatic means without human intervention in some circumstances.

All requests to exercise any of these rights should be made to the Group's Data Protection Officer.

**19** Where the processing of personal data or sensitive personal data/special category data is based on the consent of the student, they have the right to withdraw their consent at any time by contacting the department or service who obtained that consent or the Group's Data Protection Officer.

**20** If a student is unhappy with the Group's handling of their personal data, or believes that the requirements of the DPA or GDPR may not be fully complied with, they should contact the Group's Data Protection Officer in the first instance. The Group's formal complaint procedure can be invoked if appropriate, and they also have the right to submit a complaint to the Information Commissioner's Office; further details can be found at [www.ico.org.uk](http://www.ico.org.uk).

## **Student and Leavers Surveys**

**21** You may from time to time be asked to complete surveys either for the Group or on behalf of other organisations, for example the National Student Survey or the Graduate Outcomes survey . These organisations and their contractors will use your details only for that purpose, and will then delete them.

**22** There is no requirement for you to take part in any of these surveys but participation assists the Group, as well as government and regulatory bodies, in performing their statutory, official and public duties.

## **Submission of Your Data to other Agencies**

**23** It is a statutory requirement for the Group to send some of the information we hold about you to the Higher Education Statistics Agency (HESA) for statistical analysis. Full details on the uses of student data by HESA can be found at <http://www.hesa.ac.uk/fpn>. We also have a statutory responsibility to submit data to the Higher Education Funding Council for Wales (HEFCW)

**24** If you give us information about your disability status, ethnicity, sexual orientation, gender reassignment or religion these may be included in your HESA information and used to assist with monitoring equality of opportunity and eliminating unlawful discrimination in accordance with the Equality Act 2010. Some other sensitive information is used to enable research into the provision of fair access to higher education, for example information as to whether you are a care leaver. Your HESA information will include details of any financial support you may receive. Your sensitive personal data/special category data will not be used to make decisions about you.

**25 To read the full Welsh Government usage of Higher Education Statistics Agency student data please visit:**

[https://beta.gov.wales/sites/default/files/publications/2018-05/welsh-government-usage-of-higher-education-statistics-agency-hesa-student-data\\_0.pdf](https://beta.gov.wales/sites/default/files/publications/2018-05/welsh-government-usage-of-higher-education-statistics-agency-hesa-student-data_0.pdf)

## **Monitoring of IT Systems and Student Accounts**

**26** Students should also be aware that, in certain circumstances, the Group may monitor usage of its IT systems and access user information on its systems and networks that is normally private. Any institutional monitoring or access will comply with UK legislation including the Regulation of Investigatory Powers Act 2000, Human Rights Act 1998, and the Data Protection Act 2018 and General Data Protection Regulation. Where necessary any access or monitoring will be justifiable, fair and proportionate, and will be in line with the Group's MIS Acceptable Use Policy and Privacy Standard Policy, copies of which is available upon request.

## **Student Use of Personal Data**

**27** Student members of the Group are permitted to process personal data only for use in connection with their academic studies or research. They may do this only with the express prior permission of their supervising member of staff, and only in accordance with any guidance or Privacy Standard Policy issued by the Group and in force at that time. This applies whether or not those activities are carried out on equipment owned by the Group and whether or not they are carried out on Group premises. This means that the personal data must be: fairly and lawfully obtained and processed; used only for specified and legitimate purposes; accurate and up-to-date; held securely; kept to the minimum possible and anonymised or pseudonymised where possible; not published, put online or taken outside of the UK without the consent of the individual concerned; and be deleted or destroyed when it is no longer relevant to retain it. The individuals about whom data are held are entitled to inspect the data unless it is held only for research purposes and will not be released in such a way as to identify the individuals concerned.

**28** Students needing to process personal data for academic or research purposes must make themselves aware of the general requirements of the Data Protection Act 2018 and the General Data Protection Regulation, and in particular must abide by the data protection principles set out in Schedules I, II and III of the DPA, and Articles 5, 6 and 9 of GDPR. Students can do this by obtaining a copy of the Group's current guidance on data protection, and further relevant information from their supervising member of staff or Data Protection Officer.

**29** Students who fail to comply with any guidance or Code of Practice in force may be held personally liable for any resulting breaches of the Data Protection Act 2018 or General Data Protection Regulation.