

IS & DP Services

City and Guilds – Data Privacy Policy

Version 1.2

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For internal use



Document revision history

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Approval

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1. Introduction

- 1.1.1.** As an organisation, City & Guilds use, process, share, store and on occasion disclose personal data about employees, learners and other Data Subjects for academic, administrative and legal purposes.
- 1.1.2.** We are committed to establishing and maintaining a culture of data privacy compliance and ensuring the security of its information systems and the Personal Data for which we are responsible. We operate in accordance with applicable data protection laws, including Regulation (EU) 2016/679 as incorporated into UK (UK GDPR) and the Data Protection Act 2018 as well as other data protection legislation.

1.2. Scope and Application

- 1.2.1.** This policy applies to The City and Guilds of London Institute, its subsidiaries, business units and brands (together referred to as City & Guilds).
- 1.2.2.** This policy describes City & Guilds' approach to the protection of the personal data of individuals, and the exercise of data protection rights by individuals, whose personal data are processed by City & Guilds, in accordance with applicable data protection laws, including Regulation (EU) 2016/679, UK GDPR and the Data Protection Act 2018.
- 1.2.3.** This policy is also our appropriate policy document when relying on certain processing conditions under the Data Protection Act 2018. This policy in conjunction with our other policies (retention policy, individual rights policy and incident policy) and transparency material (privacy notices) set out our approach to compliance when processing special category data and criminal conviction data.
- 1.2.4.** This policy establishes a framework for a consistent approach to privacy by design throughout City & Guilds in order to ensure proper stewardship and use of personal data, operating within UK data protection laws and fundamental principles and requirements as well as other applicable data protection legislation.

- 1.2.5. This policy applies to all business activities that may involve the processing of personal data undertaken by City & Guilds or by any person working under the direction or control of City & Guilds. This includes members of the Management Board, Trustee Board, officers, employees, and any third-party entities e.g. Data Processors granted access to personal data in the custody or control of City & Guilds (personnel).
- 1.2.6. This document is an internal policy, made available on The Guild. This policy may be shared with external third parties on request to policy owner.

1.3. Roles and Responsibilities

- 1.3.1. The City & Guilds Management Board has overall responsibility for ensuring adherence to this policy.
- 1.3.2. All personnel including members of the Management Board, Trustee Board, officers, employees, and any third party granted access to personal data, have a duty to ensure responsible safeguarding of personal data and timely reporting of any suspected Personal Data and Information Incident.
- 1.3.3. In relation to this policy the Data Privacy Team will be responsible for:
- Responding to queries about this policy: dp@cityandguilds.com ;
 - Collecting feedback about this policy;
 - Reviewing this policy, as necessary, to ensure that it meets the requirements of applicable data protection laws.

1.4. Definitions

- 1.4.1. Data Subject:** A Data Subject is someone who can be identified from personal data. The data could be their name, address, telephone number, etc. Employees, customer contacts, supplier contacts, apprentices, learners, and other business partners could all be Data Subjects.
- 1.4.2. Data Controller:** A Data Controller has the responsibility of deciding how personal data is processed and ensuring it is managed in a secure, lawful manner. Data Controllers can delegate the processing of personal data to Data Processors, but the responsibility for keeping it safe will still rest with the Data Controller.
- 1.4.3. Personal Data and Information Incident:** A Personal Data and Information Incident can be broadly defined as a security incident that has affected the confidentiality, integrity or availability of personal data and other information of value to City & Guilds e.g:
- Loss or theft of confidential or sensitive data or equipment on which such data is stored (e.g., loss of laptop, USB stick, iPad / tablet device, or paper record);
 - Equipment theft or failure;
 - Unauthorised use of access to or modification of data or information systems;
 - Unauthorised disclosure of sensitive / confidential data;
 - Human error, including confidential information left unsecured in accessible areas misdirected emails, publication of confidential data online or accidental disclosure of passwords;
 - The insecure storing and disposal of confidential paper waste
 - Access by an unauthorised third party;
 - Deliberate or accidental action (or inaction) by a controller or processor
- 1.4.4. Personal Data:** Personal Data is information that relates to an identified or identifiable individual. The UK GDPR provides a non-exhaustive list of identifiers, including:
- Name;
 - Identification number e.g., learner number, National Insurance number, passport number
 - Location data e.g., home address, GPS data
 - Online identifier e.g., IP or email address

- 1.4.5. Data Processor:** A person, public authority, agency or any other entity or processes Personal Data on behalf of the Data Controller e.g. cloud provider storing personal data, service provider acting on behalf of City & Guilds with access to personal data of a customer or employee.
- 1.4.6. Process, processed or processing:** Processing personal data refers to any operations performed on this personal data (whether those operations are automated or not). Common types of personal data processing include (but are not limited to) collecting, recording, organising, structuring, storing, modifying, consulting, using, publishing, combining, erasing and destroying data.
- 1.4.7. Special Categories of Personal Data:** Personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, genetic data, biometric data for the purpose of uniquely identifying a natural person and data concerning health or a natural person's sex life or sexual orientation.
- 1.4.8. Criminal Convictions Data:** Personal data regarding alleged or actual offences committed by a data subject or any proceedings relating to offences such as trials and sentencing.
- 1.4.9. Appropriate Policy Document:** Reliance on certain conditions under the Data Protection Act 2018 for processing special category data or criminal conviction data, requires an appropriate policy document in place to set out approach to compliance including retention and disposal.

1.5. Data Protection Principles

- 1.5.1.** The UK GDPR sets out seven key principles which are central to all personal data processing.
- **Lawfulness, Fairness and Transparency:** Before City & Guilds can process personal data, a lawful basis must be established, to ensure data is used in a clear and transparent manner, i.e. the Data Subject is aware of how and why their data is being used.
 - **Purpose Limitation:** City & Guilds must only use personal data in a manner that is specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes.
 - **Data Minimisation:** City & Guilds must limit the use and collection of personal data to that which is necessary to achieve the purpose.

- **Accuracy:** City & Guilds must take all reasonable steps to ensure personal data processed is correct and take reasonable steps to correct and erase as necessary.
- **Storage Limitation:** City & Guilds cannot keep personal data longer than necessary. Personal data must be deleted or anonymised once no longer needed, in line with retention and deletion schedules. See Data Retention Policy [here](#)
- **Integrity and Confidentiality:** City & Guilds have appropriate security measure in place to protect personal data.
- **Accountability:** City & Guilds must have appropriate measures and records in place to be able to demonstrate compliance, eg Record of Processing Activity [Information Security & Data Privacy site - Record of Processing Activity \(RoPA\) Update and Review Process \(unily.com\)](#)

1.5.2. To ensure consistency with these core principles City & Guilds must, beyond policy awareness, engage with the Data Privacy Team on any work/processing involving personal data. Guidance can be found on the Guild ([Information Security & Data Privacy site - Information Security & Data Protection Home \(unily.com\)](#)) or given by the team directly as needed dp@cityandguilds.com.

1.6. Rights of Data Subjects

1.6.1. An individual or their representative can exercise several data subject rights to City & Guilds. These do not confer automatic agreement to the request but will be duly considered by Data Privacy Team.

These rights include but are not limited to the following:

- **Subject Access Request/Right of Access:** Confirm if personal data is being processed and request access to the personal data.
- **Right to Rectification:** Obtain, without undue delay, the rectification of inaccurate or incomplete personal data processed by City & Guilds concerning them.
- **Right to Erasure:** Request the erasure of personal data concerning them in certain circumstances.
- **Right to Restriction:** Request restriction of processing of personal data concerning them in certain circumstances
- **Right to Data Portability:** Receive the personal data concerning them, which they have provided to City & Guilds, in a structured, commonly used and machine-readable format and have the right to transmit those data to another controller in certain circumstances.

- **Right to Object:** Object to processing of an individual's personal data in certain circumstances
- **Rights related to automated decision-making including profiling:** Not to be subject to a decision based solely on automated processing by City & Guilds.

- 1.6.2. City & Guilds must have awareness of and be familiar with the Individual Rights Policy, which can be found [here](#). Any person, including members of the Management Board, Trustee Board, officers, employees, and any third party entities e.g. Data Processors receiving such a request must contact the Data Privacy team dp@cityandguilds.com immediately in order to fulfil our legal obligation within a mandated timescale.

1.7. Privacy Notices and Transparency

- 1.7.1. City & Guilds must ensure clear and transparent communications to all individuals whose personal data is processed. In practice this means ensuring relevant statements and privacy notices are up to date and easily accessible.
- 1.7.2. Guidance on updating privacy notice can be found on [the Guild](#) and the Data Privacy Team (dp@cityandguilds.com) can be contacted with any questions.

1.8. Records of Processing Activity

- 1.8.1. It is a legal requirement for City& Guilds to maintain up to date records of personal data being processed. Guidance on maintaining our RoPAs can be found here: [Information Security & Data Privacy site - Information Security & Data Protection Home \(unily.com\)](#)
<mailto:dp@cityandguilds.com>.
- 1.8.2. City & Guilds must ensure any changes or new business processes are reflected in relevant RoPA registers and engage with review cycles as required. Any changes to processes or RoPA queries should be directed to: dp@cityandguilds.com.

1.9. Retention of Personal Data

- 1.9.1. Retention periods of personal data across City & Guilds must be justified and kept under review in accordance with the Data Retention Policy (found [here](#)) this is especially important when processing special category personal data and criminal conviction data that carry specific requirements depending on legal basis for processing.
- 1.9.2. For Guidance on retention please contact: dp@cityandguilds.com

1.10. New Projects, Systems and Services using Personal Data

- 1.10.1. UK GDPR requires organisations to put in place appropriate technical and organisational measures to implement the data protection principles effectively and safeguard individual rights. This is known as '*data protection by design and by default*'. This means City & Guilds must integrate data protection into processing activities and business practices, from the design stage right through the lifecycle of using personal data.
- 1.10.2. The Data Privacy Team (dp@cityandguilds.com) must be contacted as part of any new supplier procurement, to ensure appropriate supplier due diligence as part of our change governance assessments process
- 1.10.3. Contracts with new suppliers or customers may have specific data privacy requirements which City & Guilds need to adhere to including restriction on personal data hosting and transfers and use of personal devices that must be considered in practice.
- 1.10.4. If the contract involves the use processing of personal data, or giving someone access to our IT systems, procuring new IT systems, IT facilities and/or suppliers or includes Information Security Schedules, City & Guilds are responsible for ensuring the lawful use of personal data and security compliance.
- 1.10.5. The Data Privacy Team (dp@cityandguilds.com) must be contacted as part of any new contract review (both as part of buying or selling services including invitations to tender).
- 1.10.6. All assessments and review processes will result in data protection compliance risks identification and recommendations to be managed either as part of project or organisational risk management processes.

1.11. Third Party Sharing

- 1.11.1. Any request from other organisations that have not already been agreed as business as usual must be notified to the Data Privacy team for data protection considerations. This maybe a new sharing request from an existing partner or customer or request from an investigatory body such as the Police or Trading Standards.
- 1.11.2. Notify the Data Privacy team dp@cityandguilds.com for advice on any sharing requests and find guidance on the process here [Information Security & Data Privacy site - Third Party Requests for information \(unily.com\)](#)

1.12. Transfers of Personal Data

- 1.12.1. A transfer of personal data from one legal entity to another is considered a data transfer. This could relate to a transfer between legal entities of City & Guilds or a contracted Data Processor.
- 1.12.2. All transfers must be carried out in accordance with country and regional regulatory requirements as well as contractual specifications (specifically from our customers).
- 1.12.3. This means exercising caution and seeking guidance from the Data Privacy team dp@cityandguilds.com prior to any personal data transfer, either within the UK, EEA or any other country.

1.13. Personal Data and Information Incident

- 1.13.1. A Personal Data and Information Incident can be broadly defined as a security incident that has affected the confidentiality, integrity or availability of personal data and other information of value to City & Guilds.
- 1.13.2. All personnel including members of the Management Board, Trustee Board, officers, employees, and any third party granted access to personal data and other information of value to City & Guilds, have a duty to ensure responsible safeguarding of personal data and timely reporting of any suspected Personal Data and Information Incident. Please see Data Incident Policy [here](#).
- 1.13.3. Report such incidents should be made directly to the Data Privacy team (dp@cityandguilds.com) as soon as becoming aware. For further guidance see [Information Security & Data Privacy site - Personal Data and Information Incident Process \(unily.com\)](#)

1.14. Training

- 1.14.1. All City & Guilds personnel must complete data protection training on induction to the business to ensure awareness of data protection responsibilities. Training refreshes are mandatory and currently expected every two years.
- 1.14.2. Training is available here: [My Training - Online Training Portal \(kineoportal.co.uk\)](#) and any questions to the Data Privacy team dp@cityandguilds.com

Execution

Signed by:

A handwritten signature in black ink, appearing to read 'Andrew Wilson', is displayed within a white rectangular box.

Signature of authorised representative

Andrew Wilson

18/11/2022

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About City & Guilds

Since 1878 we have worked with people, organisations and economies to help them identify and develop the skills they need to thrive. We understand the life changing link between skills development, social mobility, prosperity and success. Everything we do is focused on developing and delivering high-quality training, qualifications, assessments and credentials that lead to jobs and meet the changing needs of industry.

We work with governments, organisations and industry stakeholders to help shape future skills needs across industries. We are known for setting industry-wide standards for technical, behavioural and commercial skills to improve performance and productivity. We train teams, assure learning, assess cohorts and certify with digital credentials. Our solutions help to build skilled and compliant workforces.

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