



ETC Awards Limited

GDPR Information

Key Questions

What is the GDPR?

The General Data Protection Regulation (GDPR) is a European Regulation intended to strengthen, modernise and harmonise European data protection law in light of rapid technological development and complex use of personal data in the global economy.

What does the GDPR regulate?

The GDPR regulates the collection, storage, use and transfer of information relating to EU individuals. The GDPR applies to organisations that process the personal data of EU individuals, no matter where in the world the organisation is located. The GDPR applies only to personal data, which is defined as any information relating to an identified or identifiable EU individual e.g. name, email address, unique identification numbers. It also applies to sensitive personal data including information about racial or ethnic origin, political, religious or philosophical beliefs, and information about an individual's health.

When will the GDPR come into effect?

The GDPR was approved and adopted by the EU Parliament in April 2016. The GDPR will take effect at the end of a two-year transition period, on 25 May 2018.

What are the key changes implemented by the GDPR?

- **Consent:** the conditions for consent will be significantly strengthened. Consent cannot be inferred, and data subjects will have the right to withdraw consent at any time.
- **Enhanced data subject rights:** the rights of data subjects will be strengthened, and include the right to be forgotten, the right to object to or restrict processing, the right to data portability, and rights related to automated decision making and profiling.
- **Increased information:** organisations will be required to provide clear and concise information to data subjects, such as the purpose and legal basis of processing, how long data will be retained, and of any transfer outside the EU.
- **Notification of breach:** data breach notifications must be reported to the relevant data protection authority within 72 hours of awareness, and also to the individual when there is a high risk to the individual concerned.
- **Increased accountability:** data controllers and data processors are both required to document their processing of personal data and maintain records of processing activities.
- **Data protection impact assessment:** organisations must conduct data protection impact assessments for any new technologies or activities that involve high risk processing.
- **Privacy by design:** organisations must ensure new products/services take data protection measures into consideration, such as minimisation of data collected, and adequate data security.
- **New Data Protection Officer (DPO) role:** organisations processing significant volumes of personal data must appoint a dedicated DPO.

What are the penalties for non-compliance with the GDPR?

Organisations can be fined up to 4% of annual global turnover for breaching the GDPR or €20 million (whichever is greater). This is the maximum fine that can be imposed for the most serious infringements. Fines can be applied to both data controllers and processors.

What is ETC Awards doing about GDPR?

ETC Awards welcomes the GDPR as an opportunity to develop our systems, and processes and to strengthen our commitment to robust data security along with fair and transparent processing of personal data.

Action 1

We have completed a detailed data discovery exercise resulting in the creation of data maps and data registers for our business and establishing the lawful basis of processing.

As part of this process we have reviewed and are continuing to review:

- the data we collect, how we collect it and the lawful basis for collecting the data
- our data processing activity in respect of the data, including where the data held, transferred to and for what purpose
- data retention principles

Action 2

(A) - Centres

If you are an ETC Awards Centre we have included the updated regulation in our latest contract and this will also ensure all new centres maintain the standard required. You may request us to provide your organisation with specific information about the personal data which must be provided to us in order to provide products and services for you, together with a copy of our privacy policy (if appropriate).

(B) - Suppliers / Others

ETC Awards is contacting all of its suppliers and other related bodies. If you supply goods or services to us and process personal data as a data processor in connection with such provision, we will contact you to collect confirmation of compliance relating to the processing of personal data. This was included in the 2018 centre contract.

Privacy Notices

We currently only collect / control data that is directly supplied and managed by centres for their own learners through the compliant specialist resource Quartz. We will continue to update the terms of use and the privacy policies / notices to supplier and customer facing systems and processes. We do not copy or transfer this information to any other resource either internally or externally.

As part of this update processing we will ensure that we detail:

- the lawful basis for processing;
- the categories personal data being collected;
- the purpose of processing
- any transfers of personal data;
- individuals' rights;
- anything else required under GDPR arts 13 and 14

The data we transact is collected, used and retained to directly comply with regulatory requirements.

Policies

We have updated our Privacy Policy, and working on our Data Breach, Document Retention and Subject Access Requests, these will be finalised during the summer of 2018.

We will continue to update and implement additional data protection related policies if and when appropriate.

Systems

In partnership with our specialist supplier Portico, we will continue to review and update our core systems and processes where required to ensure compliance with the GDPR principles and the enhanced rights of data subjects. We will uphold the rights and freedoms of individuals and address and report any issues identified in line with the new requirements.

Governance

Our Governing Body will oversee our dedicated data protection officer to monitor on-going GDPR compliance and ensure a strong information governance framework.

Training

All our staff have completed a training programme specifically for GDPR awareness, together with specific training for members of staff with specific data processing related roles.

Further information

We believe that the activities undertaken as part of our GDPR Compliance Actions will improve the quality of our systems, data, and information governance, and will provide the necessary level of assurance to our customers, suppliers, and partners. However, we will continue to make legal and operational improvements to its systems and processes beyond 25 May 2018, and keep our customers, suppliers, partners, industry groups and regulatory bodies informed throughout this process.

General information on the GDPR is publicly available on the:

- Information Commissioner's Office website:

<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/>

- European Union website:

https://ec.europa.eu/info/law/law-topic/data-protection/dataprotection-eu_en

Practical Questions and Answers

Question - How long do ETC Awards retain learner data?

Answer – In line with legal regulatory requirements a minimum of 50 years, effective from each learner's certification date.

Question – How does ETA 'treat' learner data?

Answer – For the purposes of audit and regulatory compliance, ETA will retain the personal data for all learners, irrespective of whether they have completed or withdrawn from the qualification. We will process personal data (learners and centre staff) in accordance with the GDPR, together with any regulatory requirements specified by the qualifications regulators Ofqual and CEA.

Question - How long are centres required to retain CVs, certificates and CPD records for centre staff who work at or have left the centre, involved in the delivery of ETA qualifications?

Answer – ETA will endeavour to inspect these on your site and not make copies. However, if copies are made, three years following the final certification date of all qualifications the staff member was associated to.

Question – How are the records for centre staff involved in the delivery and learners participating in ETA qualifications stored?

Answer – All ETA centres are responsible for uploading their information directly onto the dedicated Quartz system owned by Portico Ltd. The Head of Centre (HoC) is responsible for authorising and managing the centre staff that have access to centre staff data. Quartz is a web-based system which is accessible only by individual users approved by the HoC and is password protected and secure.

Question – Who has access to centre information for its staff and learners?

Answer – ETA team members and External Quality Assurers assigned to the centre, along with the staff to which you have allocated the rights to view this information.

Question – How can ETA assure centres of compliance with GDPR?

Answer – We will continually review all process and procedure to ensure the personal data we hold and who we share it with are compliant.

Question – How can ETA assure centres their data is safe?

Answer – We work with a specialist supplier 'Portico' who provide written confirmation of the systems compliance to us. We will process personal data (learners and centre staff) in accordance with the GDPR, together with any regulatory requirements specified by the qualifications regulators. All learner data is encrypted, the servers are protected by firewall security to ensure traffic is controlled and protected.

Question – Is there anything different that you would wish our centre to implement to ensure compliance with ETA and regulatory requirements, whilst also ensuring compliance with GDPR?

Answer – ETA centres must ensure it is absolutely clear to learners enrolling on a qualification that the personal data they are providing to the centre will be shared with ETA for the purposes of completing an ETA qualification and thereafter a minimum of 50 years, effective from the qualification(s) registration date.

NB.

To facilitate participation ETA are legally required to provide regulatory personal data to educational agencies such as ESFA, DfES, Learning Records Service (LRS), Ofqual and CEA. Please note this is not an exhaustive list.

If you have any further questions, please do not hesitate to send them in to us: info@eta-gms.com