

# Fair Processing Notice

The Academic Team within the Institute of Health and Social Care Studies is a service within the Committee for Education, Sport & Culture (ESC - the controller). The Academic Team provides education in order to meet the health and social care needs of the Bailiwick of Guernsey and, as such, it processes the personal data of individuals studying at the Institute.

## 1. The Data Protection Law

The controller acknowledges its obligations as per the data protection law, which provides a number of requirements in terms of processing activities involving personal data. The controller further acknowledges the general principles of processing as well as the rights of a data subject and more information in relation to these provisions are provided within this fair processing notice.

## 2. The Principles of Processing

### a. Lawfulness, fairness and transparency

*Personal data must be processed lawfully, fairly and in a transparent manner.*

The controller collects personal data directly from data subjects via an application form. The application forms are filled out by data subjects in order to indicate the respective health and social care course/s that they are looking to undertake. No personal data is collected from any third party or publically available source. Some of the personal data that is collected for this purpose is classified as "Special Category Data" (the most sensitive data as defined by data protection law) and this is listed along with the lawful basis within the below. All of the data collected by the Institute is shared with Middlesex University which is the partner and joint controller of the Institute. All of the data collected may also be shared with another university where a particular course is not offered by Middlesex University. In these instances, the university in question would be a joint controller of the personal data in relation to that/those student/s.

The personal data that is collected for this purpose includes:

- The name of the data subject;
- The data subject's work/home address;
- The data subject's home/work/mobile telephone number;
- The data subject's email address;

- The data subject's payment information including bank details, billing address and credit card details;
- The data subject's personal statements; and
- The data subject's exam results, grades and qualifications.

In terms of the lawful basis for processing, the above information is considered necessary for the performance of the contract between the data subject and the controller. The controller offers educational courses to data subjects, however as the controller is a public authority (as defined by data protection law), the lawfulness of processing does not relate to the legitimate interests of the controller or third party.

The name of the data subject is required for verification purposes in relation to the course/s that data subjects have registered with. The data subject's contact details are required in order to contact the individual with relevant information in relation to their respective course/s. The payment information is required in order to bill the data subject for the courses that are provided. Payment information is also shared with the Vendor Services Team (Hub, States of Guernsey) for the provision of bursary payments to Institute students.

The data subject's personal statements, references, exam results, grades and qualifications are processed by the Institute as part of the candidate application procedure; for successful candidates the data is subsequently shared with the relevant University to which they will be studying with for registration purposes, which the Institute undertakes on behalf of the students.

The Institute processes the following special category data:

- Health data;
- Criminal data; and
- Ethnic origin data.

Information relating to health data is required in order to ensure that individuals with disabilities are appropriately catered for with regards to the provision of their courses. The lawful basis for the processing of this personal data is that the processing is necessary for a health and social care purpose and is undertaken by a person who in the circumstances owes a duty of confidentiality which is equivalent to that which would arise if the person were a health professional.

Health data and Criminal data is collected and may be shared with any of the nine statutory bodies of the Professional Standards Authority for Health and Social Care (the PSA) which regulates health professionals in the United Kingdom. The statutory bodies of the PSA are: the General Chiropractic Council, the General Dental Council, the General Medical Council, the General Optical Council, the General Osteopathic Council, the Health and Care Professions Council, the Nursing and Midwifery Council, the Pharmaceutical Society of Northern Ireland and the General Pharmaceutical Council. As the sharing of this data with the above named statutory bodies is a legal requirement, the subsequent lawful basis is that

the processing is necessary for the controller to exercise any right or power, or perform or comply with any duty, conferred or imposed on the controller by an enactment.

Criminal data is also processed within the candidate application procedure and the lawful basis for this is that the processing is in connection with the recruitment of an individual and the processing is in the public interest (the Data Protection (General Provisions) (Bailiwick of Guernsey) Regulations, 2018, Schedule 2, Condition 7).

The ethnic origin of applicants are processed as this personal data is required by universities in order to inform UK government statistics regarding the access to further education by different ethnic groups. As the Institute undertakes university applications on behalf of its students, this data is collected by the Institute and is then shared with the universities via the application process; the lawful basis is that the processing is necessary for the purpose of identifying or keeping under review the existence of absence of equality of opportunity or treatment between people of different racial or ethnic origin (the Data Protection (Bailiwick of Guernsey) Law, 2017, Schedule 2, Condition 16).

The controller may also share your personal data as per the following:

<b>Who is data shared with?</b>	<b>What data is shared?</b>	<b>What is the lawful basis?</b>
Learning management system – “My Learning”.	Full name, class attendance.	The processing is necessary for the conclusion or performance of a contract to which the data subject is party.
Conference organisers - booking students onto relevant conferences.	Full name, contact details, qualifications.	The data subject has requested or given consent to the processing of the personal data for the purpose for which it is processed.
Travel agencies/airlines - booking of flights for students.	Passport details.	The data subject has requested or given consent to the processing of the personal data for the purpose for which it is processed.
Edexcel – awarding body for NVQ’s.	Full name, date of birth, contact details, qualifications.	The processing is necessary for the conclusion or performance of a contract to which the data subject is party.
Moodle – remote learning platform for students.	Full name and course work.	The processing is necessary for the legitimate interests of the controller or a third party.
SAP – employment purposes	Full name, date of birth, payment details.	The processing is necessary for the conclusion or performance of a contract to which the data subject is party.
Occupational Health – employment purposes	Full name, date of birth, health data.	The processing is necessary for a health or social care purpose in relation to the assessment of the working capacity of an employee or worker.

Human Resources – employment purposes	Full name, date of birth, employment data.	The processing is necessary for the conclusion or performance of a contract to which the data subject is party.
Enquiries Database – I.e. careers show to attract potential candidates.	Full name and contact details of prospective candidates.	The data subject has requested or given consent to the processing of the personal data for the purpose for which it is processed.
Guille Alles Library/other UK libraries – Guille Alles library can obtain specific literature from other UK libraries relating to healthcare to support candidate learning.	Full name, email address.	The data subject has requested or given consent to the processing of the personal data for the purpose for which it is processed.

#### **b. Purpose limitation**

*Personal data must not be collected except for a specific, explicit and legitimate purpose and, once collected, must not be further processed in a manner incompatible with the purpose for which it was collected.*

The controller acknowledges its responsibility with regards to this data protection principle and therefore the controller maintains that it will not further process that personal data in a way which is incompatible to its original reason for processing as specified in section 2a, unless the controller is required to do so by law. The personal data will not be transferred to a recipient in an authorised or an unauthorised jurisdiction (as per the definition within data protection law).

#### **c. Minimisation**

*Personal data processed must be adequate, relevant and limited to what is necessary in relation to the purpose for which it is processed.*

The controller maintains that it will only process the personal data which is detailed in section 2a, and will not process any further personal data that is not necessary in relation to the original reason for processing personal data as specified in section 2a, unless the controller is required to do so by law.

#### **d. Accuracy**

*Personal data processed must be accurate, kept up-to-date (where applicable) and reasonable steps must be taken to ensure that personal data that is inaccurate is erased or corrected without delay.*

The controller will ensure that all personal data that it holds is accurate and kept up-to-date, and any personal data that is inaccurate will be erased or corrected without delay.

#### **e. Storage limitation**

*Personal data must not be kept in a form that permits identification of a data subject for any longer than is necessary for the purpose for which it is processed.*

The controller acknowledges its responsibilities in relation to this principle and will not retain any personal data that is collected for longer than is absolutely necessary in relation to the purpose for which it is processed. The controller complies with the States of Guernsey Corporate Retention & Disposal Schedule as well as operating with an Institute specific retention & disposal schedule.

#### **f. Integrity and confidentiality**

*Personal data must be processed in a manner that ensures its appropriate security, including protecting it against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.*

The controller maintains to process all personal data with appropriate levels of security. The controller has put in place suitable physical, electronic and managerial procedures to safeguard and secure the information that is collected.

#### **g. Accountability**

*The controller is responsible for, and must be able to demonstrate, compliance with the data protection principles.*

The contact details of the controller are as follows:

The Committee for Education, Sport and Culture

Tel: 01481 733000

Email: [educationsportandculture@gov.gg](mailto:educationsportandculture@gov.gg)

The contact details for the Data Protection Officer of Education, Sport and Culture are as follows:

Data Protection Officer, the Committee for Education Sport and Culture

Tel: 01481 717000 (extension 2129)

Email: [data.protection@gov.gg](mailto:data.protection@gov.gg)