

## Fair Processing Notice

The Guernsey College of Further Education offers a wide range of vocational and technical courses for the Bailiwick community, with 5 key areas of provision:

- 14-16 – high school pupils can access a range of vocational qualifications as part of their year 10 & 11 provision.
- 16-19 – full time courses, at entry level to level 3 aimed primarily at school leavers, with applications from mature students also welcomed.
- Part time professional courses – we offer CPD (continuous personal development) courses for a variety of professionals, from 1 day seminars to longer higher education programmes.
- Apprenticeships – the College provides vocational training for the States Registered Apprenticeship Scheme.
- Adult & Community Learning – we offer a huge selection of leisure courses, such as computing, craft, cookery, maritime and many more options.

### 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.*

In order to provide further and higher education, the controller collects personal data directly from data subjects who applies and enrolls onto a course. No personal data is collected from any third party or publically available source. There are occasions when the College collects “Special Category Data” (the most sensitive data as defined by data protection law).

The controller will use your information to manage and administer your education. This will include putting together class lists, for sending event invitations, for communicating with you, for dealing with admissions, for putting together reports and registers, to check

entrance exam results, to allocate you to the correct classes for assessments, to make arrangements for exams or visits, to consider whether to offer places to students, to consider whether special provision or assistance is required for exams and visits and to be able to tell other educational institutions your attendance dates if you leave.

In terms of the lawful basis for processing, the personal data collected is considered necessary for the performance of providing further and higher education between the data subject and the controller. The controller is offering a product 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.

As part of our administration of the College, the controller may collect your personal and educational details which includes: your name, address, email address, date of birth, exam results, photo, first and second language, dates of attendance, health records/conditions (inc. mental health), behaviour record, special needs details and sex-related data. We will use your information to manage and administer education. This will include information for creating registers, class trips, trip lists, communications, reports, employer information (for example for apprentices and day release students) and to identify pupils who cannot be used for marketing photos.

Generally, the information is processed as part of our public interest task of providing education to you. Where that information is special category personal information (e.g. medical information), we will process it because there is substantial public interest for us to do so.

Where you have previously studied at the College or commenced an application process with us before, then we will send you information about the courses we provide on the basis of our legitimate business interests. In doing so, we will comply with the requirements of the “soft opt in” and offer you an opportunity to refuse marketing when your details are first collected and in subsequent messages (by way of unsubscribe). Any other marketing, we carry out will be on the basis of consent.

We will keep an eye on how you use the College’s equipment and computers and which websites you go on when you are browsing the internet at College. This is because we have legal obligations to protect you, and we also have a legitimate interest in making sure you are using our computer equipment correctly and that you are not looking at any inappropriate content. If you want to browse the internet privately, you will need to use your own devices which are not linked to the College’s network or internet connection.

#### **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 no longer than is necessary for the purpose for which it is processed.*

Where a data subject provides personal data to the controller for the fulfillment of enrolment and to complete a course, the controller will only hold that personal data for as long as is required.

#### **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. Personal data provided by data subjects is collected and securely stored in order to prevent unauthorised or unlawful processing, the controller has put in place suitable physical, electronic and managerial procedures to safeguard and secure the information that is collected.

In terms of payment information, all online payment transactions with the States of Guernsey are encrypted.

**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)

3. Data Subject Rights

**a. Right of access**

A data subject has the right to be advised as to whether a controller is processing personal data relating to them and, if so, that individual is entitled to one free copy of their personal data (with further copies available at a fee prescribed by the controller). This is known as a Subject Access Request (SAR). Upon receipt of an SAR, the controller has a period of one month to adhere to the request (an extension of two further months can be sought by the controller depending upon the complexity and number of requests submitted by the data subject).

**b. Right to data portability**

A data subject has the right to data portability, this means that an individual is able to arrange for the transfer of their personal data from one controller to another without hindrance from the first controller. This right can only be utilised where the processing is based on consent or for the performance of a contract. This right cannot be used for processing by a public authority.

Where a data subject invokes the right to data portability, the data subject has the right to be given their personal data in a structure, commonly used and machine-readable format

suitable for transmission from one controller to another. Upon the request of a data subject, the controller must transmit their personal data directly to another controller unless it is technically unfeasible to do so.

**c. Exception to right of portability or access involving disclosure of another individual's personal data**

A controller is not obliged to comply with a data subject's request under the right of access or right to data portability where the controller cannot comply with the request without disclosing information relation to another individual who is identified or identifiable from that information.

**d. Right to object to processing**

A data subject has the right to object to a controller's activities relating to the processing of personal data for direct marketing purposes, on grounds of public interest and for historical or scientific purposes.

**e. Right to rectification**

A data subject has the right to require a controller to complete any incomplete personal data and to rectify or change any inaccurate personal data.

**f. Right to erasure**

A data subject has the right to submit a written request to a controller regarding the erasure of the data subject's personal data in certain circumstances. These include where:

- The personal data is no longer required in relation to its original purpose for collection by the controller;
- The lawfulness of processing is based on consent and the data subject has withdrawn their consent;
- The data subject objects to the processing and the controller is required to cease the processing activity;
- The personal data has been unlawfully processed;
- The personal data must be erased in order to comply with any duty imposed by law; or
- The personal data was collected in the context of an offer from an information society service directly to a child under 13 years of age.

**g. Right to restriction of processing**

A data subject has the right to request, in writing, the restriction of processing activities which relate to the data subject's personal data. This right can be exercised where:

- The accuracy or completeness of the personal data is disputed by the data subject who wishes to obtain restriction of processing for a period in order for the controller to verify the accuracy or completeness;
- The processing is unlawful but the data subject wishes to obtain restriction of processing as opposed to erasure;
- The controller no longer requires the personal data, however the data subject requires the personal data in connection with any legal proceedings; or
- The data subject has objected to processing but the controller has not ceased processing operations pending determination as to whether public interest outweighs the significant interests of the data subject.

#### **h. Right to be notified of rectification, erasure and restrictions**

Where any rectification, erasure or restriction of personal data has been carried out, the data subject has a right to ensure that the controller notifies any other person to which the personal data has been disclosed about the rectification, erasure or restriction of processing. The controller must also notify the data subject of the identity and contact details of the other person if the data subject requests this information.

#### **i. Right not to be subject to decisions based on automated processing**

A data subject has the right not to be subjected to automated decision making without human intervention.

To exercise these data subject rights, please contact either the data protection officer or the controller (as per the contact details provided in 2g).

#### **j. Right to make a complaint**

An individual may make a complaint in writing to the supervisory authority (the Office of the Data Protection Commissioner) if the individual considers that a controller or processor has breached, or is likely to breach, an operative provision of the data protection law, and the breach involves affects or is likely to affect any personal data relating to the individual or any data subject right of the individual (as listed above).

#### **k. Complainant may appeal failure to investigate or progress and may appeal determinations**

An individual may appeal to the Court where:

- The Supervisory Authority has failed to give the complainant written notice that the complaint is being investigated or not within two months of receiving the complaint;

- The Supervisory Authority has failed to provide written notice of the progress and, where applicable, the outcome of the investigation at least once within three months of providing notice of the beginning of an investigation; or
- Where the individual seeks to appeal against a determination of the Supervisory Authority.