

DATA PROTECTION POLICY

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Policy Statement

QFI is committed to ensuring that it remains compliant with the requirements of the Data Protection Act (DPA) 1998 and the General Data Protection Regulations (GDPR) which came into effect 25 May 2018. Data protection concerns personal data, i.e. information from which an individual can be identified. This includes data held on electronic systems and hard copies. QFI is registered with the Information Commissioner's Office (ICO) (registration reference number ZA147801). QFI is certificated by Cyber Essential.

Scope

The policy applies to all those involved with the development and/or delivery of QFI qualifications, apprenticeship end-point assessments and associated services including QFI staff and contractors, candidates, approved centre staff, assessors/ independent assessors and lead assessors for end-point assessments, Internal Verifiers and External Verifiers and third parties.

Responsibility

QFI's Accountable Officer has overall responsibility for ensuring that this policy is implemented.

What is covered this policy covers and how it will be implemented

1. Compliance with the Principles of the DPA

QFI:

- A.** Collects the minimum amount of data and processes this fairly and lawfully.

The following candidate data is processed via the database for the purposes of registration and certification:

- Candidate ID
- Candidate surname
- Candidate forename
- Candidate ethnicity
- Candidate date of birth

- Candidate gender
- Special need (where a reasonable adjustment may be required)

QFI collects the data above as a third party. Apprentices' data is collected to claim certification where the end-point assessment is passed. QFI also collects data about centre staff and internal verifiers, Independent end-point assessors, and contractors/ consultants and Board members. Contacts details may include name, address, telephone number(s) and email addresses. The Data Map at Annex 3 shows what data is held for whom.

- B.** Obtains data only for specified and lawful purposes, and processes this for the purposes for which it was obtained, and for which the individual has agreed with the data processor.
- Data is used to enable the company to manage the operations of QFI including development of qualifications and the delivery and quality assurance of these through approved centres. Additionally, the delivery of apprenticeship end-point assessments that take place directly from QFI. Data is also used to enable the registration and certification of candidates, including the production of replacement certificates where required.
- C.** Collects data that it is relevant, adequate, and of proportionate.
- The minimum amount of data is collected to enable QFI to operate and to register and certificate candidates and to produce reports for management and the regulatory bodies.
- D.** Makes every effort to ensure that data held is kept up-to-date and will revise records held when informed of any change.
Changes will be made to data held as and when QFI is advised. Contacts details may be reviewed periodically to verify that the information held is accurate. This excludes data which QFI collects as a third party.
- E.** Keeps under review the length of time data is kept for, storing data for specific purposes only and not keeping for longer than deemed necessary.
- Data is retained as long as it serves the function for which it was obtained.
 - Candidate data (qualifications) is retained indefinitely for the purposes of replacement certificates, or verification of achievement
 - Data relating to apprentices held on the ACE360 system will automatically be deleted after six years (note that any replacement certificate required must be requested by the apprentice direct to the Education and Skills Funding Agency (ESFA)).
- F.** Ensures that individuals are aware of the purposes of processing data supplied by them.
- Centres collecting for the purposes of registration and certification are required to inform candidates of how the data supplied will be used
 - Where QFI may be a data controller, data subjects are informed of the purpose of the data collected and any third party that this may be passed to and give them the option to withdraw consent.
- G.** Ensures that electronic systems that store data are secure and restricting access to these.
- Data regarding candidates for qualifications is stored securely on the Quartz database (a Portico product) which is password protected
 - Data regarding apprentices is stored on ACE360 (a FISSS product). This is a password protected system with restricted access and permissions.

Does not to transfer data to anyone including any country or territory outside of the European Economic Area.

2. Privacy Notices

The GDPR includes rules on giving privacy information to data subjects. These are more detailed and specific than in the Data Protection Act (DPA) and place an emphasis on making privacy notices understandable and accessible. The information that QFI provides about processing data is therefore:

- Concise, transparent, intelligible and easily accessible
- Written in clear and plain language
- Free of charge.

QFI complies with the GDPR requirements by ensuring our Privacy Notice includes:

- Identity and contact details of QFI
- Purpose of the processing and the lawful basis for the processing
- The legitimate interests of QFI or third party, where applicable
- Categories of personal data/ any recipient or categories of recipients of the personal data
- Retention period or criteria used to determine the retention period
- The existence of each of data subject's rights
- The right to withdraw consent at any time, where relevant
- The right to lodge a complaint
- The source the personal data originates from and whether it came from publicly accessible sources
- Whether the provision of personal data is part of a statutory or contractual requirement or obligation and possible consequences of failing to provide the personal data
- The existence of automated decision making

See the Privacy Notice at Annex 1. QFI identify the specific purpose of processing the personal data and the legal basis to process the data under:

- consent obtained from the data subject
- performance of a contract where the data subject is a party
- legal obligation that QFI is required to meet
- protect the vital interests of the data subject, including the protection of rights and freedoms
- official authority of QFI or to carry out the processing that is in the public interest
- necessary for the legitimate interests of the data controller or third party, unless the processing is overridden by the vital interests, including rights and freedoms
- national law.

3. Data security breach

Every care is taken to protect personal data from incidents (either accidentally or deliberately) to avoid a data protection breach that could compromise security. Notification of a personal data breach will be made by the Accountable Officer to the supervisory authority.

Data security breaches include both confirmed and suspected incidents. An incident is an event or action which may compromise the confidentiality, integrity or availability of systems or data, either accidentally or deliberately and has caused or has the potential to cause damage to QFI's information assets and/or reputation. An incident includes but is not restricted to, the following:

Technical	Data Corruption; Malware; Corrupt Code; Hacking
Physical	Loss or theft of confidential or sensitive data or equipment on which such data is stored (e.g. loss of laptop; equipment theft or failure; unescorted visitors in secure areas; break-ins to sites; thefts from secure sites; loss in transit/post; unforeseen circumstances such as a fire or flood
Human Resources	Data input errors; non-secure disposal of hardware or paperwork; inappropriate sharing; attempts (failed or successful) to gain unauthorised access to information; unauthorised disclosure of sensitive / confidential data; 'blagging' offences where information is obtained by deceiving the organisation who holds it

QFI will notify data subjects of any breach that may affect them. Notification will include a description of how and when the breach occurred, and the data involved. Clear advice will be given on what they can do to protect themselves and include what action has already been taken to mitigate the risks.

4. Data Portability

Data subjects may exercise their right to data portability and apply to QFI to receive their data in order to reuse or transfer it to other data controllers. Data subjects are entitled to ask:

- For a copy of the personal data they have provided to QFI
- For QFI to transmit the data to another data controller

Within this scope is any personal data concerning the data subject that:

- he/she has provided to the data controller knowingly and actively, or through observations of his/her activities by virtue of the service of QFI; and
- has been processed on the basis of the data subject's consent or a contract to which the data subject is a party.

This procedure will most commonly be used when transmitting data directly to another data controller. This procedure also applies to circumstances when QFI is the "receiving data controller".

QFI is responsible for transmitting the data without hindrance and ensure that it is transmitted with the appropriate level of security with encryption.

Any request is forwarded to the Accountable Officer to ensure that the requested data is provided/transmitted within the timeframe.

Where the data requested concerns a third party, the Accountable Officer reviews whether or not transmitting data to another data controller would cause harm to the rights and freedoms of other data subjects. The data subject identifies the personal data that is to be transmitted or provided for their own use. The Accountable Officer maintains a record of requests for data and of its receipt. QFI will ensure that the personal data transmitted is only that which the data subject has requested.

QFI seek to provide the requested information within **one month** from the request date. If the request is complex, QFI can extend this time frame to (maximum) three months. QFI will inform the data subject of any reasons for the delay.

QFI do not by default accept and process personal data received from another data controller following a personal data request nor does it retain all the data received. QFI only accept and retains data that is necessary and relevant to the service being provided.

Information will be supplied where:

- a request in writing has been made
- the data can be located
- the identity of the applicant can be validated

If QFI fails to act on a data subject's access request within the appropriate timeframe, or refuses the request, it sets out the reasons it took no action/refusal.

5. Monitoring

The implementation of this policy is monitored through internal audits to include Privacy Audits with the objective to ensure compliance with the General Data Protection Regulations (GDPR).

6. Complaints

Data subjects have the right to make a complaint to QFI relating to the processing of their personal data, QFI's handling of requests from data subjects. Complaints should be directed to QFI's Accountable Officer via admin@qfi.org.uk

The Accountable Officer logs all complaints relating to data protection matters and is responsible for their resolution. Data subjects have the right to complain direct to the Information Commissioner's Office (ICO).

7. Requirements of approved centres

Approved centres must have their own data protection policy, the implementation of which may be audited at centre monitoring visits. Guidance for centre policies is included in the Centre Handbook.

PRIVACY NOTICE

Identity and contact details

If you would like to discuss anything in this privacy notice, please contact admin@qfi.org.uk

Purpose of the processing

QFI takes your privacy seriously and will only use your data for the purpose for which it was provided. For candidates including apprentices, QFI collects data as a third party from its approved centres. This allows QFI to provide assessment, quality assurance and certification for successful candidates. QFI also collects information direct in relation to staff, contractors and board members. Staff and contractors are covered by the Human Resources service provided to QFI. All information provided will be treated as confidential and will only be used for the purpose intended and with consent.

What information do we collect?

The sort of information we hold includes personal data; application forms; references; contact details; learner details; centre details including assessors and internal verifiers. If you contact us, we may keep a record of that correspondence.

What do we use personal information for?

We use the information we hold about you to administer the business. This includes the development, quality assurance and monitoring of systems and processes in relation to qualifications. We use learner data to assess, verify, and to issue or claim certificates.

Corrections/Accuracy

We will endeavour to ensure that all personal data held in relation to you is accurate. You must notify QFI of any changes to information held about you.

The lawful basis

QFI will process data for the specific and lawful purpose for which it is collected and not further process the data in a manner incompatible with this purpose.

We collect and use information for general purposes where:

- the data subject has given consent to the processing of his or her personal data for one or more specific purposes
- processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract
- the data subject has given explicit consent to the processing of those personal data for one or more specified purposes.

Categories of personal data

We will ensure that the reason for which it collected the data originally is the only reason for which it processes those data. We will ensure that the data is adequate, relevant and not excessive in relation to the purpose for which it is processed.

Sensitive Personal Data

We may, from time to time, be required to process sensitive personal data. Sensitive personal data include data relating to gender, race, and disability for the purpose of making a reasonable adjustment.

Disclosure to third parties

We will not sell or license your personal information to any third party. However, we may disclose your personal information:

- to any member of QFI
- contractors engaged by us to provide services on our behalf
- to our database supplier
- to the regulatory authorities.

Details of transfers to third country

We will not transfer your personal information to countries outside of the European Economic Area.

Retention period

QFI may retain data for differing periods of time for different purposes.

- Qualification data is held indefinitely for the purpose of replacement certificates
- End-point assessment data is held for 6 years and then is automatically deleted.

Data subject's rights

You have the right to request access to information about you that we hold. You also have the right to:

- object to processing of personal data that is likely to cause, or is causing, damage or distress
- in certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed

If you wish to access your personal data should put their request in writing to admin@qfi.org.uk and we will endeavour to respond to any such written requests as soon as is reasonably practicable and, in any event, within 40 days.

The right to withdraw consent

Withdrawal of consent shall be without effect to the lawfulness of processing based on consent before its withdrawal. Individuals can withdraw their consent at any time. Note that where there are legal or regulatory requirements to hold data for a period of time we may not be able to act on any withdrawal of consent immediately. Candidates will be made aware that withdrawal of consent will impact upon the creation of any replacement certificate or verification of achievement that may be required in the future.

You may withdraw consent at any time by putting your request in writing to QFI who will endeavour to respond to any such written requests as soon as is reasonably practicable and, in any event, within 40 days.

The right to lodge a complaint

If you have a concern about the way we are collecting or using your personal data, we request that you raise your concern with us in the first instance by contacting QFI.

The source of personal data

All personal information provided to us is stored on our secure servers located in the UK.

Statutory or contractual requirements

We will make you aware if we need to collect data for the purpose of statutory or contractual requirements. We will keep this data and use it to enable us to run our business and manage our relationship with you effectively, lawfully and appropriately.

Automated decisions

We do use automated decision making (including profiling).

Websites and cookies

This section applies to anyone accessing QFI website. A cookie is a small file downloaded on to your device when you access QFI website. Cookies allow the website to recognise your device. Session cookies will remember your selections as you browse the site. These cookies are for the browsing session and not stored long term. No personal information is collected by these cookies.

You may delete or control the use of cookies through your browser settings, but this may limit the functionality of the website. The site and our computer systems have security measures in place with the aim of protecting the loss, misuse or alteration of the information 'users' provide to us. To find out more about cookies and what cookies might be stored on your device, visit www.allaboutcookies.org

Consent

Consent is required for QFI to process personal data, but it must be given at the point when this is collected using for example this statement:

I, [data subject name], hereby grant QFI the authority to process my personal data for the purpose of the development and quality assurance of qualifications, and the monitoring of those systems and processes surrounding these activities.

QFI will process data for the specific and lawful purpose for which it is collected and not further process the data in a manner incompatible with this purpose. We will ensure that the reason for which it collected the data originally is the only reason for which it processes those data, unless the individual is informed of any additional processing before it takes place. We will ensure that the data is adequate, relevant and not excessive in relation to the purpose for which it is processed

All information provided will be treated as confidential and will only be used for the purpose intended. I am aware that I may withdraw my consent at any time.

Signed by data subject:..... Date:.....

SUBJECT ACCESS REQUEST

PURPOSE AND SCOPE

Data subjects are entitled to obtain:

- Confirmation as to whether QFI is processing any personal data about that individual
- Access to their personal data and any related information.

1. RESPONSIBILITIES

The Accountable Officer is responsible for the application and effective working of this procedure, and for reporting on Subject Access Requests (SARs).

2. PROCEDURE

SARs are made using a SAR Form. The data subject provides QFI with evidence of their identity and specifies the data held by QFI on the SAR form. QFI seek to provide the requested information to the data subject within **one month** from this recorded date.

Once received the SAR application is forwarded to the Accountable Officer who will ensure the collection of the data which entails:

- Collecting the data specified by the data subject, or
- Searching all databases and electronic systems in QFI, including all back up and archived files and all email folders and archives.
- The Accountable Officer maintains a data map (Annex 3) that identifies where all data in QFI is stored.

The Accountable Officer reviews all documents that have been provided to identify whether any third parties are present in it, and either removes the identifying third party information from the documentation or obtains written consent from the third party for their identity to be revealed.

In the event that a data subject requests QFI to provide them with the personal data stored by the controller/processor, then QFI will provide the data subject with the requested information in electronic format, unless otherwise specified.

In the event that a data subject requests what personal data is being processed then QFI provides the data subject with the following information:

- Purpose of the processing
- Categories of personal data
- Recipient(s) of the information, including recipients in third countries or international organisations
- How long the personal data will be stored
- The data subject's right to request rectification or erasure, restriction or objection, relative to their personal data being processed.

QFI removes personal data from systems and processing operations as soon as a request for erasure has been submitted by the data subject. QFI contacts and communicates with other organisations,

where the personal data of the data subject is being processed, to cease processing information at the request of the data subject. QFI take appropriate measures without undue delay in the event that the data subject has: withdrawn consent; objects to the processing of their personal data in whole or part; no longer under legal obligation and/or has been unlawfully processed.

3. SUBJECT ACCESS REQUEST FORM

The Data Protection Act 1998 and the General Data Protection Regulations provides you ('the Data Subject') with the right to receive a copy of the personal data we hold about you. This form is used to confirm your identity and to assist us in locating your personal data. This form can also be used to confirm the identity and authority of someone making the request on behalf of the Data Subject.

Your request will be processed within **one month** of receipt by us of such information we may reasonably require satisfying ourselves as to your identity and to locate the information sought. A Subject Access Request (SAR) is free of charge. All information disclosed under a SAR is a copy; originals are not provided. A SAR cannot be processed without the subject's (person whose details are being requested) signature.

Section 1: Personal Details of the Data Subject							
Title	Mr		Mrs		Miss		Other
Full Name							
Date of Birth							
Address							
Previous Address is less than 2 years							
Telephone Number							
Email Address							
Section 2: Are you the Data Subject?							
Yes – if yes go straight to section 3	<input type="checkbox"/>						
No	<input type="checkbox"/>						
<p>If you are NOT the Data Subject, you must supply documentary evidence to confirm the Data Subject's authority which supports this request. We must see certified copies - one on which a person able to sign (e.g. Justice of the Peace, solicitor, medical doctor, professional person) has certified that it is a true copy of the original document.</p> <p>A representative is usually a legal company or anyone helping a friend or relative because the data subject is unable to take care of their own matters. Please note the date the authority is signed must be no more than six months older than the date the Subject Access Request is submitted.</p>							
Full name of the person representing the data subject							
Address							
Telephone Number							
Email Address							

Section 3: What documents you must send or produce to confirm the identity and address of the data subject

You must confirm the identity of the Data Subject by sending us a copy* of one of the documents listed below. Please tick the appropriate box to indicate which document you have enclosed. This must be certified by a solicitor; barrister; legal executive; professional person. This should be certified with the words: **“I certify that this is a true likeness of Mr/Mrs/Miss/Ms (full name)” and include the name, date and signature of the person certifying the document.**

If the Data Subject’s name is now different from that shown on the document, you submit to confirm his/her identity, you must also supply documentary evidence* to confirm the Data Subject’s change of name e.g. marriage certificate, change of name deed or statutory declaration.

a) Full valid driving licence	<input type="checkbox"/>
b) Birth certificate or adoption certificate	<input type="checkbox"/>
c) Full valid current passport	<input type="checkbox"/>

Section 4: How do you believe we process the personal data of the Data Subject?

Our search for information relating to the Data Subject will be based on the information provided below. QFI processes personal data for the following purposes. Please tick the boxes next to the purposes that you would like us to search.

Complaints and appeals handling	<input type="checkbox"/>
Information and database administration	<input type="checkbox"/>
HR and employment records	<input type="checkbox"/>
Any other purposes not listed above	<input type="checkbox"/>

Additional Information:

Section 5: Formal declaration

In exercise of the right granted to me under the terms of the Data Protection Act 1998 and the General Data Protection Regulations I request that you provide me with a copy of the personal data about the Data Subject which you process for the purposes I have indicated. I confirm this is all of the personal data to which I am requesting access. I also confirm that I am either the Data Subject or am acting on their behalf. I am aware that it is an offence to unlawfully obtain such personal data, e.g. by impersonating the Data Subject. I certify that the information given in this form is true. I understand that it is necessary for QFI to confirm my/the Data Subject’s identity and it may be necessary to obtain more detailed information in order to confirm my identity and/or locate the correct information.

Signed:		Date:	
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Please make sure you have:

Completed this form in full	<input type="checkbox"/>
Signed the declaration above	<input type="checkbox"/>
Enclosed the relevant documents of identity	<input type="checkbox"/>

Please send this form to: QFI, 93 George Street, Edinburgh EH2 3ES

What happens next? If your request is valid, we will acknowledge your request in writing and provide you with a reference number relating to your SAR. If your request is valid but we are unable to identify you, we will advise you of this and close your request. We will also return your request along with any enclosures. If you have sent us an invalid request, then we will return your request along with any enclosures and advise you why your application has been rejected.

ANNEX 3

DATA MAP

Purpose	Data	What			When		Where
		Type	Source	Basis	Updated	Retention Period	
Registration and certification for qualification/ EPA	Existing/ new candidates	Name Date of Birth Gender Ethnicity Address Reasonable adjustment	Centre	Legitimate interests	As required/ requested	Indefinite (qualification data) 6 years (EPA data)	Quartz ACE360
Centre assessors and IQAs	Details	Name Address CVs Certification	Centre or individual	Contract	As required/ requested	Indefinite	Quartz
Governance and oversight of the company	Board members	Name Telephone Email	Individual	Consent	As required/ requested	Whilst in service to the Board	Secure area on SharePoint

[End of policy]