

Data sharing agreement with employers of work-based learners and students

References to 'the college' mean

Exeter College Further Education Corporation
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Responsible person for data protection

The name of the Data Protection Officer (DPO) is Richard Brine
The DPO can be contacted via www.exe-coll.ac.uk/dataprotection or using number above or by email to DPO@exe-coll.ac.uk.

'Personal data' means

Any information relating to a natural person (the data subject) who can be identified, directly or indirectly, by reference to an identifier such as a name, identification number or one more other factors.

Some personal information falls into the 'special categories'. These include: race, ethnic origin, politics, religion, trade union membership, genetics, biometric data, health, sex life, sexual orientation.

'Processing' means

Processing means collecting, recording, structuring, storing, amending, retrieving, consulting, using, disclosing, sharing and securely destroying data.

'Data controller' means

A data controller is a person or organisation who (either alone or jointly or in common with others) determines the purposes for which and the manner in which any personal data are, or are to be, processed.

'Data processor' means

Data processor, in relation to personal data, means any person (other than an employee of the data controller) who processes the data on behalf of the data controller.

Respective roles for data protection purposes

For the purposes of protecting the personal data of individuals who study at the college and are sponsored to do so by an employer, the college considers itself to be a joint data controller alongside the employer.

Privacy information for data subjects

Data subjects are provided with the privacy information at: www.exe-coll.ac.uk/dataprotection

The college's agreement with joint data controllers

The college makes the following commitments to employers who share with the college information about their employees:

Such information will be processed only where the college has an applicable lawful basis for doing so

Processing will be restricted to that required to ensure that each learner receives effective education and pastoral care

The information processed may include identity, educational attainment, employment and financial information. Health and other special category data will be processed only for reasons of legal obligation or the protection of the data subject or other people.

As joint data controllers, the college will manage all personal data provided by employers according to the terms of its data protection policy thus applying the same standards of custodianship and security to all personal data processed by the college. Employers will ensure that their processing of personal data shared with or by the college is subject to technical and organisational controls no less effective than those applied by the college. In particular, the college and each employer will ensure that:

- the processing of jointly controlled data will be restricted to that required explicitly or implicitly by the contract to deliver learning
- people processing the data are subject to a duty of confidence
- processing is subject to appropriate security
- the data will not be shared with a sub-processor other than those mentioned in the privacy notice above without the prior consent of the original data controller.

Where the use of such a sub-processor by either party is agreed, the following conditions will apply:

- either party will assist the other in providing subject access and enabling data subjects to exercise their rights under the GDPR
- both parties meet the GDPR obligations in relation to the security of processing, the notification of personal data breaches and data protection impact assessments
- subject to any overriding lawful reason, both parties must delete or return all personal data to the original controller as requested at the end of the contract
- both parties must submit to audits and inspections to provide assurance that they are meeting their Article 28 obligations
- either party must immediately advise the other if it identifies an actual or potential data breach or infringement of data protection law
- both parties will co-operate with the ICO in accordance with relevant data protection law.

The college's organisational and technical measures

The college's data protection and information security policies are available at www.execoll.ac.uk/dataprotection.

The college's contracts of employment and staff code of conduct place obligations of confidentiality on each and every employee.

The college provides training for every employee with access to personal data.

The college employs internal auditors to review its data protection compliance and information security practice.

The college maintains the following cyber security accreditations:

- Cyber Essentials
- Cyber Essentials Plus
- IASME