



# Privacy Notice

**August 2023**

Pathway First Ltd (and its associated branded services such as Pathway Group, Pathway Skills Zone, Lavish Nails, Logistic Training Solutions, LTS, Engineering Futures, Pathway College, TCI Pathway, Pathways Advantage, Guild of Make-up Artists, Guild of Nail Technicians, Lavish Nails and Beauty Training, Pathway 2 Work, Pathway Progression Plus, The Alliance of High-Speed Rail Engineering, Academy of Business and Management) have revised our data protection and related policies to take account of the Data Protection Act 2018 as amended on 01 January 2021 by regulations under the European Union (Withdrawal) Act 2018 reflecting the UK's status outside the EU.

The Data Protection Act 2018 sets out the framework for data protection law in the UK and is the UK's implementation of the General Data Protection Regulation (GDPR).

Pathway First Ltd are a data controller for personal data processed by Pathway First Ltd and other third parties contracted to process data on our behalf. We may also process data as a data processor on the instructions of any third parties under relevant agreements or for statutory purposes.

Pathway First Ltd's Data Protection Registration can be viewed on the Information Commissioner's Office Data Protection Public Register, our registration number is: Z8597622

## Changes to this Privacy Notice

Pathway First Ltd have updated its data protection and related policies, combining them in one document "*Data Protection, GDPR, IT Security, Data Retention and Disposal Policy*" in order to ensure that our policy and procedures are consistent, straight forward and in compliance with the Data Protection Act 2018 and any changes made as a result of the UK's exit from the EU.

The company may amend this Privacy Notice from time to time. If we make any substantial changes in the way, we use your personal information we will make that information available by amending this notice.

We have included a "*GDPR Summary of Key Facts*" below and this Notice refers to the terms used therein.

Pathway First Ltd continues to train our staff in its responsibilities when handling personal data.

## Children and privacy

The Company does not knowingly solicit personal information from children under the age of 13 or send them requests for personal information.



## Security

The security of the company's systems which process and store data are regularly reviewed, assessed and checked in line with GDPR requirements for the evaluation of the effectiveness of the security measures we have in place.

Data is securely deleted when it is no longer required.

## Rights of the Data Subject

The law requires Pathway First Ltd in its capacity of the data controller and data processor to provide you, the data subject, with Individual Rights (See *GDPR Summary of Key Facts*).

We will only ask you to provide personal information to us voluntarily, that is with your consent. However, without providing us with your personal information, you may not be able to undertake funded or other educational provision with us.

Under certain circumstances, you have rights under data protection laws in relation to your personal data. Please click on the links below to find out more about these rights:

- Request access to your personal data.
- Request correction of your personal data.
- Request erasure of your personal data.
- Object to the processing of your personal data.
- Request restriction of processing your personal data.
- Request transfer of your personal data.
- Right to withdraw consent.

If you wish to exercise any of the rights set out above, please Contact us.

## No fee usually required

You will not have to pay a fee to access your personal data (or to exercise any of the other rights). However, we may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive. Alternatively, we may refuse to comply with your request in these circumstances.

## What we may need from you

We may need to request specific information from you to help us confirm your identity and ensure your right to access your personal data (or to exercise any of your other rights). This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up our response.

## Time limit to respond

We try to respond to all legitimate requests within one month. Occasionally it may take us longer than a month if your request is particularly complex or you have made a number of requests. In this case, we will notify you and keep you updated.



Where you request any information held on our systems about you, we aim to provide it free and within 30 working days of such written request being received by us.

However, we may charge for additional copies. We will only charge a fee or refuse such request if in our reasonable opinion the request is 'manifestly unfounded or excessive' or it contains information about other individuals. If so, we may ask for a reasonable fee for administrative costs associated with the request.

### **Freedom of Information Act policy**

This section aims to set out the obligations of the Commission to comply with the Freedom of Information Act (FOIA) 2000.

The Freedom of Information Act gives people the right to request, in writing, information from public authorities. It is intended to promote a culture of openness and accountability amongst public sector bodies, and therefore facilitate better public understanding of how public authorities carry out their duties, why they make the decisions they do, and how they spend public money.

You can make a request under the Freedom of Information Act in a number of ways as outlined below.

### **Questions or concerns about personal data**

If you have any questions or concerns about our collection, use, or disclosure of your personal information, please write to the Pathway Group, Data Protection Officer, Amington House, 95 Amington Road, Tyseley, Birmingham, B25 8EP or by email to: [DPO@pathwaygroup.co.uk](mailto:DPO@pathwaygroup.co.uk)

### **Data Collection & Sharing**

Pathway First Ltd only collects and/or processes data in compliance with a Lawful Basis while adhering to the Fundamental Principles as set out in the *GDPR Summary of Key Facts*.

Our Lawful Basis are:

- Consent – where you have given your consent for us to use personal information in a certain way, for example to access funded educational provision.
- Performance of a Contract - where necessary for the performance of a contract to which you are a party or to take steps at your request prior to entering a contract, for example in order to register you with an Awarding Organisation in order to achieve a regulated qualification and certification.
- Compliance with a legal obligation - where necessary so that we can comply with a legal obligation to which we are subject, for example where we are obliged to share an individuals personal information with government agencies in relation to employment law, funded educational provision or to ensure safe recruitment decisions are made for the safeguarding of children and of individuals at risk.
- Performance of task carried out in the public interest – for example for the purposes of identifying or keeping under review the existence or absence of equality of opportunity or treatment between groups of people specified in relation to funded educational provision.
- Legitimate interests - that is in the interests of running of Pathway First Ltd as a commercial entity, for example in ensuring that appropriate levels of accredited awards or other recognition of achievement are granted in line regulatory or other stakeholder requirement.

Where we share data with a third party who undertakes work for us, we require that the sharing is undertaken under contract and is subject to a data sharing agreement, specifying the secure management of the data. Data might also be shared with other bodies, as informed to learners, for the purposes of those organisations fulfilling their own lawful purposes. Such sharing is undertaken using a standard data sharing agreement for specified legitimate and restricted purposes.

In the event that a third party is unable to continue the delivery of training or provision of any other such services under a contract with Pathway First Ltd (for example, where a training provider is a limited company that is dissolved,) Pathway First Ltd will endeavour to make arrangements for secure transfer of information, including the learner's personal data, from the former training provider in order to support the learner in their continued learning.

The data Pathway First Ltd collects enables effective delivery of training, educational provision and apprenticeship programmes to Learners both online and face to face.

## Controller

Pathway First Ltd. is the controller and responsible for your personal data (collectively referred to as Pathway First, "we", "us" or "our" in this privacy notice).

We have appointed a data protection Officer (DPO) who is responsible for overseeing questions in relation to this privacy notice. If you have any questions about this privacy notice, including any requests to exercise your legal rights, please contact the DPO using the details set out below.

Pathway Group, Data Protection Officer, Amington House, 95 Amington Road, Tyseley, Birmingham, B25 8EP or by email to: [DPO@pathwaygroup.co.uk](mailto:DPO@pathwaygroup.co.uk)

## THE DATA WE COLLECT ABOUT YOU

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

We may collect, use, store and transfer different kinds of personal data about you which we have grouped together follows:

- **Identity Data** includes first name, maiden name, last name, username or similar identifier, marital status, title, date of birth and gender.
- **Contact Data** includes billing address, delivery address, email address and telephone numbers.
- **Financial Data** includes bank account and payment card details.
- **Transaction Data** includes details about payments to and from you and other details of products and services you have purchased from us.
- **Technical Data** includes internet protocol (IP) address, your login data, browser type and version, time zone setting and location, browser plug-in types and versions, operating system and platform and other technology on the devices you use to access this website.
- **Profile Data** includes your username and password, purchases or orders made by you, your interests, preferences, feedback and survey responses.



- **Usage Data** includes information about how you use our website, products and services.
- **Marketing and Communications Data** includes your preferences in receiving marketing from us and our third parties and your communication preferences.
- **Course Information and Tracking** includes your course joining information, course progress, course achievement and destination data

We also collect, use and share Aggregated Data such as statistical or demographic data for any purpose. Aggregated Data may be derived from your personal data but is not considered personal data in law as this data does not directly or indirectly reveal your identity. For example, we may aggregate your Usage Data to calculate the percentage of users accessing a specific website feature. However, if we combine or connect Aggregated Data with your personal data so that it can directly or indirectly identify you, we treat the combined data as personal data which will be used in accordance with this privacy notice.

#### **Types of information we ask for can include:**

- When you visit our website or our virtual learning environment
- The type of devices you have access to
- Your name, age or date of birth
- Your contact details including address, email address and telephone numbers
- National Insurance Number
- Your ethnicity or national origin
- Emergency contact or next of kin details
- Educational achievements
- Employment history
- Health information
- Support needs
- Your learning progress information and learning portfolio
- Communication between yourself and The Pathway Group including Preferences and interests
- When you visit our premises, for example, where CCTV is used.

## **If you fail to provide personal data**

Where we need to collect personal data by law, or under the terms of a contract we have with you and you fail to provide that data when requested, we may not be able to perform the contract we have or are trying to enter into with you (for example, to provide you with goods or services). In this case, we may have to cancel a product or service you have with us but we will notify you if this is the case at the time.

#### **What do we use the data for?**

We use the information collected from you for enrolment and engagement through to completion of training programmes as well ensure your programme of learning is funded.

We may contact you requesting evaluation and feedback throughout the course of your programme and for up to 24 months following completion of your programme as well as recording any positive outcome as a result of the training you have completed, e.g. securing employment.



We will use your information to ensure we protect your health, safety and welfare throughout your journey with us.

We will use your information for our own internal record keeping.

## HOW IS YOUR PERSONAL DATA COLLECTED

We use different methods to collect data from and about you including through:

Direct interactions. You may give us your Identity, Contact and Financial Data by filling in forms or by corresponding with us by post, phone, email or otherwise.

- apply for our products or services;
- create an account on our website;
- subscribe to our service or publications;
- information required for the delivery of a course or service;
- request marketing to be sent to you;
- enter a competition, promotion or survey; or
- give us some feedback.

Automated technologies or interactions. As you interact with our website, we may automatically collect Technical Data about your equipment, browsing actions and patterns. We collect this personal data by using cookies, server logs and other similar technologies. We may also receive Technical Data about you if you visit other websites employing our cookies. Please see our cookie policy for further details.

Third parties or publicly available sources. We may receive personal data about you from various third parties and public sources as set out below:

- Technical Data from the following parties:
  - analytics providers such as Google based outside the EU;
- Contact, Financial and Transaction Data from providers of technical, payment and delivery services based inside OR outside the EU.
  - Identity and Contact Data from publicly available sources such as Companies House and the Electoral Register based inside the EU.

## Who do we share the data with?

The data is used by the Pathway First Ltd and third parties acting under a contract with the Company to perform statutory functions as set out in the Apprenticeships, Skills, Children and Learning Act 2009 and for the exercise of functions of the Crown, a Minister of the Crown or that government department or for any such lawful purpose.

Information provided by learners may be shared with other organisations for purposes of administration, the provision of career and other guidance and statistical and research purposes, relating to education, training, employment and well-being. Other organisations include the Department for Works and Pensions, Local and Combined Authorities in England, the Greater London Authority, educational institutions and organisations performing research and statistical work on behalf of the Department for Education, or partners of those organisations and carefully selected partner organisations.

The learner data processed by Pathway First Ltd is known as the Individualised Learner Record (ILR). This personal data is used by the Education and Skills Funding Agency (ESFA) to issue learners with a Unique Learner Number (ULN), and to create and maintain the Personal Learning Record. Information held in the Personal Learning Record is shared with





third parties such as providers of learning. Further details of how this personal data is processed for these purposes are published for the Learning Records Service.

We may also share this data with potential employers, auditors and other regulatory bodies such as OFSTED, and parents and guardians where applicable.

## Marketing

We strive to provide you with choices regarding certain personal data uses, particularly around marketing and advertising:

### Promotional offers from us

We may use your Identity, Contact, Technical, Usage and Profile Data to form a view on what we think you may want or need, or what may be of interest to you. This is how we decide which products, services and offers may be relevant for you (we call this marketing).

You will receive marketing communications from us if you have requested information from us or purchased services from us or if you provided us with your details when you entered a competition or registered for a promotion and, in each case, you have not opted out of receiving that marketing.

### Third-party marketing

We will get your express opt-in consent before we share your personal data with any company outside the Pathway group of companies for marketing purposes.

### Opting out

You can ask us or third parties to stop sending you marketing messages at any time by emailing [dpo@pathwaygroup.co.uk](mailto:dpo@pathwaygroup.co.uk)

Where you opt out of receiving these marketing messages, this will not apply to personal data provided to us as a result of a service purchase, service experience or other transactions.

### Change of purpose

We will only use your personal data for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If you wish to get an explanation as to how the processing for the new purpose is compatible with the original purpose, please Contact us.

If we need to use your personal data for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your personal data without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.



## **DATA RETENTION**

### **How long will you use my personal data for?**

We will only retain your personal data for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements.

To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

Details of retention periods for different aspects of your personal data are available in our retention policy which you can request from us by Contacting us.

### **OR**

By law, we have to keep basic information about our customers (including Contact, Identity, Financial and Transaction Data) for six years after they cease being customers for tax purposes.

In some circumstances you can ask us to delete your data: see Request erasure below for further information.

In some circumstances, we may anonymise your personal data (so that it can no longer be associated with you) for research or statistical purposes in which case we may use this information indefinitely without further notice to you.

### **Registering for Training, Education and Apprenticeships**

Individuals can apply for and be kept informed of training, education, apprenticeship or other educational provision opportunities with Pathway First Ltd. Personal data is also processed to match registered candidates to vacancies including for those with employers or providers offering interviews. Pathway First Ltd may act on behalf of employers to sift and shortlist candidates for interview that meet the criteria set by the employer. This enables us to deliver the training or support programmes and to search for apprenticeship vacancies or other educational provision and pass details on to other partner organisations for the purpose of providing careers advice and guidance.



## GDPR – SUMMARY OF KEY FACTS

Purpose	<ul style="list-style-type: none"> <li>The GDPR provides privacy for individuals and gives powers to regulatory authorities to take action against data controllers and data processors who don't comply with it.</li> </ul>
Penalties	<ul style="list-style-type: none"> <li>Fines of up to 4% of annual worldwide turnover or £17.5M for non-compliance with GDPR and/or with the ICO</li> </ul>
Wider Scope	<ul style="list-style-type: none"> <li>Applies to all organisations worldwide who provide goods or services to individuals within the UK or who monitor their behaviour.</li> <li>Data Processors have direct regulation obligations to fulfil</li> <li>Special categories of data are defined with additional rules</li> </ul>
Individual Rights	<ul style="list-style-type: none"> <li>The right to be informed</li> <li>The right of access</li> <li>The right to rectification</li> <li>The right to erasure</li> <li>The right to restrict processing</li> <li>The right to data portability</li> <li>The right to object</li> <li>Rights in relation to automated decision making and profiling.</li> </ul>
Fundamental Principles	<ul style="list-style-type: none"> <li>Lawfulness, fairness and transparency - Personal data is processed fairly and lawfully</li> <li>Purpose limitation - Personal data is obtained for one or more specified and lawful purpose(s) and is not be further processed in a manner incompatible with that purpose(s)</li> <li>Data minimisation - Personal data will be adequate, relevant and not excessive in relation to those purposes</li> <li>Accuracy - Personal data will be accurate and where necessary kept up-to-date</li> <li>Storage limitation - Personal data will not be kept for longer than is necessary for that purpose</li> <li>Integrity and confidentiality (security) - Personal data will be processed in accordance with the rights of the data subject under the DPA</li> <li>Accountability - Appropriate technical and organisational measures will be taken against unauthorised or unlawful processing of personal data and against accidental loss destruction or damage</li> </ul>
Data Controllers	<ul style="list-style-type: none"> <li>Need to be able to demonstrate compliance</li> <li>Appointment of Data Protection Officer</li> <li>Mandatory Privacy Impact Assessments</li> <li>Privacy by design and default</li> <li>Data breaches must be reported within 72 hours of the Data Controller becoming aware of it</li> </ul>
Supervisory Body	<ul style="list-style-type: none"> <li>The Information Commissioners Office (ICO) is the supervisory body in the UK</li> </ul>