

## Construction Helpline

### 11 – General Data Protection (GDPR) Policy

#### Version 4

##### General Data Protection Regulation Policy

###### Executive Summary

Construction Helpline Ltd are required to keep certain information about its employees, learners, and other users to allow it to monitor performance, achievements and health and safety for example. It is also necessary for CHL to process this information so that staff can be recruited and paid, courses organised and legal obligations to funding bodies and government agencies is complied with. To meet our statutory obligations as both a Processor and Controller, information must be collected and used fairly, stored safely and not disclosed to others unlawfully. To do this, Construction Helpline Ltd must comply with the General Data Protection Regulation Principles which are set out in the General Data Regulation Protection Act and other relevant legislation.

Every organisation or sole trader who processes personal information needs to pay a data protection fee to the Information Commissioner's Office (ICO) and we can confirm that Construction Helpline Ltd is registered with the Information Commissioner's Office (ICO). Registration number: **ZA205824**

In summary these regulations state that personal data shall be:

- Obtained and processed fairly and lawfully and shall not be processed unless certain conditions are met.
- Obtained for a specified and lawful purpose and shall not be processed in any manner incompatible with that purpose.
- Adequate, relevant, and not excessive for those purposes.
- Accurate and kept up to date.
- Not kept for longer than is necessary for that purpose.
- Processed in accordance with the data subject's rights.
- Keep safe from unauthorised access, accidental loss, or destruction.

All staff or others who process or use any personal information must ensure that they follow these principles at all times. In order to ensure that this happens, Construction Helpline Ltd has developed its own General Data Protection Regulation Policy.

##### General Data Protection Regulation Policy

###### Definitions

The legislation uses particular definitions, which are also used in the General Data Protection Regulation Policy. These are set out below:

###### Controller

Determines the purpose and means of processing and handling personal data.

###### Processor

Are responsible for processing personal data on behalf of the Controller, maintaining records and data where necessary.

## **Data**

Any information which will be, or which is being used or “processed” by a computerised system, or which is recorded with the intent that it will be processed in this way will be “data” for the purpose of the Act. In addition, any information kept as part of a “relevant filing system” will be “data”. Relevant filing system refers to any paper or manual filing system which is structured so that information about an individual is accessible. This may include personnel records, learner personal details, individual learning plans, registers or any other information collected with the intention that it will be filed in such a system. Data can be written, typed and photographic or voice recordings.

## **Personal Data**

This information about a living individual, who is identifiable by the information, or who can be identified by the information combined with other data, which Construction Helpline Ltd may use currently or in the future. For example, application forms marked with a number are not identifiable but put together with a list of names and said numbers will be. Personnel data will include home addresses, names, date of birth, ethnic origin, and details of sickness absence.

## **Sensitive Data**

Includes information about a person’s religion or creed, gender, trade union membership, political beliefs, sex life or sexuality, health, or criminal record.

## **Processing**

Accessing, altering, adding to, changing, disclosing, or merging any data will be processing for the purpose of the General Data Protection Regulation Act.

## **Status of the Policy**

It is a condition of employment that employees will abide by the rules and policies made by Construction Helpline Ltd which may be varied from time to time. Is it the responsibility of the individual members of staff to ensure that they keep themselves informed of policies and procedures? Any failures to follow the policy may result in disciplinary proceedings. Any member of staff that considers that the policy has not been followed in respect of personal data about themselves, should raise the matter with a Director initially.

## **Notification of Data Held and Processed**

All staff, learners and other users are entitled to:

- opt out of specific data being held anywhere.
- The right to request erasure of all data.
- Know what information Construction Helpline Ltd holds and processes about them and why.
- How to gain access to it.
- Know how to keep it up to date.
- Know what Construction Helpline Ltd do to comply with its obligations under the GDPR Act.

Construction Helpline Ltd will therefore provide all staff and learners and other relevant users with a standard form of notification, on written request. This will state the types of data we hold and process about them and the reasons for which it is processed.

## **Responsibilities of Staff**

All staff are responsible for:

- Checking that any information that they provide to CHL in connection with their employment is accurate and up to date.

- Informing CHL of any changes to information, which they have provided, i.e. change of address or surname.
- Checking the information that CHL will send out from time to time, giving details of information kept and processed about staff.
- Informing CHL of any errors or changes. We cannot be held responsible for any errors unless the staff member has informed CHL managers.

If and when, as part of their responsibilities, staff collects information about other people, (i.e. about students' course work, opinions about ability, references, or details of personal circumstances), they must comply with the guidelines for staff, which are at Appendix 1.

### **Data Security**

All staff are responsible for ensuring that:

- Any personal data which they hold is kept securely.
- Personal information is not disclosed either orally or in writing or accidentally or otherwise to any unauthorised third party.
- Staff should note that unauthorised disclosure will usually be a disciplinary matter, a fine will be issued by the governing body and may be considered gross misconduct in some cases

Personal information should be:

- Kept in a locked filing cabinet, or in a locked drawer.
- If it is computerised, be password protected.
- Kept only on disk, memory stick which is itself kept securely and password protected.
- If transferred electronically this should be through an encrypted file that is password protected.

### **Learner Obligations**

Learners must ensure that all personal data provided to CHL is accurate and up to date. They must ensure that changes of addresses, etc. are notified to the Admin Team as appropriate.

### **Rights to Access Information**

Staff, learners, and other users of CHL have the right to access any personal data this is being kept about them either on computer or manually filed. Any person who wishes to exercise this right should make their request in writing to the Director. We will endeavour to respond to these requests as quickly as possible, but no longer than 30 days.

### **Subject Consent**

CHL will only process personal data with the consent of the individual. In some cases, if the data is sensitive, **express consent** must be obtained. Agreement to us processing some specified classes of personal data is a condition of acceptance of a learner onto a course and a condition of employment for staff. This includes information about previous criminal convictions.

CHL will also ask for information about specific health, learning or social needs, this information will only be used to protect the individual and others around them.

### **Processing Sensitive Information**

Sometimes it is necessary to process information about a person's health, criminal convictions, race and gender and family details. This may be to ensure that CHL is a safe place for everyone, or to operate other policies, such as sick pay, equal opportunities. As this information is considered sensitive, and it is recognised that the processing of it may cause particular concern or distress to individuals, staff or learners will be asked to give consent us to do so. Offers of employment or course places may be withdrawn if an individual refuses this, without good reason, for

example, Safeguarding.

### **The Data Controller**

CHL have appointed Rabia Mumtaz as our data controller under the Act. As our designated data controller Rabia will deal with day-to-day matters and she should be contacted in the first instance with any queries or requests.

### **Learner Assessment & Examinations**

Learners will be entitled to information about their outcomes for knowledge based and examinations, although this may take longer than other information provided, we may choose to withhold this request if equipment, books are not returned, or any fees remain unpaid.

### **Retention of Data**

CHL will keep some forms of information longer than others, depending on the source of funding and government rules, information about learners will not be kept indefinitely, unless specifically requested to do so. In general information about learners will be kept for 10 years after they complete with us. This will include:

- Name and address
- Framework / Standard outcomes
- Copies of any references received and/or written

CHL need to keep information about staff for longer periods of time. In general, all information will be kept for 5 years after a member of staff leaves. Some information, however, will be kept for much longer. This will include information regarding pensions, taxation, potential or current disputes or litigation regarding the employment and information required for job references.

At Construction Helpline, we are committed to protecting your personal data in line with the Data (Use and Access) Act 2025. This updated legislation ensures your rights are respected while allowing us to serve you more efficiently. When you request access to your data—such as training records or booking history—we will respond in a way that is reasonable and proportionate. If any decisions about your course eligibility or certification are made using automated systems, you'll have the right to challenge them or request a human review. If you've previously used our services or expressed interest in construction training, we may send you relevant updates or offers unless you choose to opt out. Some website cookies used for essential functions or performance insights may no longer require consent, but you can still object if you wish. In certain cases, your data may be used for archiving or compliance purposes, and exemptions may apply for national security. These changes help us support your career in construction while keeping your data rights front and centre.

### **Conclusion**

Compliance with the 2018 General Data Protection Regulation Act is the responsibility of all staff of CHL. Any deliberate breach of this policy may lead to disciplinary action begin taken or access to facilities within CHL being withdrawn, a fine by the ICO or a criminal prosecution. Any questions or concerns about the interpretation or operation of this policy should be taken up with the Director.

## **Appendix 1**

### **Staff Guidelines for GDPR**

1. The majority of staff will process data about learners on a regular basis, when marking registers, portfolio and knowledge base, observations, progress reviews, individual learning plans, funding returns or as a tutorial or supervisory role. The information that staff deal with on a day-to-day basis is likely to include:
  - General personal data such as name and address.

- Details about attendance to workshops and tutorials including grades etc.
  - Notes of personal supervision, including matters about behaviour and discipline.
2. Information about a learners physical or mental health; sexual life; political or religious views; trade union membership or ethnicity or race is sensitive and can only be collected and processed with the learners' consent. Recording information about dietary needs, for religious or health reasons prior to taking learners on a trip; recording information that a learner is pregnant, as part of tutorial duties.
  3. All staff have a duty to make sure that they comply with the GDPR principles, which are set out in the General Data Protection Regulations. In particular staff must ensure that records are:
    - Accurate
    - Up to date
    - Fair
    - Kept and disposed of safely, and in accordance with CHL policy
    - The Admin team are authorised staff and are not restricted when handling and processing sensitive data.

We must also take care to ensure that, when data subjects advise us of changes to or errors in the data currently being held by CHL, amendments are made as quickly as is reasonably practicable.

4. Authorised staff will be responsible for ensuring that data is kept securely.
5. Staff must not disclose personal data to any learners, unless for normal academic reasons or tutorial purposes, without authorisation or agreement from a member of the Directorate or in line with CHL policy.
6. Staff shall not disclose personal data to any other staff member expect with the authorisation or agreement of a member of Directorate or in line with CHL policy.

## **Appendix 2**

### **In compliance with the General Data Protection Regulation (GDPR)**

*(To be explained to the candidate by the tutor before any personal data is collected, copy to be retained in candidate's portfolio NOTE: the candidate does not wish to sign, registration will not be completed)*

#### **Data Subject Rights.**

When Construction Helpline Ltd (CHL)

1. The centre will only collect the minimum amount of personal information from you.
2. This information will be required by:
  - a) the awarding bodies (those who issue the qualification)
  - b) the assessors/tutors that are responsible for your learning
  - c) the administration staff within the centre who are tasked with registering and awarding qualification notifications to the awarding body
  - d) where relevant, any third party who has a vested and authorised reason to ask for such data, e.g. Ofsted
  - e) the centre will use this information to inform you of their services.

3. The centre will not provide any persons' personal details to any other party.
4. If you do not wish your personal details to be used by the centre, please inform your tutor who will arrange with our data controller to have your details removed from our data base. Please note in some cases if you do not wish your personal data to be used, we will not be able to enrol you on a training programme.
5. Your information will be stored securely by the centre only for the minimum amount of time requested by those bodies listed in Point #2; after such time it will be deleted.
6. You can request relevant information relating to GDPR and the centre will provide this to you free of charge within one month, or two months if the request is complex.
7. The centre uses SQA as an awarding body and you are entitled to review their Privacy Statement that can be found online.

Signed: ..... Date: .....

I (the candidate) do consent to my personal data being used by the centre and that it was freely given, specific in content, informed and unambiguous.

Signed: ..... Date: .....

I (the tutor/teacher/reviewer) have informed and discussed with the candidate each of the 7 points listed above.

### **Appendix 3**

#### **ILR Privacy Notice 2023 to 2024 version 1 May 2023**

[guidance.submit-learner-data.service.gov.uk/23-24/ilr/ilrprivacynotice](https://guidance.submit-learner-data.service.gov.uk/23-24/ilr/ilrprivacynotice)

#### **Privacy Notice**

**Training providers should ensure that all learners have seen this privacy notice as part of their enrolment process.**  
*(Some providers have this at the top of their enrolment forms and also on their websites application pages)*

#### **ILR Privacy Notice 2023 to 2024 version 1 May 2023**

#### **Privacy Notice**

**Training providers should ensure that all learners have seen this privacy notice as part of their enrolment process.**

This privacy notice is issued by the Education and Skills Funding Agency (ESFA) on behalf of the Secretary of State for the Department of Education (DfE) to inform learners about the Individualised Learner Record (ILR) and how their personal information is used in the ILR. Your personal information is used by the DfE to exercise our functions under article 6(1)(e) of the UK GDPR and to meet our statutory responsibilities, including under the Apprenticeships, Skills, Children and Learning Act 2009. Our lawful basis for using your special category personal data is covered under CHL GDPR Policy 2025

Substantial Public Interest based in law (Article 9(2)(g)) of GDPR legislation. This processing is under Section 54 of the Further and Higher Education Act (1992).

The ILR collects data about learners and learning undertaken. Publicly funded colleges, training organisations, local authorities, and employers (FE providers) must collect and return the data to the ESFA each year under the terms of a funding agreement, contract or grant agreement. It helps ensure that public money distributed through the ESFA is being spent in line with government targets. It is also used for education, training, employment, and well-being purposes, including research.

We retain your ILR learner data for 20 years for operational purposes (e.g. to fund your learning and to publish official statistics). Your personal data is then retained in our research databases until you are aged 80 years so that it can be used for long-term research purposes. For more information about the ILR and the data collected, please see the ILR specification at <https://www.gov.uk/government/collections/individualised-learner-record-ilr>

ILR data is shared with third parties where it complies with DfE data sharing procedures and where the law allows it. The DfE and the English European Social Fund (ESF) Managing Authority (or agents acting on their behalf) may contact learners to carry out research and evaluation to inform the effectiveness of training.

For more information about how your personal data is used and your individual rights, please see the DfE Personal Information Charter ( <https://www.gov.uk/government/organisations/department-for-education/about/personal-information-charter> ) and the DfE Privacy Notice ( <https://www.gov.uk/government/publications/privacy-notice-for-key-stage-5-and-adult-education> )

If you would like to get in touch with us or request a copy of the personal information DfE holds about you, you can contact the DfE in the following ways:

- Using our online contact form [https://form.education.gov.uk/service/Contact the Department for Education](https://form.education.gov.uk/service/Contact_the_Department_for_Education)
- By telephoning the DfE Helpline on 0370 000 2288
- Or in writing to: Data Protection Officer, Department for Education (B2.28), 7 & 8 Wellington Place, Wellington Street, Leeds, LS1 4AW

If you are unhappy with how we have used your personal data, you can complain to the Information Commissioner's Office (ICO) at:

Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. You can also call their helpline on 0303 123 1113 or visit <https://www.ico.org.uk>

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