

City & Guilds Group Data Protection FAQs

THE GENERAL DATA PROTECTION REGULATION

What is the GDPR?

The General Data Protection Regulation (**GDPR**) is a European Regulation intended to reform, modernise and harmonise European data protection law. The GDPR replaces the European Data Protection Directive 1995.

What is the Data Protection Act?

The UK Data Protection Act 1998 is the current UK law which governs the processing of personal data.

The Data Protection Act 1998 is due to be replaced in 2018. The UK Data Protection Bill (**Bill**) was published on 14 September 2017. Once law, it will replace the DPA. The aim of the Bill is to set new standards for the protection of personal data in accordance with the GDPR, and to provide context to the application of the GDPR in the UK.

Who does the GDPR affect?

The GDPR applies to organisations located within the European Union (EU), and to organisations located outside of the EU, if they offer goods or services to, or monitor the behaviour of, EU data subjects.

It applies to the processing of the personal data of data subjects residing in the EU, regardless of where the organisation processing the data is located. It also applies to the processing of personal data of data subjects that do not reside in the EU where their data is processed in the EU.

This means that the GDPR will affect City & Guilds Group' offices located outside of the EU if they are processing the personal data of EU data subjects.

When will the GDPR come into effect?

The GDPR was approved and adopted by the EU Parliament in April 2016. The GDPR will take effect after a two-year transition period, on 25 May 2018.

Unlike a Directive, a Regulation does not require any enabling legislation to be passed by Government.

What are the key definitions in the GDPR that I should be aware of?

Personal Data: any information relating to an individual that may identify that individual (data subject) such as a name, email address, telephone number, employee or enrolment number, licence plate etc.

Special Categories of Personal Data: personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the

processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation.

Data Controller: determines the purposes and means of processing personal data.

Data Processor: is responsible for processing personal data on behalf of a controller.

What are the key changes implemented by the GDPR?

Harmonisation: a single set of rules that apply across all EU member states.

Explicit consent: the conditions for consent are significantly strengthened. Consent cannot be inferred, and data subjects have the right to withdraw consent at any time.

Increased rights: data subjects will have new rights, such as the right to be forgotten, the right to have personal data corrected, and the right to make subject access requests free of charge.

Increased information: organisations will be required to provide clear and concise information to data subjects, such as the purpose and legal basis of processing, how long data will be retained, and any transfer outside the EU.

Notification of breach: Data breach notifications must be reported to the relevant data protection authority within 72 hours of awareness, and also to the individual when there is a high risk to the individual concerned.

Increased accountability: data controllers and data processors are required to map processing of personal data, and maintain records of processing activities.

Data protection impact assessment: organisations must conduct data protection impact assessments for any new technologies or activities that involve high risk processing.

Privacy by design: organisations must ensure new products/services take data protection measures into consideration, such as minimisation of data collected, and adequate data security.

New Data Protection Officer (DPO) role: public authorities and organisations whose main business purpose involves the processing of sensitive personal data or the monitoring of individuals must appoint a dedicated DPO.

What are the penalties for non-compliance with the GDPR?

Organisations can be fined up to 4% of annual global turnover for breaching the GDPR or €20 million (whichever is greater). This is the maximum fine that can be imposed for the most serious infringements e.g. not having sufficient customer consent to process data. Fines can be applied to both data controllers and processors.

THE CITY & GUILDS GROUP GDPR PROJECT

What is the City & Guilds Group doing?

The City & Guilds Group welcomes the GDPR as an opportunity to develop our systems, and processes and to strengthen our commitment to data security and the fair and transparent processing of personal data.

We have undertaken a robust GDPR Compliance Project, delivered by an internal, cross-functional team, with support from external professional advisors.

Governance

We have established a Data Protection Team which is supported by a network of data owners and data stewards, who are responsible for embedding privacy by design throughout our organisation.

The Data Protection Team reports to the Data Protection Project Board and Data Protection Steering Group, as well as the Management Board and the Audit & Risk Committee.

Data Protection Officer

City & Guilds is not required to appoint a statutory Data Protection Officer under the GDPR.

However, in order to embed privacy by design throughout the Group, we do have a cross functional team of people with working knowledge of data protection issues such as:

- advising the organisation of its obligations under the GDPR and monitoring compliance
- managing any data breach on behalf of the Group
- responding to requests from individuals to exercise their rights as data subjects.

Data discovery and data mapping

We have completed a detailed data discovery exercise resulting in the creation of data maps and data registers for each area of our business. As part of this process, we have reviewed, and will continue to keep under review:

- the data we collect, how we collect it and the lawful basis for collecting the data;
- our data processing activity in respect of the data, including where the data held, transferred to and for what purpose;
- data retention principles.

We have undertaken a gap analysis resulting in specific actions mapped against the Information Commissioner's 12 Step Approach.

Training

We have rolled out a training programme to employees which includes GDPR awareness training available to all personnel, together with in-depth training for members of staff with specific data processing related roles.

Group Privacy Policy

We have published a new, over-arching [Group Privacy Policy](#). This policy sets out the key requirements of the GDPR (such as the data protection principles and the enhanced data subject rights) and affirms the Group's commitment to establishing and maintaining a culture of privacy by design and default in order to ensure proper stewardship and use of personal data.

Internal Policies and Procedures

We have refreshed our existing Document and Data Retention Policy which provides the retention periods for key categories of documents for each business area.

We have created a new policy for managing Data Breaches, and responding to requests from data subjects to exercise their enhanced data subject rights under the GDPR.

Data Breach

Data breaches must be reported to the Information Commissioner's Office within 72 hours from becoming aware of the breach. If you, or a member of your team, becomes aware of an actual data breach, or suspect that a data breach may have occurred, please contact the GDPR Team straight away by phone on **020 7294 3548** and email gdpr@cityandguilds.com.

Subject Access Request or other request

If you receive a data subject request, please see the Contact and Further Information page in this document for information on who to forward the request to.

Data subject requests must be assessed and responded to within 1 month of original receipt, so it is important that requests received are forwarded without delay.

Privacy notices

We have updated our privacy notices for all systems and websites across the City & Group. For example, on [City & Guilds](#).

If you are a consultant, appointed by a member of the City & Guilds Group, we will process your personal data in accordance with the [Consultant's Privacy Policy](#).

Data Protection Impact Assessments

We have developed a data protection impact assessment (DPIA) template, and provided training to Project Managers within the City & Guilds Group.



Members of the City & Guilds Group are required to complete DPIAs for new and existing systems which involve high volume or complex processing of personal data.

We have also developed a short form GDPR checklist to help us assess whether our systems and processes meet the requirements of the GDPR.

Review

The City & Guilds Group will continue to make legal and operational improvements to its systems and processes beyond 25 May 2018, as compliance with the GDPR moves from a project to business as usual.

LEARNER PERSONAL DATA

The following FAQs relate to the processing of personal data by City & Guilds (including ILM) in the performance of its role as an Awarding Organisation. References to City & Guilds included ILM, a City & Guilds Group brand.

What learner personal data does City & Guilds collect and process?

Detailed information about the collection and processing of learner personal data is set out in:

- >> City & Guilds: [Learner Privacy Notice](#)
- >> ILM: [ILM Learner Privacy Notice](#)

Each privacy notice includes information about:

- the categories of personal data collected
- the purposes of collection
- the lawful basis of processing
- who personal data is shared with
- how long it is kept for
- where it is stored and how it is protected
- the learner's right

How is a learner's personal data given to City & Guilds?

City & Guilds may receive a learner's personal data from a learner themselves, centres, training providers, awarding bodies or other industry bodies a learner has registered with. This may come in paper form or via City & Guilds data input systems and/or learning management platforms.

On what basis does City & Guilds lawfully process learner personal data?

In its role as an Awarding Organisation, City & Guilds processes learner personal data on the grounds of legitimate interests. This means that City & Guilds has carried out a legitimate interest assessment, and has determined that it has a legitimate interest to process learner personal data to provide registration, assessment, and certification services; the processing of this personal data is necessary to achieve this purposes, and such processing does not adversely impact the rights and freedoms of learners.

On what basis does City & Guilds lawfully process learner special categories of data?

In its role as an Awarding Organisation, City & Guilds may – in certain circumstances - process special categories of learner personal data on the grounds of legitimate interests.

For example, City & Guilds may be required to process information about a learner's health. This requirement will arise where the learner requires reasonable adjustments, the centre/training provider is unable to determine the appropriate reasonable adjustment to offer,

and requires City & Guilds assistance to make such determination based on relevant health information of the learner.

As City & Guilds does not have a direct relationship with its learners, it requires the centre or training provider to obtain the learner's explicit consent to share this information with City & Guilds.

City & Guilds may also process special categories of personal data provided to it in when it is conducting an investigation, or dealing with an appeal or complaint in its role as an Awarding Organisation.

On what basis does City & Guilds lawfully process learner criminal offence data?

In certain circumstances, City & Guilds may process criminal offence data under direct control of the relevant official authority. This means that City & Guilds will have a contractual agreement with the relevant official authority in order for City & Guilds to process criminal offence data.

Where is learner personal data stored?

Learner personal data is stored in a secure Tier 3 data centre in the EU.

What security do we have around learner personal data?

Access to personal data is restricted to authorised personnel only. Administration policies are applied on the principle of "least privilege" and subject to regular review.

We run regular penetration tests as part of scheduled security maintenance as well as in the event of a change to the system that may alter the architecture, code or configuration.

Does City & Guilds transfer learner personal data outside the European Union (EU)?

City & Guilds appoints data processors located outside of the EU to carry out certain processing activities on its behalf, such as certificate printing.

Where a third party located outside of the EU is required to process learner personal data, in order to provide services to us, we ensure there are appropriate safeguards in place sufficient to meet the requirements of the GDPR.

Is City & Guilds a data controller or a data processor in relation to a learner's personal data?

As an Awarding Organisation, City & Guilds processes learner personal data as a data controller.

Practically, this means that City & Guilds determines the purposes and means of the processing of a learner's personal data, and must comply with the obligations of data controllers as set out in the GDPR.

CENTRES AND/OR TRAINING PROVIDERS

The following FAQs relate to the processing of personal data by City & Guilds (including ILM) in the performance of its role as an Awarding Organisation. References to City & Guilds included ILM, a City & Guilds Group brand.

Is City & Guilds a data controller or a data processor in relation to a learner personal data?

Where City & Guilds processes a learner's personal data as an Awarding Organisation, City & Guilds is an independent data controller.

Practically, this means that City & Guilds solely determines the purposes and means of the processing of a learner's personal data, and must comply with the obligations on data controllers as set out in the GDPR.

Does a centre/training provider need to comply with the GDPR?

Yes. Centres and training providers which process the personal data of EU citizens, and/or process personal data in the EU, must comply with the GDPR, and all other applicable data protection laws.

In most cases, a centre/training provider will be a data controller.

In relation to learner personal data, what does City & Guilds require from a centre/training provider?

The contract between City & Guilds and the centre/training provider (**Centre Contract**) sets out the specific obligations in relation to the GDPR, including:

- Centres/providers must comply with the GDPR, including when they transfer learner personal data to City & Guilds.
- City & Guilds must also comply with the GDPR, including when it processes learner personal data.
- City & Guilds and each centre/provider are independent data controllers.
- Centres/providers must notify their learners that their personal data will be shared with City & Guilds for the purposes of learning, assessment, and certification. This may be done in the Centre's/provider's privacy policy or notice.
- Centres/providers must direct learners to the City & Guilds / ILM learner privacy notice, which sets out how ILM or City & Guilds will process learner personal data, and is located at:

>> City & Guilds: [Learner Privacy Notice](#)

>> ILM: [ILM Learner Privacy Notice](#)

- Centres/providers may be required to share sensitive personal data with City & Guilds where a reasonable adjustment is requested, or in the course of an investigation,

complaint, or appeal. The Centre/provider is responsible for obtaining the explicit consent of the learner to share sensitive personal data with ILM/City & Guilds.

How long does City & Guilds require a centre/training provider to retain learner personal data?

City & Guilds' requirements in relation to retention periods are set out in the Centre Contract. However, it is also the centre/provider's responsibility to ensure it meets the requirements of the 'Storage Limitation' principle in the GDPR – that personal data should not be retained for longer than is necessary for the purposes it was collected.

Will City & Guilds' learner personal data transfer requirements breach the DPA or the GDPR?

The centre/provider is responsible for transferring learner personal data to City & Guilds in compliance with the GDPR. For example, the centre/provider must notify learners of this transfer in its learner privacy notice, and obtain explicit consent to transfer special categories of learner personal data to City & Guilds.

On receipt of personal data, City & Guilds is responsible for processing personal data in compliance with the GDPR.

If the Centre/provider is in doubt, it should seek professional advice on its compliance obligations.

On what basis does the centre/training provider transfer learner personal data to City & Guilds?

The centre/training provider must provide learner personal data to City & Guilds in order for both parties to perform the Centre Contract, to enable the registration, assessment, and certification of learners.

The centre/training provider may process learner personal data for other purposes, and it is the responsibility of the centre/training provider to establish the lawful basis of processing for each purpose.

On what basis does a centre/training provider transfer learner special category data to City & Guilds, and its suppliers?

Again, the centre/training provider must provide learner personal data to City & Guilds in order for both parties to perform the Centre Contract, to enable the registration, assessment, and certification of learners.

In addition, the centre/training provider must obtain the learner's explicit consent to transfer special categories of learner personal data to City & Guilds.

On what basis does a centre/training provider transfer learner criminal offence data to City & Guilds, and its suppliers?

Again, the centre/training provider must provide learner personal data to City & Guilds in order for both parties to perform the Centre Contract, to enable the registration, assessment, and certification of learners.

In addition, the centre/training provider must have legal authority or official authority to transfer criminal offence data to City & Guilds.

What happens if a learner refuses to give its personal data and/or special categories of data to City & Guilds?

In order for City & Guilds to register, assess and certificate a learner on their desired program of study, certain personal information from a learner is needed. If this information is not provided, City & Guilds will be unable to provide such services in relation to the learner.

Can City & Guilds share learner personal data with a centre/training provider?

City & Guilds may share learner personal with a third party such as a centre, training provider, or other industry body provided that such processing of personal data are consistent with the this personal data are within the legitimate interests of City & Guilds and consistent with the purposes of providing assessment, training, and certification as an Awarding Organisation.

Can City & Guilds share learner personal data with a centre/training provider?

City & Guilds may also share learner personal with its services providers and consultants, again provided that such processing of personal data are consistent with the this personal data are within the legitimate interests of City & Guilds and consistent with the purposes of providing assessment, training, and certification as an Awarding Organisation.

City & Guilds will ensure that there is contract in place between City & Guilds and the services provider or consultant which includes the requirements on sub-processors set out in the GDPR.

CONSULTANTS

City & Guilds engages a number of consultants that process learner personal data in accordance with City & Guilds' instructions.

These consultants include EQAs, End-Point Assessors, External Verifiers and Land Based consultants. The following FAQs relate to the services provided by these consultants.

Does the GDPR apply to consultants?

Yes. Each consultant acts as a data processor, as it processes learner personal data on the instructions of City & Guilds (the data controller). Each consultant must therefore comply with the GDPR, and all other applicable data protection laws.

The requirements on data processors are set out in the contract between City & Guilds and the consultant.

How will the GDPR affect my current day work?

As mentioned above, the contract between City & Guilds and the consultant sets out the responsibilities of a consultant in relation to the GDPR.

City & Guilds may issue additional policy and/or guidance to consultants which will form part of the contract.

What do I do if I become aware of a data breach?

If you become aware of an actual data breach, or suspect that a data breach may have occurred, please contact the Data Protection Team straight away by phone on **020 7294 3548** and email gdpr@cityandguilds.com.

What do I do if I receive a Subject Access Request or other request from a learner?

If you receive a data subject request, without delay, please forward it to:

- City & Guilds Customer Services at learnersupport@cityandguilds.com
- ILM Customer Services at customer@i-l-m.com

Do I need a learner's consent in order to process their personal data?

No, it is City & Guilds' responsibility to ensure that consultants are permitted to process personal data they are given access to.

I am based outside the European Union (EU) and can access learner personal data relating to learners who reside within the EU. Do I need their consent to process their data?

No, it is City & Guilds' responsibility to ensure that consultants are permitted to process personal data they are given access to.

How long can I keep learner personal data?

You may retain personal data for the period necessary to provide the services requested by City & Guilds. Thereafter, learner personal data must either be returned (without retaining any copies) or securely deleted or destroyed, as instructed by City & Guilds.

You should proactively manage the personal data stored in physical form (eg paper) and in electronic form (eg on your computer / electronic device) to ensure that personal data which is no longer being used for legitimate purposes is deleted or destroyed.

Am I able to look at files on a centre/training provider's intranet without supervision?

Use of a centre/training provider's systems will be in accordance with their own policies.

FREEDOM OF INFORMATION ACT

What is the Freedom of Information Act?

It is the law that requires public bodies and certain bodies that perform public functions to disclose (subject to certain exceptions) certain information to the public on request.

Does the Freedom of Information Act (FOIA) apply to the City & Guilds Group?

None of the City & Guilds Group companies are subject to the FOIA. However, if a request for information is made in writing to a member of the City & Guilds Group, it may consider providing the information requested on a volunteering basis, provided the information is not confidential.

CONTACT & FURTHER INFORMATION

CONTACT

Source of Query	Type of Query	Contact
City & Guilds Centre	Request for information	<ul style="list-style-type: none"> - Walled Garden - City & Guilds On-line Centre Library - City & Guilds Contract Manager - centresupport@cityandguilds.com
	Data Subject Rights Requests	City & Guilds Customer Services at centresupport@cityandguilds.com
ILM Centre	Request for information	<ul style="list-style-type: none"> - Walled Garden - ILM Contract Manager - customer@i-l-m.com
	Data Subject Rights Requests	ILM Customer Services at customer@i-l-m.com
City & Guilds/ILM Consultant	Request for information	City & Guilds Customer Services at centresupport@cityandguilds.com
	Data Subject Rights Requests	ILM Customer Services at customer@i-l-m.com
Learner	Request for information	City & Guilds Customer Services at learnersupport@cityandguilds.com
	Data Subject Rights Requests	ILM Customer Services at customer@i-l-m.com
Third Party	Request for information regarding a learner	City & Guilds Customer Services at learnersupport@cityandguilds.com ILM Customer Services at operations@i-l-m.com
Third Party	Fraudulent certificate	City & Guilds qualifications: https://archiveservices.cityandguilds.com/CreateOrder Regarding ILM qualifications: ILM Regulation at ilmregulation@i-l-m.com
Third Party	Legal data protection queries concerning The City and Guilds of London Institute and all other City &	Data Protection City & Guilds 1 Giltspur Street EC1A 9DD London, England

	Guilds Group companies in England and Wales, except for City and Guilds Kineo Limited, Radiowaves Schools Limited, DigitalMe Limited and E3 Learning UK Limited	or gdpr@cityandguilds.com
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FURTHER INFORMATION

GDPR Publicly available information	Information Commissioner's Office
	European Union
City & Guilds Group Privacy Policy	City & Guilds Group Privacy Policy
City & Guilds Learner Privacy Notice	City & Guilds Learner Privacy Notice
ILM Learner Privacy Notice	ILM Learner Privacy Notice
Consultants Privacy Notice	Consultants Privacy Notice