

Section 22: BIMM Institute Student Data Protection Policy

This Data Protection Policy has been written to comply with current data protection legislation (“Data Protection Legislation”) comprising (i) unless and until the General Data Protection Regulation ((EU) 2016/679) (“GDPR”) is no longer directly applicable in the UK, the GDPR and any national implementing laws, regulations and secondary legislation, as amended or updated from time to time, in the UK and then (ii) any successor legislation to the GDPR or the Data Protection Act 1998. This policy will be updated as necessary to reflect any changes or amendments to the Data Protection Legislation.

Why does BIMM need to hold personal data?

BIMM processes students’ personal data as part of the necessary functioning of the institution. Personal data is information that can be used to identify students individually and which students provide by completing application and enrolment forms – as well as other necessary information that we process while students are current, such as assessment results.

BIMM needs to process certain information about its students, parents and guardians and other individuals with whom it has relationships for various purposes such as, but not limited to:

1. The recruitment of students to our courses;
2. The administration of our courses;
3. Student enrolment;
4. Examinations and external accreditation;
5. Recording student progress, attendance and conduct;
6. Collecting fees;
7. Complying with legal obligations to funding bodies and government, including local government.

To comply with various legal obligations, including the obligations imposed on it by the GDPR, BIMM must ensure that all this information about individuals is collected and used fairly, stored safely and securely and not disclosed to any third party unlawfully.

How we use your personal data

We will only use your personal data when the law allows us to. Most commonly, we will use your personal data in the following circumstances:

- where we need it to perform our educational services (performance of a contract);
- it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests. Our legitimate interests are in providing our educational services to you and in promoting or furthering our educational services; or
- where we need to comply with a legal or regulatory obligation.

Responsibilities under the GDPR

BIMM is the ‘data controller’ under the GDPR. This means that we are responsible for controlling the use and processing of the personal data. Please see our privacy notice (<https://www.bimm.co.uk/privacy-policy/>) for more detail.

Data Protection Principles

The Data Protection Legislation places a responsibility on data controllers to process any personal data in accordance with the eight principles. More detailed guidance on how to comply with these principles can be found on the ICO's website (www.ico.gov.uk)

To comply with its obligations, we will adhere to the eight principles:

1. Process personal data fairly and lawfully.

BIMM will make all reasonable efforts to ensure that individuals who are the focus of the personal data (data subjects) are informed of the identity of the data controller, the purposes of the processing, any disclosures to third parties that are envisaged; given an indication of the period for which the data will be kept, and any other information which may be relevant.

2. Process the data for the specific and lawful purpose for which it collected that data and not further process the data in a manner incompatible with this purpose.

BIMM will ensure that the reason for which we collect data originally is the only reason for which we process such data, unless the individual is informed of any additional processing before it takes place.

3. Ensure that the data is adequate, relevant and not excessive in relation to the purpose for which it is processed.

BIMM will not seek to collect any personal data which is not strictly necessary for the purpose for which it was obtained. Forms for collecting data will be limited accordingly.

4. Keep personal data accurate and, where necessary, up to date.

BIMM will review and update all data on a regular basis. It is the responsibility of the individuals giving their personal data to ensure that this is accurate, and each individual should notify us if, for example, a change in circumstances mean that the data needs to be updated. It is our responsibility to ensure that any notification regarding the change is processed.

5. Only keep personal data for as long as is necessary.

BIMM undertakes not to retain personal data for longer than is necessary to ensure compliance with legislation and any other statutory requirements. Please contact us at privacy@bimm.co.uk if you would like more information on our data retention policies.

BIMM keeps student records in an archive for a limited number of years after graduation so that we can confirm requests from prospective employers. We may provide references or confirm marks to potential employers on receipt of an official written request from them. If students cite BIMM on an employment/further study application, we will assume that students are giving us permission to release relevant personal data. Reports may also be provided to a sponsoring body, sponsoring employer, awarding university or LEA, provided that the receipt of information on student progress forms part of the conditions of student sponsorship or course validation.

At the end of a student's studies, limited personal data will be retained for our Alumni records so that we can maintain contact with them.

6. Process personal data in accordance with the rights of the data subject

Individuals have various rights under the legislation, including a right to:

- be told the nature of the information we hold and any person to whom this may be disclosed;
- prevent processing likely to cause damage or distress;
- prevent processing for purposes of direct marketing;
- be informed about the mechanics of any automated decision-making process that will significantly affect them;
- not have significant decisions that will affect them taken solely by automated process;
- sue for compensation if they suffer damage by any contravention of the legislation;
- take action in certain circumstances to rectify inaccurate data, block processing, erase or destroy data;
- request that the Office of the Information Commissioner assess whether any provision of the Data Protection Legislation has been contravened.

Please see our privacy policy for details about how to exercise these rights.

7. Put appropriate technical and organisational measures in place against unauthorised or unlawful processing of personal data, and against accidental loss or destruction of data.

BIMM will ensure that all personal data is accessible only to those who have a valid reason for using it. BIMM will have appropriate security measures in place as follows:

- keeping all personal data in a lockable cabinet with key-controlled access;
- password protecting personal data held electronically;
- archiving personal data in a secure location;
- placing any PCs or terminals, CCTV camera screens etc. that show personal data so that they are not visible except to authorised staff;
- ensuring that PC screens are not left unattended without a password protected screen-saver being used.

In addition, BIMM will put in place appropriate measures for the deletion of personal data - manual records will be shredded or disposed of as 'confidential waste' and appropriate contract terms will be put in place with any third parties undertaking this work. Hard drives of redundant PCs will be wiped clean before disposal or, if that is not possible, destroyed physically. A log will be kept of the records destroyed.

8. Ensure that no personal data is transferred to a country or a territory outside the European Economic Area (EEA) unless that country or territory ensures adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

BIMM will not transfer data to such territories save in compliance with the GDPR.

Additional Data Collected

We also ask students for a photograph for enrolment. Student photographs will be stored electronically and may be seen by BIMM staff. We never release student enrolment photographs to another student, or to those outside BIMM except the relevant awarding institution for the production of ID cards and the monitoring of quality. Students may also appear on CCTV records, which BIMM keeps for security purposes.

Reporting A Personal Data Breach

The GDPR requires data controllers to notify any personal data breach to the applicable regulator and, in certain instances, the individual involved. We have put procedures in place to deal with any suspected personal data breach and will notify you or any applicable regulator where we are legally required to do so.

Disclosure of Data

BIMM may provide limited data to Council Tax Offices of local authorities to enable them to assess whether students are liable for Council Tax. We shall report on student attendance and performance to the local education authority (LEA) or the Student Loan Company (SLC) on request, if students have been assessed for eligibility for support.

In certain circumstances, BIMM may be required to disclose personal data to the police or courts for the purposes of prevention or detection of crime, or where it is necessary to protect student's vital interests, in an extreme emergency. We do ask students to provide on their enrolment form the name, address and telephone number of someone who we can contact in an emergency.

It is normal practice to produce official results lists (by candidate number and not by name), showing the results of all students on a course. A copy of the list is given to each student on the course and may be placed on appropriate departmental noticeboards. If students feel that the publication of student's results in this way will cause significant damage and/or distress, students may ask for their details not to be shown on the list. Such a request must be made in writing to the student's Course Leader.

This list is not intended to be exhaustive, but to give students an idea of the various kinds of information processing that BIMM may need to undertake. We will not normally release data about a student to their parents, partner or other relative or external enquirer under any other circumstances, without having received the student's specific written consent.

Special Categories of Personal Data

Some personal data is defined as 'special category' under the GDPR. This is information revealing racial or ethnic origin, political opinions, religious or similar beliefs, trade union membership, physical or mental health conditions, sexual life, sexual orientation, biometric or genetic data. Unless we can rely on another legal basis of Processing, Explicit Consent is usually required for Processing Special Categories of Personal Data and Criminal Convictions Data, for Automated Decision-Making and for cross border data transfers. Usually we will be relying on another legal basis (and not require Explicit Consent) to Process most types of Special Categories of Personal Data and Criminal Convictions Data. Where Explicit Consent is required, we will obtain such consent separately.

Ethnic origin

We ask students to tell us their ethnic origin, which will be used only for the purposes of monitoring equality. The legal basis for this is compliance with a legal obligation.

Health & Disability

We ask students to tell us if they are disabled and if they are in receipt of a disability allowance. Within BIMM, data about disability will be used for the purposes of monitoring equality and the legal basis is compliance with a legal obligation. It will also be used as an essential part of the provision of a service to students with disabilities. If students declare a disability, the Head of Student Services may contact them to see if BIMM can provide any further help.

There may be circumstances when we have to release information in an extreme emergency, for example, if students were taken ill and health professionals outside BIMM needed to know about a disability. The Data Protection Legislation recognises that it is not always possible to seek student consent to the release of special category data in an emergency.

Students may also disclose information about their health when completing a Mitigating Circumstances Form and we process this information with their informed consent that we will use the data to determine whether mitigating circumstances apply to the student.

Commission of an offence

Any person with a criminal conviction will have been asked to declare this on their UCAS or BIMM application form. Information about a criminal conviction is only used as part of the admission procedure. We collect this information with the applicant's specific consent in order to provide our educational services or comply with a legal obligation.