

Data Protection Notice

Please read this data protection notice carefully. It applies to individuals (“**Learners**”, “**service users**”, “**you**” or “**your**”) receiving education, training, Information Advice and Guidance (IAG), resettlement and employability services from Novus (“**Novus Services**”) and parents/guardians of Learners in Youth Custody (as may be applicable).

1. What is the purpose of this document?

LTE Group (a statutory corporation and exempt charity for the purposes of the Charities Act 2011) of which Novus is an operating division (“**LTE**”, “**we**”, “**our**”, “**us**”), are committed to protecting the privacy and security of your personal information. This data protection notice describes how we collect and use personal information about you in accordance with the General Data Protection Regulation EU 2016/679 (the “**GDPR**”), together with other UK data protection laws. You can contact us via email to dpo@ltegroup.co.uk if you have any questions regarding this document or alternatively ask a member of our team to contact our Data Protection Officer. Our Data Protection Officer can be contacted by post at the address listed at the end of this privacy notice.

In some instances we are responsible for personal data as a data controller in our own right, however we can also process personal data as a joint controller (or controller in common) or a processor on behalf of other agencies / government bodies (such as the Ministry of Justice (MoJ)). This means that we process your personal information under a contractual agreement with a “data controller” (MoJ). We are required under data protection legislation to notify you of the information contained in this document. This notice explains what personal data we hold about you, how we share it, how long we keep it and what your legal rights are in relation to it.

2. Data protection principles

We will comply with UK data protection law. This says that the personal information we hold about you must be:

1. Used lawfully, fairly and in a transparent way.
2. Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
3. Relevant to the purposes we have told you about and limited only to those purposes.
4. Accurate and kept up to date.
5. Kept only as long as necessary for the purposes we have told you about.
6. Kept securely.

3. The kind of information we hold 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).

There are “special categories” of more sensitive personal data which require a higher level of protection.

If you are a Learner the categories of personal information that we may collect, store, and use about you in relation to the Novus Services include:

- Personal contact details such as name, title, addresses, telephone numbers, and personal email addresses.
- Date of birth.
- Gender.
- Prison national offender management information

- Prison number
- Unique learner number
- Course data
- Achievement
- Employment history (where relevant)
- Photography and video of your work/footage captured at events (only where relevant in relation to events and activities and additional consent will be obtained for this activity)

We may also collect, store and use the following "special categories" of more sensitive personal information:

- Health information, including any medical condition or learning difficulty and disability status.
- Information about your ethnicity and nationality.

4. How is your personal information collected?

We typically collect personal information about Learners through the information provided to us during the enrolment process.

We may collect other additional personal information from you in the course of organising and delivering the Novus Services.

5. How will we use information about you

Comprehensive details of how we use your personal information is available on request from dpo@ltegroup.co.uk, alternatively you can ask a member of our team to contact our Data Protection Officer or contact them by post at the address contained at the end of this privacy notice.

In summary:

If you are a Learner we use your personal information as follows:

- To facilitate our provision of the Novus Services to you.

Our lawful basis for these activities is that the processing is necessary for the performance of a task (education) carried out in the public interest and that this is necessary for us to fulfil our education contract.

- Auditing / Regulatory requirements.
- Equal opportunities monitoring.
- Complying with health and safety obligations.

Our lawful basis for these activities is that they are necessary for us to comply with our legal obligations.

- Research and planning purposes within the LTE Group

From time to time, as an education / service provider, we conduct research to help us improve our educational offer (such as seeking feedback from learners). We usually rely on public task as our lawful basis to do this, to help us improve our services in education and continuous improvement. In some cases, it may be that we've identified there may be a legitimate interest to carry out certain processing, otherwise we will always look to gain consent from individuals (such as for conducting surveys with learners about their experience with us).

Some of the above grounds for processing will overlap and there may be several grounds which justify our use of your personal information.

We may also use your personal information, typically in an emergency, where this is necessary to protect your vital interests, or someone else's vital interests. In a small number of cases where other lawful bases do not apply, we will seek your consent to other uses of your personal data.

6. If you fail to provide personal information

If you fail to provide certain information when requested, we may not be able to pursue our legitimate interests (such as providing access to the Novus Services), or we may be prevented from complying with our legal obligations (such as equal opportunities monitoring).

7. Change of purpose

We will only use your personal information 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 we need to use your personal information 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 information without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

8. How we use particularly sensitive personal information

"Special categories" of particularly sensitive personal information require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal information. We may process special categories of personal information in the following circumstances:

1. In limited circumstances, with your explicit written consent.
2. Where we need to carry out our legal obligations and in line with our data protection policy.
3. Where it is needed in the public interest, such as for equal opportunities monitoring and in line with our data protection policy.
4. Where it is needed to assess capacity to participate in our education programmes on health grounds, subject to appropriate confidentiality safeguards.

Less commonly, we may process this type of information where it is needed in relation to legal claims or where it is needed to protect your interests, including your safety (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

We will use information about your physical or mental health, or disability status to ensure your health and safety when participating in our programmes and to assess your fitness to participate in our programmes and to provide appropriate adjustments. Your information may also be discussed / disclosed in the interests of security and reporting criminal activity.

Do we need your consent?

We do not need your consent if we use special categories of your personal information to carry out our legal obligations. In limited circumstances, we may approach you for your written consent to allow us to process certain particularly sensitive data. If we do so, we will provide you with full details of the information that we would like and the reason we need it, so that you can carefully consider whether you wish to consent.

9. Automated decision-making

Automated decision-making takes place when an electronic system uses personal information to make a decision without human intervention. We are allowed to use automated decision-making in the following circumstances:

1. Where we have notified you of the decision and given you 21 days to request a reconsideration.
2. Where it is necessary to perform the contract with you and appropriate measures are in place to safeguard your rights.
3. In limited circumstances, with your explicit written consent and where appropriate measures are in place to

safeguard your rights.

If we make an automated decision on the basis of any particularly sensitive personal information, we must have either your explicit written consent or it must be justified in the public interest, and we must also put in place appropriate measures to safeguard your rights.

You will not be subject to decisions that will have a significant impact on you based solely on automated decision-making, unless we have a lawful basis for doing so and we have notified you.

We do not envisage that any decisions will be taken about you using automated means, however we will notify you in writing if this position changes.

10. Data Sharing

We may pass your personal information on to third parties such as the custodial operator (e.g. HMPPS, MOJ, YCS, MTC Novo, G4S, Sodexo, Serco), London CRC (where relevant under contract), the Awarding Organisation Website (for registering individuals on courses and confirming achievement), Deepstore (secure storage and retrieval of learner information), Deltec (secure courier service), DofE, Local Authorities, Schools, Colleges, other Learning & Skills/Education Providers (where necessary to provide you with education), parents (where applicable) and potential employers where/if applicable.

All our third-party partners/service providers are required to take appropriate security measures to protect your personal information in line with our policies. We do not allow our third-party partners/ service providers to use your personal data for their own purposes. We only permit them to process your personal data for specified purposes and in accordance with our instructions.

We may sometimes be obliged to disclose your personal information by law such as by a regulator with appropriate power, or court order. In addition, information held by or for public bodies can be subject to freedom of information requests.

We will not transfer your data outside the European Union without first notifying you of our intentions and of the safeguards that apply to your data.

11. Data security

We have put in place measures to protect the security of your information and in particular:

- We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal information to those employees, agents, contractors and other third parties who have a legitimate need to know. They will only process your personal information on our instructions and they are subject to a duty of confidentiality.
- We have put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so.

Details of these measures may be obtained from us on request.

12. Data retention

How long will you use my information for?

We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for. Details of retention periods for different aspects of your personal information are available in our retention policy which is available on request.

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.

In some circumstances we may anonymise your personal information so that it can no longer be associated with you, in which case we may use such information without further notice to you.

Once we no longer require access to your personal information we will retain and securely destroy it in accordance with our data retention policy and applicable laws and regulations.

13. Rights of access, correction, erasure, and restriction

Your duty to inform us of changes

It is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal information changes.

Your rights in connection with personal information

Under certain circumstances, by law you have the right to:

- **Request access** to your personal information (commonly known as a "data subject access request"). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.
- **Request correction** of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.
- **Request erasure** of your personal information. This enables you to ask us to delete or remove personal information where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing (see below).
- **Object to processing** of your personal information where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground.
- **Request the restriction of processing** of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.
- **Request the transfer** of your personal information to another party.
- **Suspend processing of your personal information**, for example if you want us to establish the accuracy of the data we are processing.

Please be aware that these rights are subject to certain conditions and exceptions as set out in UK data protection law. If you want to review, verify, correct or request erasure of your personal information, object to the processing of your personal information, or request that we transfer a copy of your personal information to another party, please address this to LTE Group Data Protection Officer, Whitworth House, Whitworth Street, Openshaw, Manchester, M11 2WH or email dpo@ltegroup.co.uk and we will explain any conditions that may apply.

No fee usually required

You will not have to pay a fee to access your personal information (or to exercise any of the other rights). However, we may charge a reasonable fee if your request for access is clearly unfounded or excessive. Alternatively, we may refuse to comply with the request in such 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 the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

Further guidance on your rights is available from the Information Commissioner's Office (<https://ico.org.uk/>). You have the right to complain to the Information Commissioner's Office at <https://ico.org.uk/concerns/> if you have any concerns in respect of our handling of your personal information.

Changes to this document

We reserve the right to update this document at any time, for example if the law or regulatory requirements change, if technology changes or to make our operations and procedures more efficient, and we will provide you with a new privacy notice when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information.