

# Fair Processing Notice – How we use and look after your personal data

## 1. About the Institute

The Institute of Health and Social Care Studies ('IHSCS') forms the training and education arm of Health and Social Care (HSC) and is a service within the Committee *for* Education, Sport & Culture. It provides a range of education and training opportunities in response to the health and social care needs of the Bailiwick. Courses are delivered by a team of highly skilled staff in a purpose built facility on the Princess Elizabeth Hospital site. Programmes are validated by The University of Middlesex, which is our Partner University.

## 2. About this notice

This notice explains how IHSCS processes personal data. Please read it carefully and if you have any questions regarding your personal data, or its use, please contact IHSCS directly or speak to our Data Protection Officer.

### **What do we mean by personal data?**

'Personal data' has a very broad legal definition, it is: *'any information relating to an identified or identifiable [living] individual'*.

The scope of what 'personal data' is expands even further when you consider that it includes both factual information about people as well as opinions expressed about people. It also includes anonymised data that could identify people if it was combined with other information.

### **What is processing?**

Throughout the notice we refer to 'processing'. In terms of personal data, this means any action that is performed on the personal data; examples of processing include:

- o Collection
- o Recording
- o Organisation
- o Structuring
- o Storage
- o Alteration
- o Retrieval
- o Consultation
- o Use
- o Disclosure
- o Dissemination
- o Restriction
- o Erasure
- o Destruction

### 3. The Data Protection Law

IHSCS processes personal data in line with its core mandate. The registered Data Controller for all activities summarised within this notice is the Committee *for* Education, Sport & Culture ('ESC') and IHSCS is acting on behalf of ESC.

IHSCS acknowledges its obligations as per the Data Protection (Bailiwick of Guernsey) Law, 2017 ('the Law') which provides a number of requirements in terms of processing activities involving personal data. IHSCS further acknowledges the general principles of processing as well as the rights of a data subject and more information in relation to these can be found by visiting [www.gov.gg/DP](http://www.gov.gg/DP)

IHSCS not only adheres to the legal responsibilities within the Guernsey Data Protection Law, but also to the GDPR and the UK's Data Protection Law.

### 4. Contact details

The contact details of the controller are as follows:

**The Institute of Health & Social Care Services**

Email: [educationsportandculture@gov.gg](mailto:educationsportandculture@gov.gg)

The contact details for the Data Protection Officer of Education, Sport and Culture are as follows:

**Data Protection Officer, the Committee *for* Education Sport and Culture**

Tel: 01481 220012

Email: [data.protection@gov.gg](mailto:data.protection@gov.gg)

## 5. The types of personal data we collect and use

IHSCS collects and processes personal data about prospective, current and past pupils, staff, suppliers and contractors, volunteers and other individuals connected to or visiting the Institute.

The personal data we collect takes different forms; it may be factual information, expressions of opinion, images or other recorded information which relates to a living individual.

### Students (past, present and prospective)

IHSCS collects the following personal data:

- o Basic personal data relating to students such as full name, address, date of birth, email address, contact information, current place of work and work address;
- o Payment information including bank details, billing address and credit card details;
- o Personal statements relating to the student's application process;
- o Copies of examination results, grades and qualifications;
- o Language and nationality of pupils;
- o Images including photos and CCTV; and
- o General information regarding student' educational activities such as behavioral records, attendance, test and examination results and academic reports.

In terms of special category data (the most sensitive type of personal data), IHSCS may collect information revealing:

- o Health and medical information of students including information relating to any special educational needs;
- o Criminal information;
- o Racial or ethnic origin of pupils.

### Staff, volunteers and contractors

In addition to processing the personal data of students and in order to deliver their duties as an employer, IHSCS also processes personal data relating to their employees, contractors and volunteers.

This data will be collected directly from the data subject and other third parties including, (but not limited to):

- o Colleagues;
- o Line managers;
- o Referees provided through the individual's role application;

- Visitors;
- the States of Guernsey HR Department; and
- Other relevant agencies.

In addition to the employee's personal data, information relating to an employee's emergency contacts and next of kin will be provided to IHSCS by the relevant employee.

The personal data collected will be processed for purposes associated with the employment of the data subject, to comply with the Controller's obligations under health and safety and employment legislation and to support the individual's wellbeing.

IHSCS may also process employees' personal data in connection with the States of Guernsey's Staff Investigatory and Disciplinary Procedures. If an employee is reporting an incident or making a complaint about another officer, this information will be provided to the 'accused' officer so that they may respond to the allegations or concerns which have been raised. Furthermore, information relating to the complainant/witness to an incident will be shared with the Investigating Officer and their representative from the States of Guernsey HR Department. Personal data relating to the 'accused' officer will be shared with the Investigating Officer and their representative from the States of Guernsey HR Department. Limited information relating to the 'accused' officer may also be shared with witnesses providing a statement or answering questions relating to an investigation.

The Controller will only share personal data with another party where they have a legitimate and lawful basis for doing so and to fulfil the purpose for which the information was originally collected. In certain circumstances, IHSCS may be required to share personal data with the States of Guernsey Human Resources functions if it is considered necessary for a purpose connected to the data subject's employment.

IHSCS may collect the following personal data relating to employees, volunteers and contractors :

- Basic personal data such as full name, address, date of birth, email address, contact information, work address;
- Employment details and salary information;
- Copies of qualifications;
- Images including photos and CCTV; and
- CPD and general performance information.

In terms of special category data (the most sensitive type of personal data), IHSCS may collect information revealing:

- Health and medical information relating to employment;
- Information concerning criminal convictions.

These lists are not exhaustive.

## 6. Why we collect and use information

IHSCS uses the information that it collects for multiple purposes which are linked to its core mandated responsibilities in administering its educational service provision.

Pupil data is essential for the IHSCS's operational use. Whilst the majority of pupil information you provide to us is mandatory, some of it requested on a voluntary basis. In order to comply with the Law, we will inform you at the point of collection, whether you are required to provide certain pupil information to us or if you have a choice in this and we will tell you what you need to do if you do not want to share this information with us.

IHSCS will process your personal data for the following purposes:

- For the provision of education to students including, but not limited to, the administration of the courses offered and timetabling, monitoring of pupil progress and educational needs, reporting on these needs to students and partnership universities, administration of student entries to public examinations and providing references for students who are applying for further study;
- For the safeguarding of student and staff welfare and the provision of pastoral care, welfare and health care services;
- For the provision of educational support and related services to students including, but not limited to, the maintenance of discipline, provision of careers and library services, provision of the IHSCS's IT and communications systems and virtual learning environment (in accordance with our IT policies);
- For employment purposes;
- To assess the quality of our services;
- To keep students and staff safe;
- For compliance with legislation and regulation conferred on us by the following laws:
  - The Education (Guernsey) Law, 1970
  - The Data Protection (Bailiwick of Guernsey) Law, 2017
- For the operational management of IHSCS, including, but not limited to:
  - the administration of invoices,
  - the management of IHSCS property,
  - the management of security and safety arrangements (including the use of CCTV and the monitoring of our IT and communications systems in accordance with our Acceptable Use Policy),
  - management planning and forecasting, research and statistical analysis and the implementation of IHSCS's rules and policies for students, staff and volunteers; and
- For the promotion of IHSCS through its website and social media communications.

## 7. Our Lawful Basis for Processing

Schedule 2 (Conditions for Processing to Be Lawful) of the Law provides a number of conditions to ensure that the processing of personal data by a controller is lawful.

The lawful basis for collecting and processing each category of personal data and special category data is dependent upon the specific processing activity in question.

However, under the Law, the lawful bases we rely on for the majority of processing are:

- o The processing is necessary for the performance of a contract to which the data subject is a party or that is in the interests of the data subject;
- o The processing is necessary for the exercise of a right, power or duty imposed by law;
- o The processing is necessary for a health or social care purpose;
- o The processing is necessary to protect the vital interests of the data subject or other individual;
- o Consent (e.g. use of images on social media, use of specific applications); and
- o The processing is necessary for the purposes of equal opportunity.

For a full list of the IHSCS's data processing activities, please contact us directly and we will be happy to provide you with a list of all data processing undertaken by IHSCS and the lawful basis used for each specific processing activity.

For a full list of conditions that the controller may rely upon please click [here](#).

## 8. How we collect your data

Personal data is collected directly from data subjects via application forms and throughout the duration of their courses. The application forms are filled out by data subjects in order to indicate the respective health and social care course/s that they are looking to undertake.

No personal data is collected from any third party or publically available source except for:

- o References which are sought from third parties with the consent of the data subject
- o Information relating to students from other universities or partner colleges which has been provided to us from the Committee *for* Health & Social Care/Committee for Education, Sport & Culture.

## 9. Sharing of personal data

IHSCS routinely shares data with its partner university, Middlesex University in order to facilitate the delivery of franchised and validated courses.

In some circumstances, personal data held by the IHSCS may be transferred to another controller within the States of Guernsey or another associated third party. This is always subject to contractual assurances and/or data sharing agreements.

The personal data that is shared will always be limited precisely to what the other organisation needs to meet its requirements or deliver its services.

**IHSCS will only share data when there is a lawful basis to do so.** We do not transfer data outside of the European Economic Area unless we are satisfied that personal data will be afforded an equivalent level of protection.

Examples of regular data sharing activities are detailed below:

### Sharing within the States of Guernsey

- o The Committee *for* Health & Social Care/The Committee *for* Education, Sport & Culture - for the purpose of coordinating student placements, accommodation, fitness for practice and for continuing health & safety requirements
- o The Committee *for* Education, Sport & Culture (Guernsey College of Further Education): in connection with accommodation, fitness for practice, continuing health and safety requirements, grants, fees, loans, bursaries and paid sabbaticals
- o States of Guernsey Housing Control and Guernsey Border Agency- Immigration agencies to ensure compliance with the conditions attached to student visas
- o Scrutiny Management Committee - personal data may also be shared with the Scrutiny Management Committee ('SMC') and the Internal Audit function of the States of Guernsey, as specifically requested by the relevant controller and only where absolutely necessary for the completion of their relevant functions. Furthermore, any personal data shared with SMC and Internal Audit will be limited and processed in accordance with Conditions 5 and 13(b) of Schedule 2 of the Law.

### Sharing with external third parties

- o Partnership Universities - to facilitate the delivery of student programmes
- o Libraries
- o Awarding bodies / accreditation centres
- o Examination boards - External examiners for examination, assessment and moderation purposes
- o Third party system providers and applications: some of our systems are provided by third parties e.g. hosted databases, our website, communications platforms and cloud storage providers, IT support service.
- o Private placement providers

For a full list of IHSCS's data sharing activities, please contact us or our Data Protection Officer and we will be happy to provide you with a list of all instances where your data is shared by the IHSCS and the lawful basis for doing so.

## 10. Storing and retention of personal data

IHSCS acknowledges its responsibilities in relation to this principle and will not retain any personal data that is collected for longer than is absolutely necessary in relation to the purpose for which it is processed.

### Middlesex University Students:

All personal data held by the Institute in relation to students registered on Middlesex University courses will be retained as per the Middlesex University Retention & Disposal Schedule. For more information, please see the Middlesex University webpage: [Privacy policy for current students | Middlesex University London \(mdx.ac.uk\)](#)

IHSCS complies with the States of Guernsey Corporate Retention & Disposal Schedule as well as operating with an Institute specific retention & disposal schedule. For more information on how long we keep your data, please see our full IHSCS Data Processing document.

IHSCS will ensure that all personal data that it holds is accurate and kept up-to-date, and any personal data that is inaccurate will be erased or corrected without delay.

## 11. How we keep your data safe

All personal data held by IHSCS is protected and securely stored and in order to prevent unauthorised or unlawful processing, the controller has put in place suitable physical, digital and managerial procedures to safeguard and secure the information that is collected. Access to electronic or paper records is tightly controlled and all employees are vetted in a manner commensurate with the role that they are expected to undertake. Protocols are followed to ensure that employees only have access to areas and documents as required to undertake their role. Access to records is monitored and effectively managed.

IHSCS adopts the information security standards of the States of Guernsey.

## 12. Requesting access to your personal data

Under the Data Protection Law, parents and pupils have the right to request access to information about them that we hold. To make a request for your personal information, or be given access to your child's educational record, contact us directly or speak to our Data Protection Officer, whose contacts are at the top of this notice.

For more information about your rights under the Data Protection Law, please visit [www.gov.gg/DP](http://www.gov.gg/DP)

## 13. Withdrawal of consent and right to make a complaint

For any instances where we are processing your personal data with your consent, you have the right to withdraw that consent. If you change your mind, or you are unhappy with our use of your personal data, please let us know by contacting the school or our Data Protection Officer.

## 14. Last updated

We may need to update this privacy notice periodically so we recommend that you revisit this information from time to time. This version was last updated on **05/01/2024**.