



## GDPR and Data Retention Policy

### COVER SHEET

#### Document Control

<b>Document Title</b>	Data Protection and GDPR Retention Policy
<b>Document Owner</b>	Managing Director (Idalina De Jesus)
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#### Version History

Version Date	Version Number	Comments	Reviewer	Approved by	Date Approved	Approver Signature
Jan 21	1		Head of Apprenticeships (Cheryl Woods)	CEO (Ritchie Mehta)	Jan 21	DocuSigned by: Ritchie Mehta 0223CDD45A61425...
28.06.22	2		Quality Manager (Jane Richardson)	Managing Director (Idalina De Jesus)	28.06.22	Conuntersigned DocuSigned by: Jane Richardson
28.06.22	3		Bally Kaur (Onboarding Manager)	Operation Manager (David Porter)	18.07.22	DocuSigned by: D Porter D21CC7DF54DF4EE...

**Location:** C:\Users\Jane\School of Marketing Dropbox\Policies\Policies and Procedures\AGREED POLICIES

**School of Marketing** is a "data controller". This means that we are responsible for deciding how we hold and use personal information about you. Where we act as a data controller, we are required under data protection legislation to notify anyone who provides personal data to us, either directly or through a third party, of the information contained in this Policy.

School of Marketing is the trading name for School of Marketing London Ltd (company number 11757845 and registered address at Mappin House, 4 Winsley Street, London, W1W 8HF) so when we mention "School of Marketing ", "we", "us" or "our" in this Policy, we are referring to this company which is responsible for processing your data.

#### Data Protection Officer

We have appointed a Data Protection Officer (DPO) who is responsible for overseeing questions in relation to this policy. If you have any questions about this Policy, including any requests to exercise your legal rights, please contact the DPO using the details set out below:



### Contact Details:

- **Name of DPO:** David Porter
- **Email address:** [info@schoolofmarketing.co.uk](mailto:info@schoolofmarketing.co.uk)
- **Postal address:** Mappin House, 4 Winsley Street, London, W1W 8HF

You have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues ([www.ico.org.uk](http://www.ico.org.uk)). We would, however, appreciate the chance to deal with your concerns before you approach the ICO so please contact us in the first instance.

### What is personal data?

Personal data is any information about an individual from which that individual can be identified. Your name, address, phone number and bank account number are examples of personal data. It does not include data where the identity has been removed (anonymous data).

### Data protection principles

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

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

### 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 to perform a **contract**, we have entered into with you.



- Where we need to comply with a **legal obligation**.
- Where it is necessary for our **legitimate interests** (or those of a third party) and your interests and fundamental rights do not override those interests.

We may also use your personal data in the following situations, which are likely to be less common:

- Where we need to protect your **vital interests** (or someone else's interests).
- Where it is needed in the **public interest** (for example, equal opportunities monitoring) or for official purposes.

Generally, we do not rely on **consent** as a legal basis for processing your personal data other than in relation to sending direct marketing communications to you via email. You have the right to withdraw consent to marketing at any time by contacting us.

### **The personal data we collect from you**

#### **Enquiries**

When you request information or make enquiries about any of our services or programmes, we may use the personal data you provide in order to fulfil your request or respond to your enquiry. It is in our legitimate interests to use your personal data in this way so that you receive the information you have requested.

#### **Enrolments and product order**

If you submit a booking request, enrol onto one of our programmes or purchase any of our other products or services, we may collect the following categories of personal data about you:

- Personal contact details such as name, title, addresses, telephone numbers, and personal email addresses.
- Bank account details.
- Billing address.
- Credit card or other payment information in order to process your payments.

This information will **only** be used by us to perform the contract we have entered into with you.

We may also ask you to disclose information regarding any criminal convictions you may have. We need to use this information in order to comply with our legal obligations.



During your programme we may collect information about your academic experience, prior learning and progression. This is in order to fulfil our contract with you, but it is also in our legitimate interests to use this personal data in order to monitor the provision of our service to you.

We may also collect personal data about your health in order to make appropriate arrangements and reasonable adjustments for you regarding your welfare or attendance. We use this information in order to perform our contract with you and in order to comply with our legal obligations.

You may also be asked (but not required to provide) special category data such as some or all the following - information about your:

- Education,
- Work experience,
- Age,
- Disability,
- Additional learning needs,
- Ethnicity,
- Sex orientation,
- Gender,
- Religion or belief,
- Caring responsibilities,
- Socio-economic background
- National identity.

This is to enable us to monitor equal opportunities and diversity, evaluate and quality assure inclusivity of School of Marketing 's learning programmes. We may also prepare and publish or share statistics or research obtained from this data but not in a form that identifies anyone.

For our apprenticeship learners we are required to collect this special category data and share it with Ofsted and the ESFA in order to meet our regulatory obligations.



Further information can be found on the ESFA's Privacy notice: <https://accounts.manage-apprenticeships.service.gov.uk/service/privacy>

## **Marketing**

Where you have explicitly consented to do so, we may use your personal data to inform you of special offers and new or existing services that we believe may be of interest to you.

If you are opted into marketing (via our consent form), we may also upload an encrypted version of your email address to social media and advertising platforms to do the following if a match is found:

- show you direct, relevant marketing messages
- create audiences of people that are similar to you
- ensure you do not see irrelevant marketing messages.

If you would prefer that we do not send such communications to you or share your email address in this way, please follow the opt-out links on any marketing message or contact us using the contact details in this Policy.

## **Internal business purposes**

We also may use your personal data for our internal business purposes. This is in our legitimate interests in order to operate as a business and monitor and improve the services we provide. Where possible we will anonymise this information.

## **Automated technologies or interactions**

As you interact with our website, we may automatically collect technical data about your equipment, browsing actions and patterns. We collect this personal data by using cookies and other similar technologies. Please see our cookie policy on our website for further details.

## **If you fail to provide personal data**

Where we need to collect personal data by law, or under the terms of a contract we have with you and you fail to provide that data when requested, we may not be able to perform the contract we have or are trying to enter into with you (for example, to provide you with goods or services). In this case, we may have to cancel a product or service you have with us, but we will notify you if this is the case at the time.



## When and how we share your personal data with others

We may share your personal data with third parties where required by law, where it is necessary to perform a contract or where we have a legitimate interest in doing so. Such third parties may include the following:

- **Our service providers:** We may share your personal data with other companies that perform certain services on our behalf. These services may include processing payments, providing customer service and marketing assistance, performing business and sales analysis and supporting our website and IT functionality. These service providers may be supplied with or have access to your personal data solely for the purpose of providing these services to us or on our behalf. School of Marketing is the data controller and will remain accountable for your personal data.
- **Your employer or sponsor:** We may share your personal data with your employer or sponsor with whom we have a contract relating to your programme of study.
- **Parents and guardians:** If you are under 18, we may share your personal data with your parents or guardians in order to perform our contract, comply with our legal obligations and if it is in your vital interests.
- **Other entities in the School of Marketing group:** We may share your personal data with other entities in our group as part of our regular reporting activities on company performance, in the context of a business reorganisation or group restructuring exercise or for system maintenance support and hosting of data.
- **Professional bodies and regulators:** We may need to share your personal data if required by a professional body or institute related to your programme or if required by a regulatory body or to otherwise comply with law.
- **Others:** We may share your personal information with other third parties such as in the context of the possible sale of our business. We may also need to share your personal data in order to permit us to pursue available remedies or limit damages we may sustain.

## The security of your personal data

We have put in place appropriate security measures to prevent your personal data 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, service providers, business partners, agents and other third parties who have a legitimate need to know. They will only process your personal information on our instructions or as otherwise agreed 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.



## **Our storage and retention of your personal data**

We will only retain your personal data for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting or reporting requirements. 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. Please contact us using the contact details in this Policy if you would like more information.

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

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

## **Your rights as a data subject**

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

- **Request access** to your personal data (commonly known as a "data subject access request"). This enables you to receive a copy of the personal data we hold about you and to check that we are lawfully processing it.
- **Request correction** of the personal 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 data. This enables you to ask us to delete or remove personal data 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 data where you have exercised your right to object to processing (see below).
- **Object to processing** of your personal data 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. You also have the right to object where we are processing your personal information for direct marketing purposes.
- **Request the restriction of processing** of your personal data. This enables you to ask us to suspend the processing of personal data about you, for example if you want us to establish its accuracy or the reason for processing it.
- **Request the transfer** of your personal data to another party.

If you want to review, verify, correct or request erasure of your personal data, object to the processing of your personal data, or request that we transfer a copy of your personal information to another party, please contact us using the contact details in this Policy.



### **No fee usually required**

You will not have to pay a fee to access your personal data (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.

### **Your right to withdraw consent**

In circumstances where you may have provided your consent to the collection, processing and transfer of your personal data for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact us using the contact details in this policy. Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

### **Changes to this Policy**

We reserve the right to update this Policy at any time, and we will provide you with a new Policy 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.

### **Appeals**

You have the right to appeal about how your data is being used. This appeal should in the first instance be raised via the Complaints procedure.

### **Data Incident Reporting**

We will record any data breaches or suspected breaches in our Data Incident Report Form within 24 hours and all breaches will be reported to ICO within 72 hours.

### **Appendix 1: Data Incident Report Form**

<b>Description of the data breach</b>	
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<b>Time &amp; date data breach was identified and by whom</b>	
<b>Name and role of person reporting the data breach</b>	
<b>Contact details</b>	
<b>Classification of breach (Personal Data/Business Sensitive)</b>	
<b>Volume of data involved</b>	
<b>Breach contained or on-going</b>	
<b>If on- going what actions are being taken to recover the data?</b>	
<b>Who has been informed?</b>	
<b>Other relevant information</b>	



<b>Evaluation of severity of incident- major/serious/minor</b>	
<b>Response/actions/decision required -by whom and by when</b>	
<b>Who needs to be notified?</b>	
<b>By whom and by when?</b>	