

## Privacy Notice: Learners and Apprentices

**Providers should make a copy of this Privacy Notice available to every learner and apprentice at the point they are registered with Open Awards**

Open Awards is committed to data security and the fair and transparent processing of personal data. This privacy notice sets out how Open Awards treats learner and apprentice personal data.

If you are a learner registered with Open Awards via an approved provider, or an apprentice registered with Open Awards for the purposes of end-point assessment, please read this notice carefully. It contains important information on who we are, how and why we collect, store, use and share your personal data, your rights in relation to your personal data, how to contact us, and how to contact supervisory authorities if you would like to report a concern about the way in which we process your personal data.

### Who are we?

For the purposes of applicable data protection law, including the General Data Protection Regulation (Regulation (EU) 2016/679) (EU GDPR), the UK GDPR and the UK Data Protection Act 2018 (DPA), Open Awards is the 'controller' of learner and apprentice personal data.

Open Awards is registered as a 'data controller' with the Information Commissioner's Office (ICO).

Open Awards is a company Limited by Guarantee (Registered No. 5462874) and a registered charity (Charity No. 1113612). Our registered address is: Open Awards, Estuary Commerce Park, 17 De Havilland Drive, Speke, Liverpool, L24 8RN.

Open Awards is an Awarding Organisation regulated by Ofqual and Qualifications Wales, and an Access Validating Agency approved by the Quality Assurance Agency for Higher Education (QAA). For more information, please see [www.openawards.org.uk](http://www.openawards.org.uk).

## **What personal data do we collect?**

We collect your name, gender, and date of birth, and any other personal data which is necessary in relation to a specific qualification or programme, apprenticeship standard or assessment.

We may also collect personal data if required to administer our quality assurance processes, investigations, complaints and appeals. Personal data collected that could be collected includes (but is not limited to) ethnicity, learning difficulty and disability, home postcode, contact number and email address, funding eligibility, employer placement details and achievement data.

This personal data is provided to us by approved providers, employers, regulatory bodies and other industry bodies you have registered and/or contracted with to receive learning, training, assessment, and/or certification products and/or services provided by us.

If you take an Open Awards remotely invigilated assessment, we will record your test activity including portrait images of your face and screen activity during the assessment. We will record the room check which takes place before the start of the assessment but will not record ID checks.

We assign a unique number to each learner and apprentice at the point of registration, which we also use in relation to your learning, training, assessment, and/or certification.

The personal information collected that can be used to identify you includes (but is not limited to) name, date of birth, gender, ethnicity, learning difficulty and disability, postcode, and achievement (including prior achievement) and course data.

Whilst we endeavor to collect only data for which there is a legal or sound business requirement and to ensure the integrity of the data, we strongly encourage customers to contact us if you believe any data to be incorrect.

Any concerns can be sent to Open Awards by emailing [enquiries@openawards.org.uk](mailto:enquiries@openawards.org.uk).

## How do we process your personal data?

We may process your personal data where this is necessary to pursue our legitimate interests as a provider of learning, training, assessment, invigilation, and/or certification products and/or services, including to:

- provide you with products and/or services for which you have/ have been registered
- undertake administration in relation to products and/or services for which you are registered
- provide you with a certificate, credential, or other record of learning
- arrange for a digital credential to be issued to you when you have successfully completed a course or e-learning module, attended an event, or in recognition of an achievement
- contact you directly in relation to our quality assurance processes, investigations, complaints, and appeals
- assess and provide reasonable adjustments in relation to your learning or assessment where requested
- prevent and detect crime and/or assist with the apprehension or prosecution of offenders
- provide you with remote invigilation session booking confirmation emails and support.

We may also process your personal data in pursuance of our legitimate interests to contact you directly in relation to new and existing products, services, news, awards and events offered by Open Awards. Where you do receive such marketing communications from us, you may change your preferences or unsubscribe from marketing communications at any time by clicking the unsubscribe link in an email from us.

Where required by law: we may also process your personal data if required by law.

## Open Awards and Artificial Intelligence (AI)

Open Awards recognises the increased use of artificial intelligence (AI) to collate and process data. However, Open Awards does not currently use AI for these purposes. We will keep this approach under review to ensure that any data being used with any AI solution is stored and processed safely in line with GDPR requirement.

## Special Category Data

In some circumstances, Open Awards may also collect and/or be provided with special category data, such as data about your physical or mental health or condition, to enable us to administer requests for reasonable adjustments, or in relation to an investigation, complaint, or appeal.

Such data should only be collected and/or provided to us if you have provided your explicit consent or if we are otherwise permitted to receive and process it under the applicable data protection law (including as set out below).

With respect to special category data, we may also process such data if necessary for reasons of substantial public interest, including for the prevention or detection of unlawful acts or in compliance with, or to assist third parties to comply with, any regulatory requirements relating to the investigation of unlawful acts, dishonesty or malpractice.

## **Children's Privacy**

Open Awards does not knowingly register or collect personally identifiable information from anyone under the age of 13 ("Children"). If you, or a parent or guardian, has cause to believe that a child has provided us with personal information, please contact us immediately. We will ensure parental /guardian approval has been sought for the sharing of 'children's' data with us before we process their data.

## **Who do we share data with?**

We may share your personal data with relevant third parties, where necessary, in relation to your learning, assessment, certification, or the verification of your learning, assessment or certification, and associated research and analytical activities, including:

- Regulatory authorities such as the Department for Education
- Qualification regulators (e.g., Ofqual, Qualifications Wales, QAA)
- The Learning Records Service (LRS). Your personal learning record (PLR) is a permanent online record of your qualifications and achievements. It's held by the Education and Skills Funding Agency (ESFA), which is an executive agency of the Department for Education (DfE). The [LRS Privacy Notice](#) provides detailed explanation of how your data may be used.
- Universities and Colleges Admissions Service (UCAS)
- Professional bodies and similar industry bodies (e.g., National Youth Agency, General Pharmaceutical Council)
- Providers at which you are registered.

We may also share your personal data with trusted third-party service providers, including

- legal and other professional advisers, consultants, and professional experts
- service providers contracted to us in connection with provision of learning, assessment, and training products and/or services such as markers, moderators, invigilators, assessors, certification or credentialing providers, IT services and customer relationship management services
- analytics and search engine providers that assist us in the improvement and optimisation of our website.

We will ensure that there is a contract in place with such third-party service providers, which includes obligations in relation to the confidentiality, security, and lawful processing of any personal data shared with them, and which upholds your rights and freedoms with respect to personal data.

### **How long will we keep your personal data?**

We will keep personal data relating to your learning, training, assessment, and/or certification in order to:

- provide information about your learning, training, assessment and/or certification
- provide replacement certificates
- respond to any questions, complaints or claims made by you, on your behalf or about you
- comply with any relevant third-party record retention requirements (e.g. those of a regulator)
- comply with any contractual, legal, audit, and other regulatory requirements, or any orders from competent courts or authorities.

We will also keep personal data relating to our quality assurance processes, investigations, appeals and complaints, in order to comply with applicable contractual, legal, audit and other regulatory requirements, or any orders from competent courts or authorities.

Open Awards keeps personal data for no longer than as is necessary for the above purposes as outlined in our Data Retention Policy.

## How do we protect your personal data?

We take all reasonable steps to ensure that both we and our third-party service providers protect your personal data. This includes ensuring that our staff are aware of their information security obligations, providing training, and limiting access to your personal data to staff who have a genuine business need to know.

Unless otherwise stated, data is normally shared and processed as anonymised data. However, there may be situations, such as an investigation or complaint, when Open Awards is required to process or share individual personal details due to a legitimate business reason. In these instances, Open Awards will share only those details which are necessary to the case and will endeavour to maintain the security of this information.

We also take reasonable steps to protect your personal data from loss or destruction and have procedures in place to deal with any suspected data security breach. We will notify you and any applicable regulator of a suspected data security breach where we are legally required to do so.

Furthermore, our project management and change control process includes structured assessment of information security and data privacy risks. This process aims to ensure that all proposed system changes of Open Awards from time to time fully align with data protection requirements and good practice to uphold data subjects' rights and freedoms with respect to personal data.

## Your rights

Under applicable data protection law, you have various rights with respect to our processing of your personal data:

<p><b>Right to Access</b></p>	<p>You have the right to request a copy of the personal data that we hold about you by contacting us at the email or postal address given below. Please include with your request information that will enable us to verify your identity. We will respond within 1 month of request.</p> <p>Please note that there are exceptions to this right. We may be unable to make all data available to you if, for example, making the data available to you would reveal personal data about another person, if we are legally prevented from disclosing such data, if there is no basis for your request, or if your request is excessive.</p>
<p><b>Right to Rectification</b></p>	<p>We aim to keep your personal data accurate, current and complete. We encourage you to contact us using the contact details provided</p>

	below to let us know if any of your personal data is not accurate or changes, so that we can keep your personal data up-to-date.
<b>Right to erasure</b>	You have the right to request the deletion of your personal data where, for example, the personal data is no longer necessary for the purposes for which it was collected, where you withdraw your consent to processing, where there is no overriding legitimate interest for us to continue to process your personal data, or your personal data has been unlawfully processed.
<b>Right to object</b>	In certain circumstances, you have the right to object to the processing of your personal data where, for example, your personal data is being processed on the basis of legitimate interests and there is no overriding legitimate interest for us to continue to process your personal data, or if your data is being processed for direct marketing purposes.
<b>Right to restrict processing</b>	In certain circumstances, you have the right to request that we restrict the further processing of your personal data. This right arises where, for example, you have queried the accuracy of the personal data we hold about you and we are verifying the personal data, you have objected to processing based on legitimate interests and we are considering whether there are any overriding legitimate interests, or the processing is unlawful and you elect that processing is restricted rather than deleted.
<b>Right to data portability</b>	In certain circumstances, you have the right to request that some of your personal data is provided to you, or to another 'controller', in a commonly used, machine-readable format. This right arises where you have provided your personal data to us, the processing is based on consent or the performance of a contract, and processing is carried out by automated means.

If you would like to make any such requests, please contact us using the contact details provided below.

Please note that applicable data protection law sets out exceptions to these rights. If we are unable to comply with your request due to an exception, we will explain this to you in our response.

## **Contact**

If you have any queries about this notice, the way in which Open Awards processes personal data, or about exercising any of your rights, you can send an email to [enquiries@openawards.org.uk](mailto:enquiries@openawards.org.uk) or write to Open Awards, Estuary Commerce Park, 17 De Havilland Drive, Speke, Liverpool, L24 8RN

## **Complaints**

If you believe that your data protection rights may have been breached, and we have been unable to resolve your concern, you may lodge a complaint with the applicable supervisory authority or seek a remedy through the courts. Please visit the UK [Information Commissioner's Office website](#) for more information on how to report a concern.

## **Changes to our Notice**

Open Awards recognises that privacy and data protection concerns may change and evolve over time, and we will therefore keep this notice under review. If we make any changes to this privacy notice we will update our website and, if appropriate, notify providers by email.