



Independent Training Providers

**GDPR:
DATA PRIVACY NOTICE
FOR CLIENTS AND SUPPLIERS**

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Brooks and Kirk (Assessor Training) Ltd ("We") are committed to protecting and respecting your privacy.

This policy (together with our terms of use <https://brooksandkirk.co.uk/privacy-notice/> and any other documents referred to on it) sets out the basis on which any personal data we collect from you, or that you provide to us, will be processed by us. Please read the following carefully to understand our views and practices regarding your personal data and how we will treat it.

The rules on processing of personal data are set out in the General Data Protection Regulation (the "GDPR").

1. Definitions

Data controller - A controller determines the purposes and means of processing personal data.

Data processor - A processor is responsible for processing personal data on behalf of a controller.

Data subject – Natural person

Categories of data: Personal data and special categories of personal data

Personal data - The GDPR applies to 'personal data' meaning any information relating to an identifiable person who can be directly or indirectly identified in particular by reference to an identifier (as explained in Article 6 of GDPR). For example name, passport number, home address or private email address. Online identifiers include IP addresses and cookies. This can also include assessment records, assessment evidence, digital documents and files.

Special categories personal data - The GDPR refers to sensitive personal data as 'special categories of personal data' (as explained in Article 9 of GDPR). The special categories specifically include genetic data, and biometric data where processed to uniquely identify an individual. Other examples include racial and ethnic origin, sexual orientation, health data, trade union membership, political opinions, religious or philosophical beliefs.

Processing - means any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

Third party - means a natural or legal person, public authority, agency or body other than the data subject, controller, processor and persons who, under the direct authority of the controller or processor, are authorised to process personal data.

Google user data refers to any data associated with a user's Google account that is accessed, processed, or stored through Google services and APIs. Specifically, in the context of the Google Drive API, this includes user data such as names and email addresses, as well as any files, documents, and metadata stored within Google Drive. This data is subject to Google's privacy policies and terms of service, and it encompasses both the content of the files and the associated metadata, such as file names, creation dates, and access permissions.

2. Who are we?

Brooks and Kirk (Assessor Training) Ltd is the data controller. This means we decide how your personal data is processed and for what purposes. Our contact details are: phone: 01205 805155, Brooks and Kirk (Assessor Training) Ltd, 63 Wide Bargate, Boston, Lincs, PE21 6SG. For all data matters contact our data representative Dan Kirk on 01205 805155 or dan.kirk@brooksandkirk.co.uk

3. The purpose(s) of processing your personal data

We use your personal data for the following purposes:

- To register you as a new customer;
- To register you as a potential new customer;
- To process and deliver your product or service including:
 - a. Manage payments, fees and charges;
 - b. Collect and recover money owed to us;
 - c. Administration and verification of qualifications;
 - d. Viewing, marking, annotating and providing feedback on coursework and assessment evidence;
 - e. Track communication and decisions taken by staff;
 - f. Track progress and offer advice and support whilst on programme;
- To maintain our own accounts and records;
- To manage our relationship with you which will include:
 - a. Notifying you about changes to our terms or privacy policy;
 - b. Asking you to leave a review or take a survey;
- To administer and protect our business and our websites (including troubleshooting, data analysis, testing, system maintenance, support, reporting and hosting of data);
- To deliver relevant website content and advertisements to you and measure or understand the effectiveness of the advertising we serve to you;
- To use data analytics to improve our website, products/services, marketing, customer relationships and experiences;
- To make suggestions and recommendations to you about goods or services that may be of interest to you;
- When considering whether to make a reasonable adjustment under equality law and in other cases where we are legally required to;

In addition to the above, you can decide to use the Google Drive repository on our virtual learning environment (VLE) for uploading digital files and assessment evidence for grading. If you decide to use the above feature by logging in with your Google account, your Google User Data will be shared and processed for the purposes listed above.

4. The categories of personal data concerned

With reference to the categories of personal data described in the definitions section, we process the following categories of your data:

- Personal data; first name, last name, username, title, date of birth, employer name, IP address, billing address, delivery address, email address, telephone numbers, financial / card information and personal description.
- Other data that is necessary to the operation of the business such as details about the course you are studying, progress, previous qualifications, Special Educational Need, academic and vocational experience, communications with us, assessment appeals, assessment decisions, grading history, Assessment evidence, digital files and assessment submissions.
- Special categories of data; Health, disability,

5. What is our legal basis for processing your personal data?

a) Personal data (article 6 of GDPR)

Our lawful basis for processing your general personal data:

Consent of the data subject;	Provided when completing course induction webform for course administration, requesting a call back or email contact from our forms located on our website, requesting information or requesting additional correspondence over the phone;
Processing necessary for the performance of a contract with the data subject or to take steps to enter into a contract	Contract of sale, instalment contract;
Processing necessary for compliance with a legal obligation	When considering whether to make a reasonable adjustment under equality law and in other cases where we are legally required to;
Processing necessary to protect the vital interests of a data subject or another person	
Processing necessary for the purposes of the legitimate interests of the data controller or a third party, except where such interests are overridden by the interests or fundamental rights or freedoms of the data subject	Similar or relevant products or services offered by Brooks and Kirk;

b) Special categories of personal data (article 9 of GDPR)

Our lawful basis for processing your special categories of data:

Explicit consent of the data subject;	Provided when completing course induction webform for course administration
Processing necessary for carrying out obligations under employment, social protection law, or a collective agreement;	When considering whether to make a reasonable adjustment under equality law and in other cases where we are legally required to;

More information on lawful processing can be found on the [ICO website](#).

6. Sharing your personal data

Your personal data will be treated as strictly confidential and will be shared only with outside bodies in order to process finance, report payment defaults, file, dispute or pressure legal claims, collect monies owed and administer qualifications.

For administration of qualifications we will share your data with Pearson UK Ltd, City & Guilds Group or Industry Qualifications Ltd all of which are within the European Economic Area –“EEA”.

If payment default occurs, we may share your data with the UK Credit Reference Agencies. All of which are within the EEA.

We process payments using Go-Cardless Ltd, Stipe Payments Europe Ltd and PayPal and may share your data with these companies for this purpose. Go-Cardless is within the EEA and both Stripe Payments Europe Ltd and PayPal may transmit shared information outside the EEA. Stripe Payments Europe Ltd and PayPal both operate under the EU-U.S. and Swiss-U.S. Privacy Shield Framework

If you opt to do so, you can submit work, assessment evidence and digital files using Google Drive cloud storage. If you decide to login with your Google Account details and selecting file(s)

7. How long do we keep your personal data?

We keep your personal data for no longer than reasonably necessary and we only retain your data for the stated purposes and use the following criteria to determine how long to retain your personal data. We retain:

- Completed learners' assessment data, if held, for 2 years after certification;
- The data for learners' whom have requested withdrawal themselves for 2 years after the withdrawal request;
- The data for learners whom Brooks and Kirk have withdrawn for 2 years. After 2 years we will retain only communication notes, withdrawal information, enrolment data, first and last name for 7 years after withdrawal;
- The data for data subjects that enquired about our products or services for 6 months after the last successful contact or the date they last requested contact, whichever is longest;

8. Providing us with your personal data

You are under an obligation to provide your personal data to us in order to administer any qualifications we provide.

If you fail to adhere, we will not be able to deliver the product or service you have requested.

9. Your rights and your personal data

Unless subject to an exemption under the GDPR, you have the following rights with respect to your personal data:

- The right to request a copy of the personal data which we hold about you;
- The right to request that we correct any personal data if it is found to be inaccurate or out of date;
- The right to request your personal data is erased where it is no longer necessary to retain such data;
- The right to withdraw your consent to the processing at any time, where consent is our only lawful basis for processing the data;
- The right to request that we provide you with your personal data and where possible, to transmit that data directly to another data controller, (known as the right to data portability), (where applicable i.e. where the processing is based on consent or is necessary for the performance of a contract with the data subject and where the data controller processes the data by automated means);
- The right, where there is a dispute in relation to the accuracy or processing of your personal data, to request a restriction is placed on further processing;
- The right to object to the processing of personal data, (where applicable i.e. where processing is based on legitimate interests (or the performance of a task in the public interest/exercise of official authority); direct marketing and processing for the purposes of scientific/historical research and statistics);

10. Transfer of Data Abroad

We do not transfer personal data outside the EEA.

11. Automated Decision Making

We do not use any form of automated decision making in our business.

12. Further processing

If we wish to use your personal data for a new purpose, not covered by this Data Privacy Notice, then we will provide you with a new notice explaining this new use prior to commencing the processing and setting out the relevant purposes and processing conditions.

13. Changes to our privacy policy

Any changes we may make to our privacy policy in the future will be posted on this page and, where appropriate, notified to you by e-mail. Please check back frequently to see any updates or changes to our privacy policy.

14. How to make a complaint

To exercise all relevant rights, queries or complaints please in the first instance contact our data representative on 01205 805155 or GDPR@brooksandkirk.co.uk

If this does not resolve your complaint to your satisfaction, you have the right to lodge a complaint with the [Information Commissioners Office](https://ico.org.uk/global/contact-us/email) on 03031231113 or via email [https://ico.org.uk/global/contact-us/email/](https://ico.org.uk/global/contact-us/email) or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF, England.