



IQPlus Childcare and Educational Services Ltd
Data Protection Policy

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The key role of IQ Plus is to secure standards for those qualifications we certificate. As part of our commitment to quality assuring standards and therefore protecting learners, IQ Plus provides guidance and support to help our students/ candidates achieve their learning and development goals. IQ Plus also ensures that any regulatory requirements our regulators impose on us are met, and that we support exam bodies to meet these requirements.

Our regulatory policies are integral to our approach and articulate in a consistent way how we meet our regulatory requirements. They are reviewed annually to ensure that they remain fit for purpose.

This policy provides guidance on ensuring compliance with the Data Protection Act 1998 and other associated legislation.

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1. Introduction

1.1 The Data Protection Act 1998 (“DPA”) gives rights to individuals, including employees, about whom information or “personal data” is obtained or processed, whether manually or electronically. This policy does not distinguish between manual and electronic data.

1.2 This policy describes the requirements for the processing of personal data by IQ Plus to meet its legal obligations. If you have any questions please contact your line manager or the Data Protection Officer.

1.3 IQ Plus is committed to fulfilling its obligations under data protection legislation as to the processing of personal data used in its business and in so doing meeting the expectations of its employees, candidates, assessment associates and any other individual whose personal data is processed by Pearson.

2. Scope of Policy

2.1 This policy applies to all employees and officers of IQ plus, and all personnel who process personal data on behalf of Pearson.

3. Associated Policies and Guidance

- Global Information Security Policy
- Document Retention Policy
- Document Control and Classification Policy
- Data Protection Subject Access Request Compliance Guidance

4. 4. What is Personal Data?

4.1 Personal data is information, which relates to a living individual (not companies) who can be identified from that information, whether or not in conjunction with any other information. Common examples of personal data which may be processed by IQ Plus in its day to day business include names, addresses, telephone numbers, other contact details, CVs, performance reviews, bank details, exam scripts and coursework, and statements of opinion or intention regarding individuals.

4.2 Some information is considered to be sensitive personal data (“Sensitive Personal Data”). This includes information relating to:

4.2.1 race or ethnic origin;

4.2.2 political opinions;

4.2.3 religious or similar beliefs;

4.2.4 trade union membership;

4.2.5 physical or mental health or conditions;

4.2.6 sexual orientation/behaviour; or

4.2.7 information relating to the commission or alleged commission of any offence and any related court proceedings, including the disposal of or sentence in those proceedings.

4.2.8 financial information

5. Processing of Personal Data

5.1 IQ Plus will be processing personal data if it holds personal data and/or carries out any operation relating to that information such as altering or deleting it, accessing, downloading, reviewing or transferring it.

5.2 It is irrelevant whether the information is stored as a manual record or electronically (including in e-mails and word processed documents).

5.3 The collection, use and disclosure of personal data held by IQ Plus is subject to the following rules outlined in this policy in order to ensure compliance with the DPA.

5.4 Notification

5.4.1 IQ Plus is required to notify the Information Commissioner about the processing of personal data it carries out. IQ Plus has made the appropriate notification and has appointed a Data Protection Officer to review and co-ordinate the processing of personal data within IQ plus in accordance with the DPA and recommended good practice. IQ Plus is only permitted to process data within the remit of its notification.

5.4.2 If the purpose for which you want to process personal data is not included in the notification, please contact the Data Protection Officer.

5.4.3 Further details of the Data Protection Officer's role are set out later in this policy.

5.5 Use of Personal Data must be fair and lawful

IQ Plus must ensure that:

5.5.1 wherever possible, individuals are advised of the personal data which has been obtained or retained, its source and the purposes for which the personal data may be processed; and

5.5.2 there is consent to use the information.

5.5.3 Occasionally, specific business needs, or specific provisions of the DPA, can justify processing without consent. However, only the Data Protection Officer or the Legal Department may authorise any such processing without consent.

5.5.4 If the information is not received directly from the individual then IQ Plus must ensure that the individual is given all the relevant information above and IQ plus has authority to use this information.

5.6 Processing of sensitive, minors or candidate personal data

5.6.1 According to the General and Vocational qualifications General regulations for Approved Centres (1 September 2011 to 31 August 2012) and JCQ's guidelines, any centre approved by IQ Plus undertakes to provide comprehensive information regarding the processing of their personal data to candidates. According to JCQ's guidelines, a standard fair processing notice will be given to every candidate whose personal data is to be processed by Pearson.

5.6.2 On occasions IQ Plus will need to require evidence to demonstrate that candidate's parents or guardians have provided their consent for the processing of the candidate's personal data.

5.6.3 IQ Plus must have the explicit consent of the individual to process Sensitive Personal Data and the parents' or guardians' consent for the processing of minor's data under certain circumstances as described in the below sections. If there is no explicit consent or the information has not been received directly from the individual, IQ Plus will not process this information unless it obtains the relevant consents or is otherwise lawfully entitled to do so.

5.6.4 Explicit consent needs to be specific, informed and freely-given. It should cover the specific detail of the processing, the particular type of data to be processed (or even the specific information), the purposes of the processing and any special aspects of the processing which may affect the individual, for example, disclosures which may be made of the data. Provided that IQ Plus does not collect the candidate's sensitive data directly from the candidate, IQ Plus must request centres to obtain the candidate's and/or his or her parents' or guardians' consent, when necessary. Please contact the DPO for further guidance on this.

5.6.5 In the event that candidates are below the age of 16, the request of consent for the processing of personal data may involve additional requirements such as the consent of parents or guardians. Pearson's employee's must contact the DPO when they foresee that they may collect and process personal data of candidates below the age of 16 (e.g. pre-test candidates, PTL candidates, etc).

5.6.6 IQ Plus must ensure that the language used in the information provided to minors is easy to understand.

5.6.7 When candidates' data regarding their health is collected and processed by centres and then shared with IQ Plus for the request of special conditions or access arrangements, IQ Plus must ask centres for evidence that parents or guardians have provided their consent to the processing when the child is below the age of 16. Please contact the DPO for further guidance on this.

5.6.8 If the reasons for processing that data change, then the data subject must be notified at that point.

5.6.9 Sensitive Personal Data may not be sent by fax unless it is to a confidential or direct fax number, the fax is marked confidential and the recipient has been notified in advance of it being sent. If Sensitive Personal information is sent by mail it should be securely transferred where possible, preferably via encryption, or via a secure channel such as SFTP. Finally, if Sensitive Personal Data is sent by post, IQ Plus should make sure that the means by which it is sent allows tracking the parcel down. Please refer to the Global Information Security Policy for more information.

5.6.10 Under Pearson's policy, any new 'Sensitive Data processing' or any changes made to existing processes in relation to Sensitive Personal Data must be notified to the Data Protection Officer.

5.7 Personal Data must only be used for specified lawful

purposes IQ Plus must only use personal data:

5.7.1 for a lawful purpose (s) the data was collected in the first place; and

5.7.2 where it is covered by Pearson's notification to the Information Commissioner.

5.7.3 The main purposes for which IQ Plus is covered under its notification include:

- Staff Administration;
- Advertising, Marketing and Public Relations; and
- Education.

5.7.4 Provided that the identification of individuals cannot be ascertained or is not disclosed, aggregate or statistical information may be used to respond to any legitimate internal or external requests for data (e.g. surveys, information as to the percentage of candidates achieving a certain grade).

5.8 The Use of Personal Data must be justified

The personal data processed by IQ Plus must be adequate, relevant and not excessive for Pearson's legitimate business purposes. Methods of data capture must:

5.8.1 be specific to the particular processing purpose;

5.8.2 obtain all personal information necessary on which to base any decision that is to be taken for the processing purpose;

5.8.3 not collect personal data that is simply "nice to have", which is otherwise not necessary for the processing purpose for which the individual has provided their details, or which is to be used for another purpose (e.g. marketing) about which the individual has not been informed. If information about other family members, interests and hobbies are not strictly relevant to any purpose about which the individual has been informed, then this information should not be collected; and

5.8.4 ensure that the data subject is informed at the time the information was collected of the purpose of the processing.

5.9 Personal Data must be accurate

5.9.1 The best ways to ensure that the information is accurate is: a) to check this with the individual regularly or b) to offer the individual the opportunity to update it. Some personal information collected may change from time to time, such as address and contact details, bank accounts and employment. If IQ Plus takes a

decision based on inaccurate information or forwards information to the wrong address it is conceivable that this may cause some harm to the individual. It is therefore important that, where necessary, information is kept up to date. Individuals whose personal data is being processed should be requested to inform IQ Plus of any changes to the personal information they provided.

- 5.9.2 If personal information is held or used for long periods of time and there is the possibility that some or all of the information held may become inaccurate, regular reviews of the information must be carried out to ensure its accuracy.

5.10 IQ Plus must adhere to its Document Retention Policy

- 5.10.1 IQ Plus must not keep information for longer than necessary for the purpose for which it is being processed. This includes keeping information for as long as may be necessary for the purpose of defending any legal proceedings brought against IQ plus in relation to the processing or as required by law, any regulatory body or recommended by any relevant code of practice. The retention of personal data is covered by Pearson's Document Retention Policy which is administered centrally. Guidance on retention periods can be obtained from the Data Protection Officer. A Document Control and Classification Policy is also in place and should be read in connection with the Document Retention Policy. Both policies can be found on the IQ Plus UK Data Protection Neo Group.

5.11 Personal Data must be processed in accordance with individuals' rights

Individuals have

- 5.11.7 An individual must not be credit checked (or any personal information passed to credit reference agencies) except with the consent of that individual.

5.12 Appropriate security must be applied to all Personal Data

- 5.12.1 IQ Plus must have appropriate technical and organisational security measures in place to prevent unauthorised or unlawful processing, accidental loss of or destruction or damage to personal information. Special security measures may be required to be put in place in the case of Sensitive Persona data.

- 5.12.2 Third parties who process personal information on behalf of the Company must sign a written contract approved by Pearson's Legal Department / Data Protection Officer.

- 5.12.3 Information released to a third party for processing on its own behalf, must only be released with the individual's consent. If consent cannot be obtained at the time of collection, contact the Data Protection Officer for further recommendations.

- 5.12.4 Personal data must only be disclosed to those authorised to see

Protection officer will assist in identifying whether an individual is authorised to see it.

5.12.5 Under no circumstances must information be released about an individual to any person requesting this information by phone, fax or post, unless the identity of the person making the request and that they are entitled to receive the information requested has been confirmed.

5.12.6 Personal information processed on behalf of IQ Plus must not be posted /disclosed on any personal networking sites such as Facebook or Twitter.

5.12.7 Personal information should be stored on central databases instead of individual spreadsheets where possible. Please refer to the Global Information Security policy for guidance.

5.13 Disposing of Personal Data

5.13.1 All personal data must be disposed off securely in accordance with the Document Retention Policy. Any electronic devices holding personal data must be disposed off securely. Please refer to the Global information Security Policy for guidance. Personal data should not be disposed off when there is actual or threatened litigate / investigation.

5.14 Transfers outside the European Economic Area (“EEA”)

5.14.1 IQ Plus will not transfer personal information outside the EEA unless the transfer is to a country which has been deemed adequate by the European Commission. If this condition is not met, please contact the DPO for further advice.

5.14.2 The EEA currently includes Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovak Republic, Slovenia, Spain, Sweden, and United Kingdom. The countries currently deemed adequate include USA (those companies who have signed up to the Safe Harbor principles only), Argentina, Canada, Guernsey, Isle of Man and Switzerland.

5.14.3 All transfers of personal information outside the EEA must be approved first by the Data Protection Officer.

5.15 Direct Marketing

5.15.1 As a general rule, IQ Plus must not direct market any individuals (including business partnerships) unless: a) it has obtained the prior consent of those individuals known as opt in consent or b) they have not objected to it called ‘opt out’ consent. It is important that consent is obtained at the time when the personal data of the individual is collected.

5.15.2 Direct marketing should not be sent to candidates or minors unless permission has been obtained from the DPO Officer or the legal team.

5.15.3 IQ Plus must comply with any request by an individual not to receive direct marketing information.

5.15.4 Additionally, the Telephone Preference Service, Mail Preference Service and Fax Preference Service must be checked prior to marketing to any individual by telephone or fax. Elections not to receive marketing by fax or telephone must be complied with.

5.15.5 An opt out link and our identity as a company must be included on all direct marketing that is sent.

5.15.6 It is responsibility of the department sending out direct marketing to ensure that any opt outs are updated on relevant databases.

5.15.7 For any opt outs received the customers details should be 'supressed on the database' to ensure that there is a record to prevent the customer being sent any further direct marketing.

5.16 Access to Information

5.16.1 IQ Plus has a central procedure for dealing with all requests for access to personal information, in accordance with the provisions of the DPA. This procedure is described in **Appendix B Subject Access Request Process.**

5.16.2 Any requests received must be passed immediately to the Data Protection Officer.

5.16.3 All subject access requests will be dealt with by the Data Protection Officer, within 40 calendar days of receipt of the request from the individual in writing, together with a £10.00 access fee made payable to IQ Plus Education Ltd.

5.17 Using Cookies or similar technologies to collect information through the internet

5.17.1 Any new requests to use cookies or similar technologies for targeted advertising / behavioural marketing need to be referred to the website owner.

5.17.2 Website owners have the responsibility of ensuring that any cookies or any information collected through website (s) targeted at a UK audience is in accordance with Data Protection Act 1998 and Privacy Electronic Communication Regulation (PECR).

5.17.3 Any personal information collected through the internet must include a link to a privacy policy which has been approved by DPO or legal team, and must include a fair processing notice which makes it clear to the user what will happen with their personal information.

6. Data Protection for Employees

6.1 All staff members are required to complete Data Protection Training on an annual basis. For any queries in relation to Data Protection Training please contact your line manager.

6.2 Initial personal data relating to employees is ordinarily obtained from job application forms submitted to IQ plus and thereafter principally from employees themselves by way of annual appraisal, leave cards, etc. A statement on IQ plus's standard application form clearly outlines that the information collected will be strictly confidential and used only for the purposes of personnel and salary administration, or otherwise in connection with IQ plus's business. This also appears on IQ plus's terms and conditions of employment. A similar statement is also shown on the appraisal forms, stating that the information collected may potentially be used or referred to for any of the purposes outlined.

6.3 Requests for data concerning employees by external sources which have been authorised by IQ Plus are:

6.3.1 requests from agents authorised by the employee who is the subject of the data (e.g. mortgage requests, references). However, confirmation should be sought from the employee that the information is to be released and if possible, the employee's written consent should be obtained;

6.3.2 requests made for the purposes of law enforcement (e.g. for the prevention or detection of crime, the assessment or collection of any tax or duty or the assessment or collection of any liability via the Child Support Agency). Disclosure is only allowed where failure to make disclosure would be likely to prejudice one of those purposes. In all cases written evidence should be obtained from the Police, HM Revenue and Customs or the Child Support Agency, as appropriate, as to the purpose of the request;

6.3.3 requests for any other compulsory legal processes;

6.3.4 requests, if urgently required, for the prevention of injury and damage to health;

6.3.5 requests required by authorised officials or representatives of recognised trade unions. However, confirmation should be sought from the employee that the information is to be released and, if possible, the employee's written consent should be obtained;

6.3.6 requests required by specifically identified external sources (e.g. pension administrators, in order to administer internal company benefit schemes).

6.3.7 All staff should endeavour to restrict disclosures requested from outside IQ plus to those required by law as much as possible.

6.4 Employees are, at reasonable intervals (which IQ plus deems to be every six months) entitled to have access to personal data held upon them, which is not excluded data (see below). They are also entitled to be informed of the purpose for which the data is being or is intended to be used and the likely recipients (or class of recipients). The following information is excluded from this right to access:

- 6.5 confidential references given by IQ plus. Any requests for access to copy of references should be treated under a 'subject access request' and should be sent to ukdataprotection@pearson.com as soon as possible.
- 6.6 personal data processed for the purposes of management forecasting or management planning to the extent that disclosure would be likely to prejudice the conduct of that business or activity only;
- 6.7 personal data which consists of records of the intentions of the Company relating to any negotiations with the employee to the extent that disclosure would be likely to prejudice those negotiations only.
- 6.8 Information held for the prevention or detection of crime, the apprehension or prosecution of offenders, or the assessment or collection of any tax or duty or of any other imposition of a similar nature may be withheld to the extent to which access would be likely to prejudice any of these matters.
- 6.9 If, in order to comply with a disclosure request, IQ plus may need to disclose information relating to an identifiable third party. Any requests will be processed in accordance with the Data Protection Act.
- 6.10 The employee will not be able to prevent processing, if the processing is necessary for the performance of a contract to which the employee is a party. Upon receipt of a written request from an employee the Data Protection Officer will write to the employee within 21 days confirming that the request will be upheld or giving reasons why it will not.

7. Reporting Data Protection Incidents

- 7.1 Any DPA incidents should be reported immediately to the DPO by contacting ukdataprotection@pearson.com

8. Conclusion

8.1 IQ Plus has a legal liability to ensure that personal data is processed in accordance with data protection legislation and principles. IQ Plus cannot comply with its legal liability unless all employees ensure that they comply with Pearson's Data Protection Policy. Employees and officers of IQ Plus may also face criminal liability in certain circumstances.

8.2 Data protection is a serious matter. A failure to comply with Company policy may result in disciplinary action which could result in summary dismissal.

1. Regulatory References

The Office of Qualifications and Examinations Regulation (Ofqual) and the Scottish Qualifications Authority (SQA) require all awarding organisations to establish and maintain their compliance with regulatory conditions and criteria. As part of this process, policies that relate to Pearson's status as an awarding organisation will reference the particular conditions and criteria that they address. This policy addresses the following regulatory criteria and conditions:

Ofqual General Conditions of Recognition	
Section A: Suitability for continuing recognition	1.2
Section A: Availability of adequate resources and arrangements	5.2
Section B: Compliance with Regulatory Documents	7.2
SQA Accreditation Regulatory Principles (2011)	
The awarding body must deal with SQA Accreditation in an open and co-operative way, and disclose anything which SQA Accreditation would reasonably expect to be made aware.	Principle 1
The awarding body must ensure that they conduct their operations ethically, taking into account of any legislation, including but not limited to equalities, competition and data protection laws	Principle 4

10. Policy Review Date

This policy will be reviewed on an biannual basis.

11. Useful Contacts

For more information on Data Protection please contact

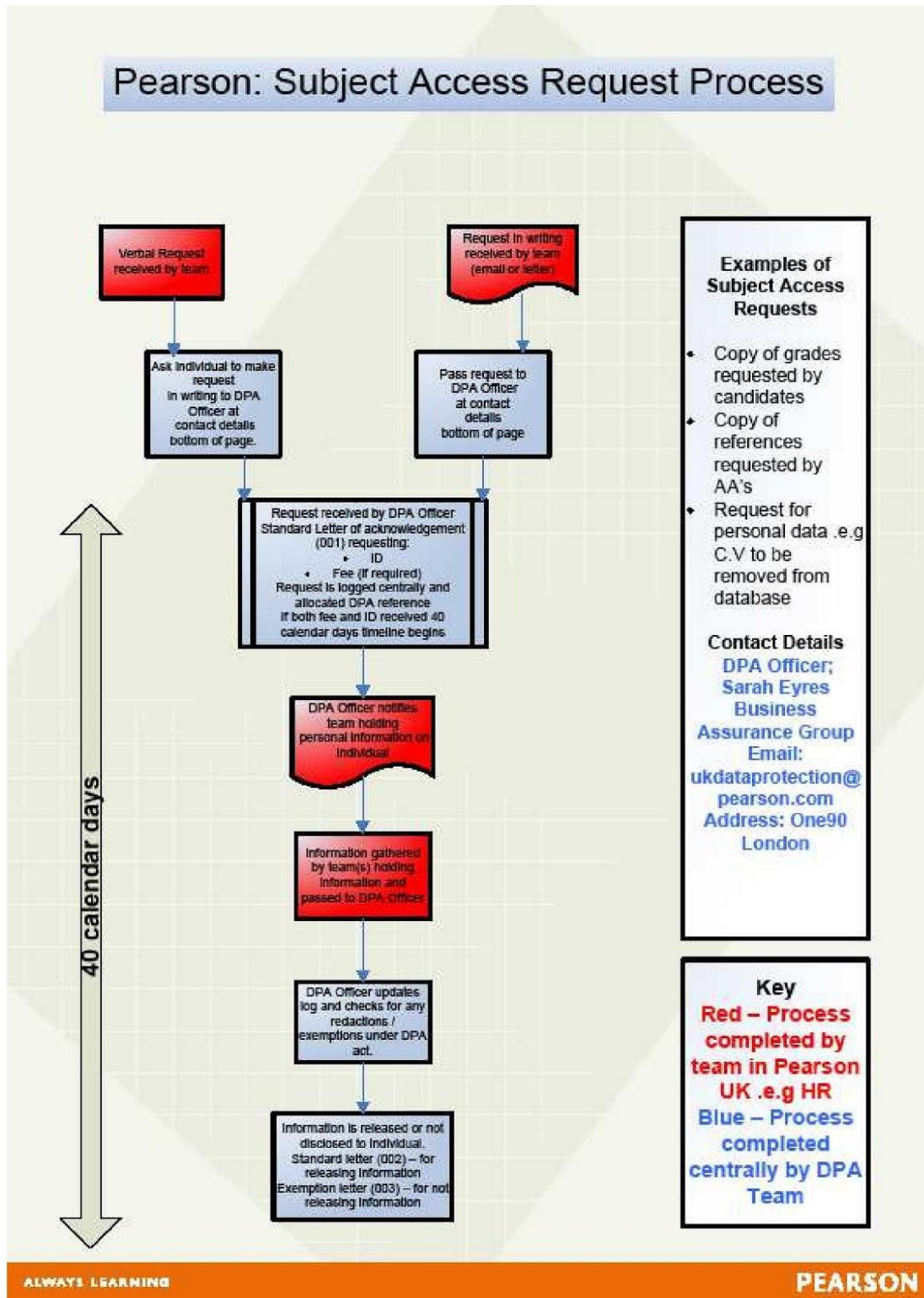
Ukdataprotection@pearson.com

Appendix A - Glossary

	Definition
Personal Data	It is information which relates to a living individual who can be identified from that data such as; names addresses telephone numbers email addresses and other contact details
Sensitive Personal Data	Some information is considered to be sensitive personal data: race or ethnic origin political opinions religious or similar beliefs trade union membership physical or mental health or conditions sexual orientation related court proceedings/criminal convictions Financial information
Processing	Everything you do with data: obtaining recording holding using disclosing erasing data viewing data
Minors	Under the age of 18
Anonymising data	Data is anonymised if you are not able to identify the person, for example removing the name, the address and phone number.
Data Subject	The Data Subject is to whom the data relates to.
EEA	Currently includes Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxemburg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovak Republic, Slovenia, Spain, Sweden, and United Kingdom.

Encryption	This alters a file using a secret code so as to be unintelligible to unauthorized parties. It is more secure than a password.
Consent	Consent is about ensuring that you have permission to use an individual's personal data.
Transfer data	Any act by which a recipient can access and/or use the data. This does not include remission through a server without access.

Appendix B SUBJECT ACCESS REQUEST PROCESS


ALWAYS LEARNING
PEARSON

Data Protection Notice

So that we can process your application for access arrangements electronically via the *Access arrangements online* system we need your consent to share some of your personal data, which may include data relating to your health, medical condition or any disability, with a number of organisations. In some cases, we may need to provide more detailed personal information to support the application for access arrangements being made on your behalf.

These organisations are the Joint Council for Qualifications (JCQ) and the participating awarding bodies (currently AQA, OCR, Pearson and BMAT).

Your application will be processed in line with the common standards, regulations and guidance developed for GCSE/iGCSE and GCE qualifications by the JCQ.

If you are happy for us to share your data please provide your consent by completing the declaration below. We will not use your data for any other purpose without your consent (unless authorised to do so by law).

Declaration

For the purpose of processing my access arrangement application, I consent to the use of my name, date of birth and other relevant data as set out above. I understand that this information will not be used for any other purpose without my consent unless authorised by law.

Signed Date

Print Name.....

Policy Review Date

January 2022

Author (Print).....
Sign.....date.....

I.V. Checker (Print).....
Sign.....date.....