



**South West Association of Training
Providers Ltd
Privacy Policy
&
Procedures**

Board approved:

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1. Scope of Policy & Procedures

South West Association of Training Providers (Swatpro), (referred to in this Privacy Notice as the Company) is a controller for the personal information that it collects and uses about individuals. The company's contact details are set out in item 11 of section 1 of this Privacy Notice. Any reference in this Privacy Notice to individuals refers to anyone whose personal information is processed. This Privacy Notice is to inform individuals how the company will use their personal information; the legal basis which allows the use personal information; how personal information is shared and informs individuals of their rights in accordance with the laws in place that protect their personal information. This includes the Data Protection Act 1998, the Privacy and Electronic Communications (EC Directive) Regulations 2003) and the General Data Protection Regulation 2016/679 and any subsequent data protection legislation which is implemented in the United Kingdom (together, "Data Protection Legislation"). Swatpro are registered with the Information Commissioners Office as Data Processors.

2. Definitions

Personal Information:

'Personal information is any information that provides others with details about a living individual. This includes information such as name, contact details, National Insurance number, account number, date of birth, passport number and bank account details.'

3. Policy

Swatpro will treat all personal information as confidential and in accordance with the Data Protection Legislation and personal information will only be shared with others in accordance with this Privacy Notice.

Swatpro will keep this Privacy Notice up to date, so if there are any changes to the way in which personal information is used this Privacy Notice will be updated and the company will ensure information about such changes is displayed on its website homepage for a 'reasonable' period of time.

Swatpro will keep individual's personal information for the necessary length of time to comply with statutory or regulatory requirements. For example, Education and Skills Funding Agency rules state the company is required to keep information until 2030 and HMRC requires records to be held for 6 complete accounting years.

4. Key principles

a. Retention

All personal information will be retained in accordance with the company's retention policy, individuals' rights under Data Protection Legislation and in line with regulatory obligations. Any personal information will be deleted in accordance with Swatpro's data retention policy.

b. Legal Basis of our Data Processing

Under Data Protection Legislation Swatpro is only permitted to use individual's personal information if it has a legal basis for doing so as set out by data protection legislation. The company will follow the following legal bases regarding the use personal information:

- Where consent has provided for the processing of individual's personnel information (Swatpro Privacy Policy May 2018 Page 1 of 5)
- Where processing is necessary to deliver against the ESFA contract for individuals or take steps to enter a contract with them at individuals' request.
- Where necessary to comply with a legal obligation; and
- Where it is necessary for Swatpro's legitimate interests (or those of a third party) and individual's interests and fundamental rights do not override those interests.

In certain cases, individual's consent will be required to obtain and use their personal information. When this is the case, consent will be asked for and the reasons for the requirement explained. Individuals can withdraw their consent to the processing of their personal information at any time by contacting the company using the contact details below.

Some information is classified as "special" data under Data Protection Legislation. This includes information relating to, amongst other things, health or information about any disability individuals may have. This information is more sensitive, and the company will need to have further justifications for collecting, storing, and using this type of personal information. Additional special categories of personal data may be required to be processed but this will only be done if consent to use this information has been obtained.

c. How might personal information be shared?

Swatpro will keep all personal information confidential and secure and only share it with others for the purposes set out below and elsewhere in this Privacy Notice.

Swatpro will share an individual's personal information in the following ways:

- with any person working within the Company on a need-to-know basis.

- with any organisation which an individual has given permission to share it with.
- with any organisation which the company have sub-contracted with or engaged to provide services on its behalf including software providers and hosts, Partner Providers, Awarding Organisations, End Point Assessment organisations, E portfolio providers. For company staff this will include postal fulfilment, payroll, pensions and HR, tax compliance and legal and audit,
- with funding bodies to comply with regulatory and legal obligations.

We do not share personal data outside the UK.

Software providers include:

- i. Pellcomp Ltd – Provide information, data software and hosting to support the interface with the Government funding body. www.pellcomp.com
- ii. BKSb Ltd – Provide E learning and paper-based materials for development of English and Maths skills. www.bksb.co.uk
- iii. Awarding organisations – To provide certification of qualifications and learning programmes. The Awarding organisation will depend on the qualification sector.
- iv. End Point Assessment organisations – To provide End Point Assessment services. The End Point Assessment organisation will depend on the apprenticeship.
- v. Payroll services – Albert Goodman Ltd, Mary Street House, Mary Street, Taunton TA1 3NW
- vi MyConcern – Software platform to record safeguarding concerns.

5. Security

Swatpro has put in place appropriate security measures to prevent any personal data from being accidentally lost, used, or accessed in an unauthorised way, altered or disclosed. In addition, access to personal information is limited to those agents, contractors and other third parties who have a business need to know. They will only process individual's personal information when instructed and they are subject to a duty of confidentiality.

Procedures are in place to deal with any suspected personal data breaches and the company will notify individuals and any applicable regulator of a breach as legally required.

Please note that as no data transmission over the Internet can be guaranteed to be 100% secure consequently Swatpro cannot ensure or warrant the security of any information any individual may transmit to the company, and they do so at their own risk.

We regularly test, assess, and evaluate the effectiveness of our technical facilities and measures.

6. Recording telephone calls

Swatpro does not record telephone calls.

7. Individuals rights in relation to their Personal Information

Individuals have several rights in relation to their personal information; these include the right to:

- Be informed about how their personal information is being used.
- Obtain access to their personal information that the company hold.
- Request that their personal information is corrected if they believe it is incorrect, incomplete, or inaccurate.
- Request that Swatpro erases their personal information in the following circumstances:
 1. If the Company is continuing to process personal information beyond the period when it is necessary to do so for the purpose for which it was originally collected.
 2. If the Company is relying on consent as the legal basis for processing the personal information and you withdraw consent.
 3. If the Company is relying on legitimate interests as the legal basis for processing the personal information and you object to this processing and there is no overriding, compelling ground which enables us to continue with the processing.
 4. If the personal information has been processed unlawfully (i.e., in breach of the requirements of the data protection legislation); or
 5. If it is necessary to delete the personal information to comply with a legal obligation.
- Ask Swatpro to restrict its data processing activities where an individual considers that:
 6. Personal information is inaccurate.
 7. The processing of their personal information is unlawful.
 8. Where the company no longer need the personal information, but an individual requires it to be kept enabling the individual to establish, exercise or defend a legal claim; or

9. Where the individual has raised an objection to Swatpro's use of their personal information:

- Request a copy of certain personal information that has been provided to the company in a commonly used electronic format. This right relates to personal information that has been provided to the company to enable it to deliver the contract agreement with the individual and personal information where the company is relying on consent to process the personal information.
- Object to the processing of their personal information where the company are relying on legitimate interests or exercise of a public interest task to make the processing lawful. If an individual raises an objection Swatpro will carry out an assessment to determine whether it has an overriding legitimate ground which entitles it to continue to process the personal information.
- Not be subject to wholly automated decisions which produce legal effects, or which could have a similarly significant effect on the individual.

If an individual would like to exercise any of their rights or find out more, please write to r.davis@swatpro.co.uk or Swatpro Unit 6, Marsh Green Road North, Marsh Barton, Exeter EX2 8NY. The company will respond to the request within 15 working days.

8. Processing personal information based on consent – Marketing

Swatpro will not use any personal information for marketing without gaining previous permission.

9. Complaints

If anyone has any complaints about the way their personal information is being/has been used, please contact Swatpro's Privacy Team who will seek to resolve the issue. If it isn't resolved, individuals have the right to complain to the data protection authority (the Information Commissioner in the UK) via the website www.ico.org.uk.

For more information about how to contact your local data protection authority please contact: r.davis@swatpro.co.uk, call 07850497521 or write to at Swatpro Unit 6, Marsh Green Road North, Marsh Barton, EX2 8NY.

10. Contact Details

If you have any questions, comments, or requests regarding any aspect of this Privacy Notice, please do not hesitate to contact at: Privacy Officer, Unit 6, Marsh Green Road North, Marsh Barton, Exeter EX2 8NY

Or via email, at r.davis@swatpro.co.uk

11. Using your personal information for profiling/automated decision making

Swatpro does not use personal information for profiling or automated decision making.

12. Social media

Swatpro does not share personal information on social media.

13. Appendices

13.1 Prospective or actual learners and employers, employees, and members

a. How is personal information collected?

Personal information is gathered from various sources including:

- the personal information provided when any contact is made (by way of meeting, interview, telephone call, email or by any other means) in accordance with the provision of the company's services.
- the personal information provided in enable Swatpro to provide its services.

- any personal information previously held.
- any personal information obtained from searching public records,
- any personal information collected from Government sources such as learning records,
- any personal or company information gathered from members for Due Diligence or normal business purposes.
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b. What personal information is collected during business?

This may include the following types of personal information:

- name, date of birth, email address, postal address, telephone, or mobile number.
- identity documentation such as national insurance number, driving licence or passport number.
- financial details such as income, salary, and business records
- bank details where required.
- details of any contact made (either initiated by Swatpro or the individual);
- if personal information about somebody else is provided it will be assumed the individual has permission to do so, (e.g. next of kins contact details) and their data will also be subject to this Privacy Notice.

c. For what purposes do might personal information be used during business?

Personal information may be used for the following purposes:

- to provide education and training services.
- to access funding from the Governments national funding system.
- to access awarding organisation certification, learning resources, End Point Assessment.
- to comply with the funding body obligations and professional codes.

d. Using personal information for profiling/automated decision making

Swatpro does not use any personal information for profiling or for automated decision making.

e. Data storage

- We securely store your personal data using industry-standard encryption and access controls. Data is retained only for as long as necessary to fulfil the purposes outlined in this policy or as required by law. We regularly review our data storage practices to ensure the security and integrity of your information.

Swatpro maintains Cyber Essentials certification on an annual basis.

Annex 1 - Review of Privacy Policy

Date	Whom	Record of change	Next review date
2022	Rod Davis	Policy written and approved	Aug 2023
09.08.23	Rod Davis	Annual Refresh	Aug 2024
30.04.2025	Rod Davis	Annual review	April 2025