



Data Protection Policy

Scope

This policy applies to OTT and all Centres and providers offering OTT regulated training, endorsed and development programmes and non-regulated products. The policy provides definition and examples of Data Protection and how this applies in connection with Centres, providers and learners.

The Data Protection Act 2018 ('**Act**') places obligations on those that control and process information relating to individuals. Whilst this is UK-based legislation, DTQ believe it represents best practice and requires all Centres to comply with these provisions.

This OTT policy is provided for two purposes - to guide Centres in how to approach OTT as well as to provide an example of how Centres might develop and structure a policy statement which should include details on what personal data the Centre collects, how it is stored and what it is used for.

Definition (Personal Data and Sensitive Personal Data)

When collecting personal data from data subjects, OTT and all Centres must ensure that its learners are aware of what will be collected and how it will be used.

This can be done using a data protection notice. However, it is the responsibility of Centres to ensure that the notice(s) that they use are at all times accurate and compliant with any relevant data protection laws. OTT may ask Centres to provide their data protection notice.

OTT requires that a Centre's data protection notice allows Centres to transfer data to OTT in relation to personal data for the following purposes:

- to identify a living individual (**'personal data'**)
- to undertake administration in relation to the qualification for which the learner is registered including providing you with a certificate on successful completion of the learner's qualification or specified units of it
- to contact learners directly in relation to studying membership, OTT Centre approval or qualification approval and/or quality control purposes undertaken by OTT for the qualifications for which the learner is registered;
- to inform learners of products or services offered by OTT
- to disclose to its regulators where so required; and
- to disclose to relevant industry bodies where so required by law to:
 - account for learners where there is a requirement to do so; and
 - contact a learner directly if there is a requirement for such bodies and the information is not readily accessible by other means.
- in relation to sensitive personal data, for the following purposes:
 - to collect and analyse data relating to a living individual's racial or ethnic origin, political opinions, religious beliefs, mental health, sexual life, trade union membership or criminal convictions or proceedings relating to any criminal charges against such individual (**'sensitive information'**)
 - to administer requests for reasonable adjustments under the Access of Assessment policy
 - to carry out statistical analysis (on an anonymised basis) which may be carried out by OTT, or selected third parties
 - to monitor (on an anonymised basis) equal opportunities relating to ethnicity or disability or other such monitoring purposes.

An example of a data protection notice is given later in this policy

Process

As part of the OTT approval process, Approved Centres must have their own policy in relation to data protection. Centres should follow their own policy before referring to OTT

for further guidance. Centres must make it clear to learners and staff that OTT may use or otherwise process Personal Data and Sensitive Personal Data, so we can:

- fulfill our contractual responsibilities to Centres and providers, and enable them to fulfill their contractual obligations to learners
- provide Centres and providers with details of our products and services
- contact Centre staff directly in relation to OTT Centre approval and/or our quality assurance activities, and/or to inform them of products or services that we, and/or selected third parties are offering
- place Personal Data relating to certain key employees and agents in directories that may be made publicly available
- contact learners directly by email or post about studying membership, OTT Centre approval and/or our quality assurance activities, and/or to inform them of products or services that we, and/or selected third parties offer
- carry out statistical analysis – either ourselves or by third parties on our behalf
- give regulatory and industry bodies appropriate Personal Data or Sensitive Personal Data about learners where there is a contractual or legal requirement – specifically to:
 - ensure they can monitor equal opportunities in ethnicity and disability, or for other such monitoring purposes
 - account for learners where there is a requirement to do so
 - allow them to meet the requirement to contact a learner directly, when the information is not readily accessible from another source
 - pass learners' Personal Data to regulatory and industry bodies or other selected third parties, solely for the purpose of providing prizes, remuneration and awards for learners.

We may have to transfer the Personal Data outside the European Economic Area (EEA) and if we do, OTT will make every reasonable effort to ensure that any data we transfer receives the same protection as if it would within the EEA.

For further information on equal opportunities please see the Equal Opportunities Policy.

Outcome

OTT monitors all Centres and providers compliance with legal responsibilities in relation to Data Protection through the approval and external verification process. We monitor Centre and providers processes to ensure confidentiality is maintained and investigate any suspected or alleged instances where confidentiality may have been breached.

Action

The Data Protection Act requires OTT and Approved Centres to ensure that the Personal Data and Sensitive Personal Data we and Centres hold is accurate and up to date.

Records must be updated regularly, at least quarterly, and OTT must be informed immediately if:

- there is any change or correction to any Personal Data or Sensitive Personal Data that you previously disclosed to OTT
- you delete or otherwise archive any Personal Data or Sensitive Personal Data for a Data Subject whose records you have already sent to OTT
- a Data Subject exercises their right to opt out of or refuse processing

Centres are responsible to OTT for any loss we may suffer as a result of a Centre's failure to comply with the Act, or any of the obligations set out in this policy.

Further Information

To ensure that OTT and Approved Centres comply with legal requirements when collecting data from data subjects, OTT will and Centres must produce a data protection notice, so that data subjects are aware of what will be done with the personal information they give.

Example of Protection Notice

NB: This notice is provided by way of illustration only. It does not attempt in any way to act as a substitute for the form of notices which Centres will use with employees, agents or learners and does not constitute legal advice. Each group of data subjects will require a different form. Centres must review the following notice with caution and, where necessary, obtain its own advice prior to using data protection notices. In particular the collection of sensitive personal data will require the explicit consent of the data subject.

We, [Centre to complete], are required to comply with the provisions of the Data Protection Act 2018 (the 'Act') in relation to how we handle any personal data which we obtain from you. Any personal information gathered will only be used in the context of your studies with us. We may also collect sensitive personal data relating to you but only with your explicit consent in advance.

We may process all the information we obtain from you to enable us to fulfil our contractual obligations to you. We may also request further information from third parties or may disclose your details to other selected third parties, such as OTT, or their regulators or industry bodies.

In disclosing your personal details to us, you agree that we may process and in particular may disclose your personal data:

- as required by law to any third parties; and
- to OTT or another body (as appropriate), who may use your personal data to:
 - undertake administration in relation to the qualification for which you are registered including providing you with a certificate on successful completion of your qualification or specified units of it;
 - contact you directly in relation to OTT studying membership, Centre approval or qualifications and/or quality control purposes undertaken by OTT for the qualifications for which the learner is registered;
 - inform you of products or services offered by OTT or their associated bodies;
 - disclose and publish your details in directories which may contain information about the [Centre]
 - disclose to OTT's regulators where so required;
 - disclose to relevant industry bodies where so required by law;
 - carry out statistical analysis on an anonymised basis;
 - disclose your personal details to third parties for the purposes of providing prizes, remuneration and qualifications for learners;
 - administer requests for reasonable adjustments under the Access of

Assessment policy;

- o carry out statistical analysis (on an anonymised basis) which may be carried out by us or selected third parties; and
- o to monitor (on an anonymised basis) equal opportunities relating to ethnicity or disability or other such monitoring purposes.

The example below should be reviewed with caution, and where necessary, you should take advice before finalising your data protection notices. Please remember:

- it is an example only, that you may be able to use as the basis for your own notice(s)
- It is your responsibility to ensure that the notices you use are always accurate, and comply with any relevant data protection laws.

Data Protection Notice *[Sample only]*

We, *[Centre name]*, are required to comply with the provisions of the Data Protection Act 2018 (the Act) in relation to how we handle any personal data we obtain from you. Any personal information we gather will only be used in the context of *[your employment with us OR the business we conduct with you]*. We may also collect Sensitive Personal Data about you, but only with your explicit consent in advance.

We may process all the information we obtain from you to enable us to fulfil our contractual obligations to you and we may request further information from third parties or disclose your details to other selected third parties, such as DTQ, or their regulators or industry bodies.

We may from time to time email or post to you *[or your company]* details of products or courses we believe may be of interest to you. If you no longer require such information or you have provided us with any information that you no longer wish us to use, please call us on *[telephone number]*.

In disclosing your personal details to us, you agree that we may process and in particular may disclose your Personal Data:

- as required by law to any third parties
- to selected third parties who may process Personal Data on our behalf
- to third parties such as DTQ who may use your personal data or sensitive personal data (as appropriate) to:
 - o enable us to fulfil our contractual obligations to you – for example by

providing you with an examination certificate;

- o contact you directly about events, courses, programmes, or DTQ membership
 - o carry out statistical analysis
 - o pass to their regulator or industry bodies to (1) monitor equal opportunities relating to ethnicity or disability, or for other such monitoring purposes or to (2) account for learners where there is a requirement to do so, or to (3) meet their requirement to contact you directly and the information is not readily accessible from any other source
 - o disclose and publish your details in directories which may contain information about the [Centre] and
 - o provide or arrange prizes, remuneration and awards
 - o contact you about your DTQ studying membership.
- If we pass your Personal Data to OTT it:
 - o may transfer your Personal Data outside the European Economic Area (EEA) and if they do they will make every reasonable effort to ensure that any transferred data receives the same protection as if it would within the EEA
 - o undertakes that it and its staff will take every reasonable step possible to protect the confidentiality and security of all material it receives, to carry out its various responsibilities.
- You have the right to have us correct any inadequacies in the personal details we hold about you, and to object to any direct marketing we carry out using your personal details. You also have the right to ask for a copy of the information we hold in our records, in return for a small fee of not more than £10. Please contact us at *[contact details]* if you want a copy of the personal data we hold about you.

Security of assessment materials

All assessment material and data is developed and kept on password protected computers, which are separate from other systems within the building. Access is restricted to this data to Senior Officers and selected staff and an audit trail of access kept. Where artefacts are used for assessments, these are kept in locked cabinets separate to other functions within the building, again with restricted access to limited personnel. All personnel with access have signed conflicts of interest declarations which are updated annually and at each assessment, whichever is the more frequent.

Continuous Improvement

Data held by OTT is reviewed and updated regularly by the Governing Board. This is periodically reviewed, particularly with regard to any suspected or alleged instances of breached confidentiality.

We aim to improve our business processes and our response to customers in the light of learning from any feedback we receive.

This policy is the subject of an annual review cycle or as necessary.

December 2023

A handwritten signature in blue ink, appearing to be 'H. J. Smith', is written over a light blue rectangular background.

Review date: December 2024

Next review date: December 2025