

Data Protection Policy

Section **7**

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Contents

1. Policy
2. How This Policy Applies to You and What You Need to Know
3. Training and Guidance
4. Our Data Protection Responsibilities
5. Fair and Lawful Processing
6. Disclosure to Individuals Before Using Their Data
7. Processing for Specified Purposes
8. Collecting Data
9. Gathering Accurate Data
10. Keeping and Destroying Data
11. Security of Personal Data – Clear Desk - Passwords
12. Keeping Data Processing Records
13. Data Subjects Rights
14. Direct Marketing
15. Sharing Information with Other Organisations
16. Data Processors
17. Dealing with Data Protection Breaches
18. Appendix A - Definitions of Useful Terms
19. Appendix B - Employees Privacy Notice
20. Appendix C - Customer Privacy Notice

1. Policy

PHX Training is committed to protecting personal data and respecting the rights of our data subjects; the people whose personal data we collect and use. We value the personal information entrusted to us and we respect that trust, by complying with all relevant laws, and adopting good practice.

We process personal data to help us;

- Maintain our contractual requirements;
- Safeguard young people and Adults at risk;
- Recruit, support and manage Employees and Volunteers;
- Prevent fraud;
- Maintain our accounts and records;
- Process payroll;
- Respond effectively to enquirers and handle any complaints.

PHX Training is committed to protecting personal data from being misused, getting into the wrong hands as a result of poor security or being shared carelessly, or being inaccurate, as we are aware that people can be upset or harmed if any of these things happen.

This Policy sets out the measures we are committed to taking as an organisation and, what each of us will do to ensure we comply with the relevant Legislation.

In particular, we will make sure that all personal data is;

- Processed lawfully, fairly and in a transparent manner;
- Processed for specified, explicit and legitimate purposes and not in a manner that is incompatible with those purposes;
- Adequate, relevant and limited to what is necessary for the purposes for which it is being processed;
- Accurate and, where necessary up to date;
- Not kept longer than necessary for the purposes for which it is being processed;
- Processed in a secure manner, by using appropriate technical and organisational means;
- Processed in keeping with the rights of data subjects regarding their personal data.

2. How This Policy Applies to You and What You Need to Know

As an Employee or Volunteer processing personal information on behalf of PHX Training you are required to comply with this Policy.

If you think that you have accidentally breached the Policy it is important that you contact our Data Protection Officer immediately so that we can take swift action to try and limit the impact of the breach.



Anyone who breaches the Data Protection Policy may be subject to Disciplinary action, and where that individual has breached the policy intentionally, recklessly, or for personal benefit they may also be liable to prosecution or to regulatory action.

As a Manager you are required to make sure that any Procedures that involve personal data, that you are responsible for in your area, follow the rules set out in this Data Protection Policy.

As a data subject of PHX Training we will handle your personal information in line with this Policy.

As an Appointed Data Processor, companies who are appointed by us as a Data Processor are required to comply with this Policy under the contract with us. Any breach of the Policy will be taken seriously and could lead to us taking contract enforcement action against the Company, or terminating the Contract. Data Processors have direct obligations under the GDPR, primarily to only process data on instructions from the controller (PHX Training) and to implement appropriate technical and organisational measures to ensure a level of security appropriate to the risk involved.

Our Data Protection Officer is responsible for advising PHX Training and its Employees about their legal obligations under Data Protection Law, monitoring compliance with Data Protection Law, dealing with data security breaches and with the development of this Policy.

Any questions about this policy or any concerns that the Policy has not been followed should be referred to at hr@phxtraining.co.uk

Before you collect or handle any personal data as part of your work (paid or otherwise) for PHX Training, it is important that you take the time to read this Policy carefully and understand what is required of you, as well as PHX Training's responsibilities when we process data.

Our Procedures will be in line with the requirements of this Policy, but if you are unsure about whether anything you plan to do, or are currently doing, might breach this Policy you must first speak to the Data Protection Officer.

3. Training and Guidance

We will provide general training at least annually for all our Employees to raise awareness of their obligations and our responsibilities, as well as to outline the Law.

We may also issue Procedures, Guidance or Instructions from time to time.

All Managers must set aside time for their team to look together at the implications for their work.

4. Our Data Protection Responsibilities

In the course of our work, we may collect and process information (personal data) about many different people (data subjects). This includes data we receive straight from the person it is about, for example, where customers complete paperwork to start courses and complete them or potential Customers contact us. We may also receive information about data subjects from other sources including, for example, previous Employers.

We process personal data in both electronic and paper form and all this data is protected under data protection law. The personal data we process can include information such as names and contact details, education or employment details.

In some cases, we hold types of information that are called "Special Categories" of data in the GDPR. This personal data can only be processed under strict conditions.

We will not hold information relating to criminal proceedings or offences or allegations of offences unless there is a clear lawful basis to process this data such as where it fulfils one of the substantial public interest conditions in relation to the safeguarding of children and of individuals at risk or one of the additional conditions relating to criminal convictions set out in either Part 2 or Part 3 of Schedule 1 of the Data Protection Act 2018.

Other data may also be considered 'sensitive' such as bank details, but will not be subject to the same legal protection as the types of data listed above.

5. Fair and Lawful Processing

Processing of personal data will only be fair and lawful when the purpose for the processing meets a legal basis, as listed below, and when the processing is transparent. This means we will provide people with an explanation of how and why we process their personal data at the point we collect data from them (privacy notice), as well as when we collect data about them from other sources.

Processing of personal data is only lawful if at least one of these legal conditions, as listed in Article 6 of the GDPR, is met;

- The processing is necessary for a contract with the data subject;
- The processing is necessary for us to comply with a Legal obligation;
- The processing is necessary to protect someone's life (this is called "Vital Interests");
- The processing is necessary for us to perform a task in the public interest, and the task has a clear basis in Law;
- The processing is necessary for legitimate interests pursued by PHX Training or another organisation, unless these are overridden by the interests, rights and freedoms of the data subject.

If none of the other Legal conditions apply, the processing will only be lawful if the data subject has given their clear consent.

Processing of 'Special Categories' of personal data is only lawful when, in addition to the conditions above, one of the extra conditions, as listed in Article 9 of the GDPR, is met.

These conditions include where;

- The processing is necessary for carrying out our obligations under employment and social security and social protection Law;
- The processing is necessary for Safeguarding the vital interests (in emergency, life or death situations) of an individual and the data subject is incapable of giving consent;
- The processing is carried out in the course of our legitimate activities and only relates to our members or persons we are in regular contact with in connection with our purposes;
- The processing is necessary for pursuing Legal claims.

If none of the other Legal conditions apply, the processing will only be lawful if the data subject has given their explicit consent.

Before deciding which condition should be relied upon, we may refer to the original text of the GDPR as well as any relevant guidance and seek Legal advice as required.

6. Disclosure to Individuals Before Using Their Data

If personal data is collected directly from the individual, we will inform them in writing about;

- Our identity / contact details and those of the Data Protection Officer;
- The reasons for processing;
- The Legal bases, explaining our legitimate interests;
- Explaining, where relevant, the consequences of not providing data needed for a contract or statutory requirement;
- Who we will share the data with;
- If we plan to send the data outside of the European Union;
- How long the data will be stored;
- The data subjects' rights.

This information is commonly referred to as a 'Privacy Notice'.

This information will be given at the time when the personal data is collected.

7. Processing for Specified Purposes

We will only process personal data for the specific purposes explained in our privacy notice or for other purposes specifically permitted by Law. We will explain those other purposes to data subjects in the way described in section 6, unless there are lawful reasons for not doing so.

8. Collecting Data

We will only collect and use personal data that is needed for the specific purposes described above (which will normally be explained to the data subjects in Privacy Notices).

We will not collect more than is needed to achieve those purposes. We will not collect any personal data "just in case" we want to process it later.

9. Gathering Accurate Data

We will make sure that personal data held is accurate and, where appropriate, kept up to date.

The accuracy of personal data will be checked at the point of collection and at appropriate points throughout the time they are with us.

10. Keeping and Destroying Data

We will not keep personal data longer than is necessary for the purposes that it was collected for.

We will comply with official guidance issued to our sector about retention periods for specific records.

Retention periods for specific areas of our business are as follows;

- Delivery contracts paperwork – for however long the contract states;
- Accident books, accident records/reports –for three years from the last date of entry;
- MAT B1's / Medical files –for three years after the end of the tax year which MAT B1 was produced;
- Application forms / CV's etc –for six months from the close of vacancy;
- Personnel files and training records (including disciplinary records) –for six Years after employment has ceased.

11. Security of Personal Data

We will use appropriate measures to keep personal data secure at all points of the processing.

Keeping data secure includes protecting it from unauthorised or unlawful processing, or from accidental loss, destruction or damage.

We will implement security measures which provide a level of security which is appropriate to the risks involved in the processing.

Measures will include technical and organisational security measures. In assessing what measures are the most appropriate we will consider the following, and anything else that is relevant;

- The quality of the security measure;
- The costs of implementation;
- The nature, scope, context and purpose of processing;
- The risk (of varying likelihood and severity) to the rights and freedoms of data subjects;
- The risk which could result from a data breach.

Measures may include, but are not limited to;

- Technical systems security;
- Measures to restrict or minimise access to data;
- Measures to ensure our systems and data remain available, or can be easily restored in the case of an incident;
- Physical security of information and of our premises;
- Organisational measures, including policies, procedures, training and audits;
- Regular testing and evaluating of the effectiveness of security measures;

- Personal information must be accessed only for approved business purposes, and on a “need to know” basis;

Clear desk policy

A clear desk policy is a way to secure physical data and devices in our workplace. It can support us in demonstrating compliance in line with GDPR and mitigate the impact of a data breach. Please see below -

- No Customer data may be left unattended on desks;
- All personal information must be locked in a secure cupboard, pedestal or other secure storage facility when not in use;
- Unless required for fulfilment of approved business purpose, no personal information may be printed, copied or otherwise reproduced;
- Waste paper containing personal information must be stored, handled and destroyed securely;
- Workstations/Laptops must be protected by password and locked when not in use;
- Incoming and outgoing mail collection points must be supervised, or be located in a secure area;
- Papers must be collected from printers and fax machines by the originator or an approved representative immediately.

Password requirements

Passwords are essential to our network security, they are the front line of protection for user accounts. Poorly chosen passwords may result in the compromise of PHX Training network. All PHX Training employees are responsible for taking the appropriate steps, as outlined below, to select, use and secure their passwords.

Passwords should be-

- Be no shorter than 8 characters
- Must have at least three of these aspects - Upper/lower/symbol and number
- Old Passwords must not be repeated
- Passwords should not contain personal information like DOB, addresses, your name etc.
- All employees need to ensure their password is not divulged or shared with anyone else
- All employees must not write down and store passwords

A lockout policy is in place for 5 failed attempts to access a system without the correct password

12. Keeping Data Processing Records

To show how we comply with the Law we will keep clear records of our processing activities.

13. Data Subjects Rights

We will process personal data in line with Data Subjects' rights, including their right to;

- Request access to any of their personal data held by us (known as a Subject Access Request);
- Ask to have inaccurate personal data changed;
- Restrict processing, in certain circumstances;
- Object to processing, in certain circumstances, including preventing the use of their data for direct marketing;
- Data portability, which means to receive their data, or some of their data, in a format that can be easily used by another person (including the data subject themselves) or organisation;
- Not be subject to automated decisions, in certain circumstances;
- Withdraw consent when we are relying on consent to process their data.

If an Employee receives any request from a Data Subject that relates or could relate to their data protection rights, this will be forwarded to our Data Protection Officer immediately.

We will act on all valid requests as soon as possible, and at the latest within one calendar month, unless we have reason to, and can lawfully extend the timescale. This can be extended by up to two months in some circumstances.

All Data Subjects' rights are provided free of charge.

Any information provided to data subjects will be concise and transparent, using clear and plain language.

14. Direct Marketing

We will comply with the rules set out in the GDPR, the Privacy and Electronic Communications Regulations (PECR) and any laws which may amend or replace the regulations around direct marketing. This includes, but is not limited to, when we contact Data Subjects by post, e-mail, text message, Social Media messaging and telephone.

Direct Marketing means the communication (by any means) of any advertising or marketing material which is directed, or addressed, to individuals. "Marketing" does not need to be selling anything, or be advertising a commercial product. It includes contact made by organisations to individuals for the purposes of promoting the PHX Training's aims.

Any direct marketing material that we send will identify PHX Training as the sender and will describe how people can object to receiving similar communications in the future. If a Data Subject exercises their right to object to direct marketing we will stop the direct marketing as soon as possible

15. Sharing Information with Other Organisations

We will only share personal data with other organisations or people when we have a Legal basis to do so and if we have informed the Data Subject about the possibility of the data being shared (in a privacy notice), unless legal exemptions apply to informing Data Subjects about the sharing. Only authorised and properly instructed Employees are allowed to share personal data.

We will keep records of information shared with a third party, which will include recording any exemptions which have been applied, and why they have been applied. We will follow the ICO's

statutory Data Sharing Code of Practice (or any replacement code of practice) when sharing personal data with other Data Controllers.

16. Data Processors

Before appointing a Contractor, who will process personal data on our behalf (a Data Processor), PHX Training will carry out due diligence checks. The checks are to make sure the data Processor will use appropriate technical and organisational measures to ensure the processing will comply with Data Protection Law, including keeping the data secure, and upholding the rights of data subjects. We will only appoint data processors who can provide us with sufficient guarantees that they will do this.

17. Dealing with Data Protection Breaches

Where Employees, Volunteers, or Contractors working for us, think that this Policy has not been followed, or data might have been breached or lost, this will be reported immediately to the Data Protection Officer.

We will keep records of personal data breaches, even if we do not report them to the ICO.

We will report all data breaches which are likely to result in a risk to any person, to the ICO. Reports will be made to the ICO within 72 hours from when someone from PHX Training becomes aware of the breach.

In situations where a personal data breach causes a high risk to any person, we will (as well as reporting the breach to the ICO), inform Data Subjects whose information is affected, without undue delay. This can include situations where, for example, bank account details are lost or an email containing sensitive information is sent to the wrong recipient. Informing data subjects can enable them to take steps to protect themselves and/or to exercise their rights.

Compliance with the Act is the responsibility of all Employees.

Any questions or concerns about the interpretation of this Policy should be taken up with the Data Protection Officer.

As an Employee, by signing your Contract of Employment, you have consented to the terms of this Policy.

18. Appendix A - Definitions of Useful Terms

The following terms are used throughout this Policy and have their legal meaning as set out within the GDPR.

The GDPR definitions are further explained below.

Data Controller

Means any person, company, authority or other body who (or which) determines the means for processing personal data and the purposes for which it is processed. It does not matter if the decisions are made alone or jointly with others. The Data Controller is responsible for the personal data which is processed and the way in which it is processed. We are the 'Data Controller' of data which we process.

Data Processors

Include any individuals or organisations, which process personal data on our behalf and on our instructions e.g. an external organisation which provides secure waste disposal for us. This definition will include the Data Processors' own Employees (note that Employees of Data Processors may also be Data Subjects).

Data Subjects

Include all living individuals who we hold or otherwise process personal data about. A Data Subject does not need to be a UK national or resident. All Data Subjects have legal rights in relation to their personal information. Data Subjects that we are likely to hold personal data about include;

- The people we care for and support;
- Our Employees (and former Employees);
- Consultants / Individuals who are our contractors or Employees working for them;
- Volunteers;
- Tenants;
- Trustees;
- Complainants;
- Supporters;
- Enquirers;
- Friends and Family;
- Advisers and representatives of other organisations.

ICO

Means the Information Commissioners Office which is the UK's regulatory body responsible for ensuring that we comply with our legal Data Protection duties. The ICO produces guidance on how to implement data protection law and can take regulatory action where a breach occurs.

Personal Data

Means any information relating to a natural person (living person) who is either identified or is identifiable. A natural person must be an individual and cannot be a Company or a public body. Representatives of Companies or Public Bodies would, however, be natural persons. Personal Data is limited to information about living individuals and does not cover deceased people. Personal Data can be factual (for example, a name, address or date of birth) or it can be an opinion about that person, their actions and behaviour.

Privacy Notice

Means the information given to Data Subjects which explains how we process their data and for what purposes.

Processing

Is very widely defined and includes any activity that involves the data. It includes obtaining, recording or holding the data, or carrying out any operation or set of operations on the data including organising, amending, retrieving, using, disclosing, erasing or destroying it. Processing can also include transferring personal data to third parties, listening to a recorded message (e.g. on voicemail) or viewing personal data on a screen or in a paper document which forms part of a structured filing system. Viewing of clear, moving or stills images of living individuals is also a processing activity.

Special Categories of Data

As identified in the GDPR includes information about a person's;

- Racial or ethnic origin;
- Political opinions;
- Religious or similar (e.g. philosophical) beliefs;
- Trade union membership;
- Health (including physical and mental health, and the provision of health care services);
- Genetic data;
- Biometric data;
- Sexual life and sexual orientation.

19. Appendix B - Employees Privacy Notice

How Your Information Will Be Used

As your Employer, PHX Training needs to keep and process information about you for normal employment purposes. The information we hold, and process will be used for our Management and administrative use only. We will keep and use it to enable us to run the business and manage our relationship with you effectively, lawfully and appropriately, during the recruitment process, whilst you are working for us, at the time when your employment ends and after you have left. This includes using information to enable us to comply with the Employment Contract, to comply with any legal requirements, pursue the legitimate interests of the Company and protect our legal position in the event of legal proceedings. If you do not provide this data, we may be unable in some circumstances to comply with our obligations and we will tell you about the implications of that decision.

As a Company pursuing training related activities, we may sometimes need to process your data to pursue our legitimate business interests, for example to prevent fraud, administrative purposes or reporting potential crimes. The nature of our legitimate interests is so we can process the payroll, have emergency contact information in case of emergencies, make sure the Employee has the right to work in the UK, check that the Employee has no previous convictions as we work closely with vulnerable customers, able to pay statutory sick pay / company sick pay, comply with all our contracts within PHX Training. We will never process your data where these interests are overridden by your own interests.

Much of the information we hold will have been provided by you, but some may come from other internal sources, such as your Manager, or in some cases, external sources, such as referees.

The sort of information we hold includes your application form and references, your contract of employment and any amendments to it; correspondence with or about you, for example letters to you about a pay rise or, at your request, a letter to your mortgage Company confirming your salary; information needed for payroll, benefits and expenses purposes; contact and emergency contact details; records of holiday, sickness and other absence; information needed for equal opportunities monitoring policy; and records relating to your career history, such as training records, appraisals, other performance measures and, where appropriate, disciplinary and grievance records.

You will, of course, inevitably be referred to in many company documents and records that are produced by you and your colleagues in the course of carrying out your duties and the business of PHX Training.

Where necessary, we may keep information relating to your health, which could include reasons for absence and GP reports and notes. This information will be used in order to comply with our Health and Safety and occupational health obligations – to consider how your health affects your ability to do your job and whether any adjustments to your job might be appropriate. We will also need this data to administer and manage Statutory and Company Sick Pay.

Where we process special categories of information relating to your racial or ethnic origin, political opinions, religious and philosophical beliefs, trade union membership, biometric data or sexual orientation, we will always obtain your explicit consent to those activities unless this is not required by law or the information is required to protect your health in an emergency.

Where we are processing data based on your consent, you have the right to withdraw that consent at any time.

In addition, we may monitor telephone and mobile telephone use; see – HR 016 Mobile Phone, Laptop and Car Parking Policy.



Other than as mentioned below, we will only disclose information about you to third parties if we are legally obliged to do so or where we need to comply with our contractual duties to you, for instance we may need to pass on certain information to external payroll department, pension schemes or outside data services.

Your personal data will be stored for a period of a maximum of six years.

If in the future we intend to process your personal data for a purpose other than that which it was collected we will provide you with information on that purpose and any other relevant information.

Your rights

Under the General Data Protection Regulation (GDPR) you have a number of rights with regard to your personal data.

You have the right to request from us access to and rectification or erasure of your personal data, the right to restrict processing, object to processing as well as in certain circumstances the right to data portability.

If you have provided consent for the processing of your data you have the right (in certain circumstances) to withdraw that consent at any time which will not affect the lawfulness of the processing before your consent was withdrawn.

You have the right to lodge a complaint to the Information Commissioners' Office if you believe that we have not complied with the requirements of the GDPR with regard to your personal data.

Identity and Contact Details of Controller and Data Protection Officer

PHX Training is the controller of data for the purposes of the GDPR.

If you have any concerns as to how your data is processed, you can contact the Data Protection Officer at hr@phxtraining.co.uk

20. Appendix C - Customer Privacy Notice

Our Commitment to Privacy

This Privacy Notice explains how PHX Training (referred to as “we”, “us” or “PHX Training Ltd”) collects information from you via the Centres or in any manner expressly described in the privacy statement and how this information is then used. When you provide us with your personal data you consent to us processing all such personal data.

Please read this Privacy Notice. If you have any questions, comments or concerns about how we handle your personal information, please e-mail hr@phxtraining.co.uk

Personal Information

We collect personal data about you when you enrol as a Learner.

At enrolment, we may ask you for sensitive personal data and for your consent to use it for a specific purpose. If you do not wish to provide this information, you may select the ‘Not Known’ / ‘Not Provided’ or ‘Prefer not to say option’.

We share your personal data with the Skills Funding Agency. The SFA through their Learner Registration Service allocates Unique Learner Numbers (ULNs) which enable individuals to access their participation and achievement data.

Purposes and Disclosures

We use your personal information to deal with your queries, to provide you with the services you request, to determine whether you are eligible for government funding, customer feedback and for general statistics and research.

Depending on the preferences indicated by you, we may use your personal data to contact you about PHX Training developments and offers.

We may disclose your information to certain government agencies in connection with the funding of your course.

Your Rights and Choices

You can request that;

- Your details not be used for marketing purposes;
- We provide you with a copy of the information we hold about you;
- We correct inaccuracies in your information.

The General Data Protection Regulation (GDPR) strengthens your rights over how companies use your data.

PHX Training ensure Data Subjects rights under the GDPR are protected by ensuring a Data Subject can request;

The Right to be Informed;

- The right to be informed encompasses our obligation to provide 'fair processing information', typically through a Privacy Notice. It emphasises the need for transparency over how we use personal data of individuals;
- The information we supply about the processing of personal data must be concise, transparent, intelligible and easily accessible, written in clear and plain language, particularly if addressed to a child and free of charge.

The Right of Access;

- Individuals have the right to access their personal data and supplementary information. This is known as a Subject Access Request (SAR);
- The right of access allows individuals to be aware of and verify the lawfulness of the processing;
- Under the GDPR, individuals will have the right to obtain confirmation that their data is being processed, access to their personal data and other supplementary information – this largely corresponds to the information that should be provided in a Privacy Notice;
- PHX Training must provide a copy of the information free of charge. However, we can charge a 'reasonable fee' when a request is manifestly unfounded or excessive, particularly if it is repetitive;
- Information must be provided without delay and at the latest within one month of receipt. PHX Training will be able to extend the period of compliance by a further two months where requests are complex or numerous;
- Certain data may not be disclosed where a relevant exemption applies. PHX Training will provide an explanation and a right of appeal in these circumstances;
- Where PHX Training are not the Data Controller, we will forward the request to the Data Controller and otherwise assist in answering the request, where appropriate. For example, where we are a Data Processor we will provide information we hold on behalf of the Data Controller to the Data Controller within a reasonable amount of time to allow them to respond to the request within the statutory time limits;
- For more information about SAR process, please see [DOC NO.] Subject Access Request Process.

The Right to Rectification;

- The GDPR gives individuals the right to have personal data rectified. Personal data can be rectified if it is inaccurate or incomplete;
- PHX Training must respond within one month. This can be extended by two months where the request for rectification is complex;
- If PHX Training cannot take any action in response to a request for rectification, we must explain why to the individual, informing them of their right to complain to the supervisory authority (ICO) and to a judicial remedy.

The Right to Erasure;

- The Right to Erasure is also known as 'The Right to be Forgotten'. The broad principle behind this right is to enable an individual to request the deletion or removal of personal data where there is no compelling reason for its continued processing;
- Individuals have a right to have personal data erased and to prevent processing in specific circumstances -where the personal data is no longer necessary in relation to the purpose for which it was originally collected / processed; when the individual withdraws consent; when the individual objects to the processing and there is no overriding legitimate interest for continuing the processing; the personal data was unlawfully processed (i.e. otherwise in breach of the GDPR); the personal data has to be erased in order to comply with a legal obligation;
- PHX Training can refuse to comply with a request for erasure where the personal data is processed to exercise the right of freedom of expression and information; to comply with a legal obligation for the performance of a public interest task or exercise of official authority; for public health purposes in the public interest; or archiving purposes in the public interest, scientific research historical research or statistical purposes; or the exercise or defence of legal claims.

The Right to Restrict Processing;

- Individuals have a right to 'block' or suppress processing of personal data;
- When processing is restricted, we are permitted to store the personal data to comply with legal or contractual obligations, but not further process it. We can retain just enough information about the individual to ensure that the restriction is respected in future;
- PHX Training are required to restrict the processing of personal data in the following circumstances;
 - Where an individual contests the accuracy of the personal data, we should restrict the processing until we have verified the accuracy of the personal data;
 - Where an individual has objected to the processing (where it was necessary for the performance of a public interest task or purpose of legitimate interests), and we are considering whether our organisation's legitimate grounds override those of the individual;
 - When processing is unlawful, and the individual opposes erasure and requests restriction instead;
 - If PHX Training no longer need the personal data but the individual requires the data to establish, exercise or defend a legal claim.
- We must inform individuals when we decide to lift a restriction on processing.

The Right to Data Portability;

- The Right to Data Portability allows individuals to obtain and reuse their personal data for their own purposes across different services;
- It allows them to move, copy or transfer personal data easily from one IT environment to another in a safe and secure way, without hindrance to usability;

- The Right to Data Portability only applies to personal data an individual has provided to a controller, where the processing is based on the individual's consent or for the performance of a contract; and when processing is carried out by automated means;
- PHX Training must provide the personal data in a structured, commonly used and machine-readable form; open formats include CSV files. Machine readable means that the information is structured so that software can extract specific elements of the data. This enables other organisations to use the data;
- PHX Training must respond without undue delay, and within one month. This can be extended by two months where the request is complex or we receive a number of requests. We must inform the individual within one month of the receipt of the request and explain why the extension is necessary;
- The information must be provided free of charge.

The Right to Object;

- If a Data Subject believes that the processing of personal information about them is causing, or is likely to cause, substantial and unwarranted damage or distress to them or another person, they may notify the organisation in writing to request PHX Training to put a stop to the processing of that information;
- Individuals have the right to object to processing based on legitimate interests or the performance of a task in the public interest / exercise of official authority (including profiling), direct marketing and processing for purposes of scientific / historical research and statistics;
- PHX Training must stop processing the personal data unless we can demonstrate compelling legitimate grounds for the processing, which override the interests, rights and freedoms of the individual or the processing is for the establishment, exercise or defence of Legal claims;
- PHX Training must inform individuals of their Right to Object 'at the point of first communication' and in our Privacy Notice. This must be "*explicitly brought to the attention of the Data Subject and shall be presented clearly and separately from any other information*".

Rights in Relation to Automated Decision Making and Profiling;

- The GDPR applies to all automated individual decision-making and profiling. This may be not applicable to PHX Training if we are not using any automated means to process personal data;
- Automated individual decision-making (deciding solely by automated means without any human involvement);
- Profiling (the automated processing of personal data to evaluate certain things about an individual) can be part of an automated decision-making process;
- PHX Training can only carry out this type of decision-making where the decision is necessary for the entry into or performance of a contract or authorised by Union or Member state law applicable to the Controller or based on the individual's explicit consent.



Important Information

Your personal data is protected by UK data protection Law.

You can find the details for the UK Information Commissioner at www.informationcommissioner.gov.uk

How to Contact Us

To obtain a copy of your personal data, to correct inaccuracies or if you have any queries or concerns about how we handle your personal data, please contact;

- HR, PHX Training Ltd, 3-5 Victoria Place, Carlisle, CA1 1ES
- E-mail - hr@phxtraining.co.uk
- Call – 01228 210 317

The Information We Collect During the Enrolment Process

When you enrol with PHX Training, you (or the person enrolling you) must tell us;

- Your full name;
- Your gender;
- Your date of birth;
- Your address (and correspondence address if different);
- Primary telephone number;
- Your employment status;
- Where you heard about us;
- If you have done any learning in the last three years.

We also request other information including your Title, middle Name, e-mail address, National Insurance Number. You do not have to provide this information, but if you do not, you may not get the most out of your learning.

At enrolment we may request additional information, such as where you heard about us and if you have done any learning in the last three years, other information we may collect is set out in this Privacy Notice.

Please note that when you enrol on a PHX Training Course that leads to a Qualification such as a Level 2 Qualification, we send non-sensitive personal information to the relevant awarding bodies so that they can undertake the administration associated with your Qualification.

Other Information We Collect When You Enrol in a Learning Centre

PHX Training may collect other information to see if you can have Government funding.

If Government funding is available for any of our courses, you need to answer some other questions to see if you are eligible.

If you wish to take advantage of any such funding, you will be asked about;

- Your age;
- Your Education so far;
- Your citizenship status;
- Where you live and how long you have lived there.

We, or our Approved Service Providers, may require additional information from you in order to support an application for funding. If you do not want to provide us with this information, we will not be able to offer you the course at the reduced price.

Learner File

When you start your learning, we will create a Learner File to hold the documents which relate to your learning and evidence of proof of identity and funding eligibility.

As you progress through your learning, other documents, including some of your course work, may be held on this file.

Information We Collect When You Enter Competitions

From time to time we may run competitions and promotions on the website or in centre. If you enter these, we may ask for your Name, address, e-mail address and username so that we can administer and control the competition and, of course, notify the winners.

Sensitive Personal Data

At or before enrolment you may be asked for sensitive personal information but you do not have to provide it. If you decide to provide sensitive personal data we will use it for the purposes described in the section below.

If you do not want to provide it, or do not want us to use it for these purposes then when enrolling in a PHX Training Centre select the 'Not Known / Not Provided' option.

How We Use the Information We Collect

PHX Training use your personal information and your Learner File;

- To answer your queries or complaints;
- To deliver our services;

- To support your learning;
- To provide course materials;
- To carry out administration;
- To improve the quality of services;
- To support your application for government funding;
- To obtain Customer feedback;
- For general statistics and research;
- For obtaining any relevant professional advice;
- As may be required by Law or in connection with legal proceedings (including where we intend to take Legal proceedings), or as may be necessary to establish, exercise or defend our Legal rights.

Third Parties and Sponsors

We do not share any information with Third Parties or Sponsors.

Referral Partners

If PHX Training have received your details as a referral from one of our partners we may be required by the referral partner to provide them with updates on the following areas, for example Job Centre Plus, Inspira etc.;

- Attendance;
- Progress;
- Achievement / completion;
- Outcome / destination;
- Withdrawal.

Keeping You Informed

PHX Training will use your information to send you regular updates about;

- Our services and materials;
- Additions to the website;
- Specific activities such as customer feedback surveys and competitions.

If you enrol on a PHX Training course, you will periodically be sent Customer feedback surveys.

If you do not wish to be contacted for Marketing purposes, please do not tick any of the Marketing Contact boxes.



We will never use your sensitive personal data for marketing purposes without your express consent.

Funding

PHX Training may use your personal data to process or to support any application made for funding associated with your learning. For these purposes we will share the information you supply with the Skills Funding Agency in England, we also gain funding for courses from partnership working with establishments, for instance – Lancashire County Council. Link to Lancashire County Council Customer privacy notice –

[Lancashire County Council Privacy Notice](https://www.lancashire.gov.uk/council/transparency/access-to-information/privacy-notice/) -
<https://www.lancashire.gov.uk/council/transparency/access-to-information/privacy-notice/>

The Skills Funding Agency and partners may in turn share it with other Government agencies that may provide funding for your course.

PHX Training may use a third-party service to verify your identity for funding eligibility.

We may also share it with the Office for Standards in Education, (Ofsted) so that it can check our use of public monies.

If you do not want us to use your personal data for these purposes, we may not be able to offer you the course.

PHX Training, or the Government Agency providing funding for your course, may use your personal data and Learner File to investigate a suspected misuse of public monies or other fraudulent activity by any person relating to your learning activity. In doing so, we, or the Government Agency providing funding for your course, may disclose your information to other Government Agencies (e.g. the Department of Work and Pension) to establish whether there has been any duplication of funding for your course. We may also contact you for the purposes of any such investigation.

Consent to Keep in Touch

PHX Training would like to keep in touch with you about any new courses we may be offering / any competitions we may be running or just to give us feedback on our courses and how you are progressing.

We will never sell your data and we promise to keep your details safe and secure.

If you would like us to keep in touch please opt in by selecting the methods below.

☐ **SMS**

☐ **Email**

☐ **Post**

You can withdraw or change your consent at any time by e-mailing hr@phxtraining.co.uk