

Document Control		
Document Ref: PD/P	Date Issued: 9 <sup>th</sup> January 2024	Document Classification: Public
Document Title: Privacy Policy	Date of Next Review: See BP23 Compliance Assurance Schedule	
Version: 2.2	Author: C. Hughes / K. Smith	

Change Log				
Date:	Change Description:	Proposed:	Actioned:	Approved:
27 March 2018	Creation of policy to address requirements of GDPR	CH	CH	<i>KSmith</i>
15 May 2018	Addition of 'right to be forgotten', details regarding Cookies, Data Controller & Data Protection Officer	CH	CH	<i>KSmith</i>
26 Sept 2018	Addition of additional note re storage of data (geographical)	KS	CH	<i>KSmith</i>
28 Nov 2018	No change made – policy reviewed and reissued	KS	CH	<i>KSmith</i>
12 Dec 2019	Removed reference to Data Protection Officer	KS	CH	<i>KSmith</i>
25 Feb 2020	Inserted ICO Registration Number; Updated Section 7 to clarify how to request access to info/correction of info/deletion of info; Updated Section 6 to clarify for how long recruitment info is retained	HL	HL	<i>KSmith</i>
16 Dec 2020	Updated to reflect UK exit from EU on 31/12/2020	CH	HL	<i>KSmith</i>
8 <sup>th</sup> June 2021	Updated to reflect OFI's from 2021 Internal Assurance Review and implementation of C19 Testing for Capella Trainers	KS	HL	<i>KSmith</i>
21 <sup>st</sup> June 2021	Updated to reflect seeking consent to publish case studies on Capella's website	KS	HL	<i>KSmith</i>
12 <sup>th</sup> August 2021	Updated Document Classification and several other minor updates	KS	HL	<i>KSmith</i>
27 <sup>th</sup> September 2022	Updated to include link to latest DfE/ESFA Privacy Notice for KS5 and Adult Education Updated to remove references to C19 information	KS	HL	<i>KSmith</i>
26 <sup>th</sup> June 2023	Updated to reflect best practice following review of ICO's Privacy Notice Template, including listing the personal information that we hold Data Retention Information updated following review of the Information & Records Management Society's Toolkit for Schools (recommended by the DfE)	HL/KS	HL	<i>KSmith</i>
9 <sup>th</sup> January 2024	Updated to reference the new Registered Address	LM (PMI)	LM/HL	<i>KSmith</i>

## **Purpose**

The purpose of this policy is to set out the intentions and key tools that Capella Associates Limited will use to ensure that we are completely transparent about why we need the personal information we request and how we will use it.

Capella Associates Limited are totally committed to protecting your personal information and using it responsibly. Please read this policy carefully to understand:

- the type of personal information that we collect
- how and why we collect the personal information
- how we store your personal information
- your data protection rights
- how to raise concerns/complaints about our use of your personal information

## **Data Controller and Processor information:**

The Data Controller is Capella Associates Limited which is a registered company in England and Wales (5448801).

The processing of your information is carried out by, or on behalf of, Capella Associates Limited.

## **Contacting us:**

If you have any questions about this Privacy Policy and how we use your information you can contact us by writing to us at our Registered Office:

Capella Associates Limited  
c/o Villiers Court,  
Meriden Business Park,  
Birmingham Road,  
Meriden,  
CV5 9RN

or by calling us on: 01676 522 766

or by emailing us at: [admin@capellaassociates.com](mailto:admin@capellaassociates.com)

For further information regarding Capella Associates please visit our website: [www.capellaassociates.com](http://www.capellaassociates.com)

Capella review this Privacy Policy annually, and publish the latest version on our website ([www.capellaassociates.com](http://www.capellaassociates.com)).

## **Section A: General Information relating to Data**

### ***Your rights***

Under the UK General Data Protection Regulations (UK GDPR) you have the following rights:

- **Information Right** – the right to receive the information contained in this policy and our data collection forms about the way we process your personal data.
- **Personal Data Access Right** – the right to know that we are processing your personal data and, in most circumstances, to have a copy of your personal data that we hold. You can also ask for certain other details, such as what purpose we process your data for and how long we hold it.
- **Personal Data Correction Right** – you have the right to request that we correct inaccurate data or update incomplete data that we hold on you.
- **Personal Data Erasure Right** – known as the right to be forgotten. In certain circumstances you may request that we erase your personal data held by us.
- **Personal Data Restriction Right** – You have the right to restrict the way we process your personal data in certain circumstances, for example if: you contest the accuracy of the data, if our processing is unlawful, to pursue legal claims, or where we are relying on legitimate interests to process data.
- **Data Processing Objection Right** – You have the right to object to us processing your data, for example for direct marketing purposes
- **Data Portability Right** – you have the right to receive a copy of certain personal data or to have it transferred to another organisation in some circumstances

If you would like to exercise any of the above Rights, please contact us using the Contact Details contained on Page 2 of this Policy.

### ***Lawful bases for collecting your personal data***

Capella will only use your information where we have a legal basis to do so and we will always respect your rights.

The majority of the personal information Capella Associates Limited obtain is provided to us directly by apprentices/delegates and their employers, or by Associates/Potential Associates (as applicable) for one of the following reasons:

- You have given us your **consent** to use the information provided for a specified purpose, such as:
  - enrolment to a levy funded training programme (ie an apprenticeship training programme)
  - Associate recruitment and contract purposes

Where we use your personal information based on your prior consent you can withdraw your consent at any time by contacting us (See Page 2 of this Policy for our contact details).

- We need to obtain and/or use your information to fulfil a **contract**:
  - with your employer (regarding the provision of training to apprentices/delegates)
  - with the Education and Skills Funding Agency (ESFA)(regarding the provision of Levy funding for apprenticeship training)
  - between Capella and the Associate (for the provision of services)
- We are using your information in pursuit of a **legitimate interest**, for example, to ensure we provide high-quality training to our learners and to ensure that our Associates comply with their contractual requirements. Where we rely on a legitimate interest to use your information, we will always ensure that this is done in a way so as not to be intrusive or cause distress, and that respects your rights.

Further information regarding the lawful basis under which we collect and use personal data is provided in the Tables in Sections B to E below.

### ***Sharing your information with other organisations***

Capella will never share your information with third parties for their own purposes, unless we are legally required to do so. For example, we are legally required to provide your data to the ESFA and Ofsted for regulatory purposes relating to Apprenticeship programmes.

For further information regarding how the Department for Education (including the ESFA) uses your personal data, and how you can submit a request to the DfE regarding your personal data or make a Complaint to the DfE, please follow the link below to the DfE's Privacy Notice for Key Stage 5 and Adult Education:  
[Privacy notice for Key Stage 5 and adult education - GOV.UK \(www.gov.uk\)](https://www.gov.uk/privacy-notice-for-key-stage-5-and-adult-education)

Capella use a small number of suppliers known as 'data processors' to process data on our behalf, for example, for the delivery of Functional Skills Training. When enlisting the services of such suppliers we ensure that they are under a contractual obligation to only use your information in accordance with relevant legislation and our instructions, and that they use your information for no other purposes.

Further information regarding the sharing of data is contained in Sections B -E below.

### ***Usage of your information for Sales and Marketing purposes***

If you have contacted Capella to enquire about our training programmes, or have previously used our services, Capella will consider this to be a request to send you details about future training programmes, and we will use the details you have provided to contact you (via phone, email or any other channels for which you have provided your details) regarding these as appropriate.

Capella will retain your contact details until you notify us that you no longer wish to receive such communications, or until Capella decides that we no longer have a requirement to retain your contact details (whichever is the earliest).

If you have given your consent for Capella Associates to publish content on our website and/or social media sites in order to promote the benefits of Quality & Continuous Improvement Programmes then Capella may publish such information, in the form of Case Studies and/or Testimonials, on our website and/or our social media sites. Capella will retain this information, and your consent, until you notify us that you no longer provide your consent, upon which we will update our records accordingly and will delete the information and the consent.

### ***Transferring your information outside the EEA***

Capella Associates Limited, and the organisations who work on our behalf, will not transfer your information outside the EEA. However, we use cloud-based services for storage of documentation and as such we cannot guarantee the specific geographic location. Data may therefore be stored in the US.

Following the UK's exit from the EU/EEA on 31<sup>st</sup> December 2020, from which point in time rules and regulations relating to the transfer of data between the UK and the EU are likely to change, Capella Associates Limited will ensure that we check the current rules and regulations that are in force prior to transferring any personal data between the UK and the EU.

### ***Deletion of Data***

Once the relevant retention period has expired (see Tables below) Capella will securely destroy your personal data.

### ***Complaints***

If you have any complaints about how Capella handle your personal data, please contact us, using the contact details contained on Page 2 of this Policy, so that we can endeavour to resolve the issue.

A copy of our Complaints Policy is available on the Capella website ([www.capellaassociates.com](http://www.capellaassociates.com)) for your reference.

If you have any concerns regarding how the DfE/ESFA handle your personal data, please see the DfE's Privacy Notice for KS5 and Adult Education, which includes details regarding how to complain to the DfE.

[Privacy notice for Key Stage 5 and adult education - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

You also have the right to lodge a complaint about any use of your information with the Information Commissioners Office (ICO), the UK data protection regulator, whose contact details are below:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Helpline number: 0303 123 1113

For further information please see the ICO's website: <https://ico.org.uk/concerns/>

Capella Associates Ltd is registered with the Information Commissioner's Office (ICO) (Reference Number: ZA183114)

### ***Cookies***

We use 2 types of system Cookies on our website:

- Cookies that are required for the site functionality to work. These do not collect or hold any personal data.
- Google Analytics. We use these to monitor visitor behaviour, so we can analyse website activities and improve your user experience. This data is collected anonymously however your IP address will be included in the data Google collect. We do not use this information.

We do not use Cookies for marketing purposes.

**Capella has referred to the Retention Guidelines recommended in the Information and Record Management Society's "Toolkit for Schools 2019" in developing this policy.**

## Section B: Information relating to Apprentices (ESFA Levy Funded Training Programmes)

The Table below provides information regarding the type of personal information that we collect relating to Apprentices; how we obtain that personal information; what we use that personal information for; and how long we retain that personal information.

Type of Personal Information Held relating to Apprentices	How we obtain the personal information	What we use the information for	How long we retain the information for
Name and Contact Details	This information is provided by the apprentice during the enrolment process	We use this information to enrol you onto the Apprenticeship Training Programme detailed within our <b>contract</b> with your employer, and to enable us to fulfil the ESFA's <b>contractual</b> requirements for Levy Funded Training Providers	Minimum of 7 Years after the end of the financial year in which the final payment of funding for a programme is made
Emergency Contact Details			
National Insurance Number			
ULN			
Employer			
Date of Birth			
Gender			
Nationality			
Ethnic Origin			
Health & Disability information			
Employment & Household Status			
Criminal Convictions (Y/N)			
Copy of Right to Work Evidence			
Copy of Qualification Results and Certificates			
Remote Recording Consent			
BKSB Results	This information is provided by the Apprentice, their Trainer and/or their Programme Manager during the training programme	We use this information to ensure: - that you are enrolled onto the most suitable training programme for you - that you receive any additional support that you require - your safety, wellbeing, progress and achievement - that we comply with our	Minimum of 7 Years after the end of the financial year in which the final payment of funding for a programme is made
Functional Skills Results			
Delegate Support Information			
Safeguarding & Prevent Information			
Attendance Records			
Progress & Attainment Records			
Breaks in Learning and Withdrawal			

Records		<b>contractual</b> requirements with the ESFA	
Type of Personal Information Held relating to Apprentices	How we obtain the personal information	What we use the information for	How long we retain the information for
Recordings of Training Sessions (where prior written consent has been provided)	We record all training sessions providing that all attendees have provided their consent	Capella provide apprentices with access to the recordings for their subsequent review during the lifetime of the programme	Recordings of training sessions are retained for the lifetime of the programme

Capella use the information you provide us to ensure that we are able to fulfil our contractual obligations with your employer to provide you with apprenticeship training. This will include the fulfilment of statutory regulatory requirements regarding the collection and processing of information required by the Education and Skills Funding Agency (ESFA) for the administration and eligibility checking of funding, and the retention of documentation for regulatory audit purposes by both the ESFA and Ofsted.

For further information regarding how the Department for Education (including the ESFA) uses your personal data, and how you can submit a request to the DfE regarding your personal data or make a Complaint to the DfE, please follow the link below to the DfE's Privacy Notice for Key Stage 5 and Adult Education:  
[Privacy notice for Key Stage 5 and adult education - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

Capella may share the following information relating to Apprentices with Third Parties:

- BKSB Results, Functional Skills Test Results and Delegate Support Needs may be shared with Capella's Functional Skills Provider in order to ensure that Capella's Functional Skills Provider is able to meet the apprentices' needs and that they achieve the required results
- Apprentice Name, ULN, Employer, Delegate Support Needs (Y/N) and EPAO requirements may be shared with Capella's End Point Assessment Organisation (EPAO) for the purposes of processing the End Point Assessment and achievements
- Delegate Support Needs may be shared with the Apprentices' employer if the Apprentice provides their consent for such information sharing and it is felt that the sharing of this information would be helpful for the Apprentice
- Apprentice Data (eg name, address, ULN, Date of Birth) may be shared with the ESFA and/or other Government Departments (eg Department of Education) in order to enable them to exercise their functions (eg provision of funding)
- Apprentice Data (eg EPAO results; attendance data) may be shared with Ofsted in order to enable them to exercise their inspection function
- Apprentice Data may be shared with Third Party Providers procured by Capella for the purposes of external audit and compliance assurance



- Apprentice Data (eg name, address, Date of Birth) may be shared with the LA if they request such data via Section 72 of the Education and Skills Act 2008
- Apprentice Data (eg name, address, Date of Birth) may be shared with the Emergency Services and/or the Regional Prevent Co-ordinator in exceptional circumstances (risk to life; risk of harm)
- Anonymised Apprentice Information may be shared with Capella's Advisory Board for the purposes of evaluation and improvement

### **Keeping your Data Up To Date**

Capella request that all apprentices notify their Programme Manager of any changes in their personal details (eg change of name; change of address; change to hours of employment) that occur during the course of their programme in order that we can ensure that our records are up to date.

### Section C: Information relating to Delegates on Commercially Funded Training Programmes

The Table below provides information regarding the type of personal information that we collect relating to Delegates on Commercially Funded Training Programmes; how we obtain that personal information; what we use that personal information for; and how long we retain that personal information.

Type of Personal Information Held relating to delegates on commercially funded training programmes	How we obtain the personal information	What we use the information for	How long we retain the information for
Name and Contact Details	Information provided by the Delegate via their completion of Capella's Programme Registration Form (BP6) and Capella's Remote Recording Consent Form	Processing the delegate's booking/registration; Creating the Programme Register; Contacting Delegates regarding their programme; Conducting our <b>legitimate business interests</b> (delivering training programmes)	Duration of the programme
Emergency Contact Details			
Employer and Date joined employer			
Delegate's Line Manager's name and Contact Details			
Remote Recording Consent			
Delegate Support Needs			

Capella use the information you provide us with to ensure that we are able to fulfil our contractual obligations with you / your employer to provide training.

Capella does not share any information relating to Commercial Delegates with any Third Party Organisations.

#### Keeping your Data Up To Date

Capella request that all delegates notify their Programme Manager of any changes in their personal details (eg change of name; change of address; change to hours of employment) that occur during the course of their programme in order that we can ensure that our records are up to date.

## Section D: Information relating to Capella Associates

When applying for a role with Capella Associates, the personal data you provide as part of the recruitment process will only be held and processed for the purpose of the selection processes of Capella Associates Limited and in connection with any subsequent Associate contract that may be entered into unless otherwise indicated (see the Table below for further details regarding data retention).

By submitting your personal information within your application, you are consenting to Capella Associates Limited holding and using your information, and you are also consenting to Capella Associates carrying out a review of your social media accounts to ensure your suitability for the role, which may involve contact with children and vulnerable adults, as per the recommendations of Keeping Children Safe in Education (KCSIE).

As part of the recruitment process, you will be required to provide certain information including your name, contact details, employment history and qualifications. This information is mandatory for Capella Associates Limited to consider your application; to communicate with you about your application; and, where successful, to follow up with references and to meet our statutory and regulatory responsibilities with regards to Safer Recruitment and Right to Work.

Successful applicants will be required to provide Capella Associates with visibility of a recent DBS Check prior to entering into any Associate Agreement, and all Associates are required to refresh this DBS Check every 2 years thereafter.

The Table below provides information regarding the type of personal information that we collect relating to Associates; how we obtain that personal information; what we use that personal information for; and how long we retain that personal information.

Type of Personal Information Held relating to Capella Associates	How we obtain the personal information	What we use the information for	How long we retain the information for
Name and Contact Details	This information is provided by the Associate during the recruitment process and/or as required thereafter	Capella use this information to: - contact you regarding your application - assess your suitability for the role - carry out Safer Recruitment Checks and Right to Work Checks ( <b>statutory requirement</b> of the <b>ESFA Contract</b> )	<b>For successful candidates:</b> For the duration of the contract + 6 years  <b>For unsuccessful candidates:</b> From the date of appointment of the successful candidate + 6 months
Copy of CV and/or Application Form			
Right to Work Check Evidence			
Copy of Qualification Certificates			

Type of Personal Information Held relating to Capella Associates	How we obtain the personal information	What we use the information for	How long we retain the information for
Copy of References	Information obtained by Capella via Capella contacting the references provided by the Associate as part of the recruitment process	Capella use this information to carry out Safer Recruitment Checks and Right to Work Checks <b>(statutory requirement of the ESFA Contract)</b>	<b>For successful candidates:</b> For the duration of the contract + 6 years  <b>For unsuccessful candidates:</b> From the date of appointment of the successful candidate + 6 months
Results of Online/Social Media Check	Information obtained by Capella via the review of Associate's social media accounts (Associates made aware that this check will be carried out in adverts/procedures)	Capella use this information to carry out Safer Recruitment Checks and Right to Work Checks <b>(statutory requirement of the ESFA Contract)</b>	
Notes from Interview(s)	The information is obtained from the Associate during their interview	Capella use this information to carry out Safer Recruitment Checks and Right to Work Checks <b>(statutory requirement of the ESFA Contract)</b> and to assess your suitability for the role <b>(legitimate interest)</b>	
Results from Tests	The information is obtained from the Associate either prior to or during their interview	Capella use this information to assess your suitability for the role <b>(legitimate interest)</b>	
Contract of Engagement and related Schedules	The Contract and related Schedules are sent to the Associate by Capella for their signature and return	Capella uses this information for <b>contractual</b> purposes	For the duration of the contract + 6 years
Emergency Contact Details (including next of kin)	The Associate provides this information to Capella	Capella uses this information to contact the Associate or their next of kin in emergency situations <b>(Vital Interest)</b>	For the duration of the contract

Type of Personal Information Held relating to Capella Associates	How we obtain the personal information	What we use the information for	How long we retain the information for
Remote Recording Consent	The Associate provides this information to Capella	Capella uses this information to obtain the Associate's <b>consent</b> to record training sessions	For the duration of the contract + 6 years
Induction Checklist	Capella obtains this information from the Associate	Capella uses this information to ensure that new recruits are properly inducted ( <b>legitimate interest</b> )	For the duration of the Contract + 6 years
DBS Evidence (Certificate Number; Certificate Date; Certificate Type; Certificate Status)	The Associate provides this information to Capella by providing Capella with visibility of their DBS Certificate	Capella uses this information as part of our Safer Recruitment process ( <b>statutory requirement of ESFA Contract</b> )	For the duration of the contract + 6 years
Information held on Capella's Single Central Record (Name, Address, Contact Details, Safer Recruitment Information; Insurance Expiry Dates; Contract Review & Observation Dates; Dates completed Safeguarding & Prevent Training)	Capella obtains this information from the Associate	Capella use this information to ensure that we comply with the <b>statutory requirements</b> of the ESFA <b>Contract</b> and to ensure that Associates comply with Capella's policies and procedures ( <b>legitimate interest</b> )	For the duration of the Contract + 6 years
Declaration of Interests Form	Capella obtain this information from the Associate	Capella uses this information to ensure that Associates comply with Capella's Policies ( <b>legitimate interest</b> )	Date Contract Ended + 6 years
Code of Conduct Declaration			
Modern Slavery Declaration			
CPD Records and Skills Matrix	Capella obtains this information from the Associate and their Contract Manager	Capella uses this information to identify any training/skills gaps ( <b>legitimate interest</b> )	Date Contract Ended + 6 years
Records of Contract Review Meetings	Capella obtains this information from the	Capella uses this information to monitor	Current Year + 6 years

	Associate and their Contract Manager	Associate's performance <b>(legitimate interest)</b>	
Type of Personal Information Held relating to Capella Associates	How we obtain the personal information	What we use the information for	How long we retain the information for
Records of Observations	Capella obtains this information from the Associate and their Observer	Capella uses this information to identify the Associate's strengths and weaknesses <b>(legitimate interest)</b>	Current Year + 6 years
Feedback from Associate Survey	Capella obtains this information from those Associates who <b>consent</b> to complete the survey	Capella uses this information to identify Capella's strengths and weaknesses <b>(legitimate interest)</b>	Current Year + 6 years
Records relating to any complaints made regarding an Associate (excluding child protection complaints)	Capella obtain this information from the complainant, the Associate and any witnesses and investigators	Capella use this information to Safeguard our learners and Associates (requirement of the ESFA <b>Contract</b> )	Current year + 6 years
Records relating to any allegation of a child protection nature made against an Associate <i>(Note: Allegations that are found to be malicious are removed from the Associate's file)</i>	Capella obtain this information from the complainant, the Associate and any witnesses and investigators	Capella use this information to Safeguard our learners and Associates (requirement of the ESFA <b>Contract</b> )	Until the Associate's normal retirement age or 10 years from the date of the allegation, whichever is the longer
Copy of all invoices submitted and paid	Capella obtain this information from the Associate	Capella use this information to pay the Associates for the work that they have undertaken as per their <b>contract</b>	End of current financial year + 3 Years
Personal Bank Details			End of Contract
Leaver's Checklist	Capella obtain this information from the Associate and their Contract Manager	Capella use this information to ensure that all required actions are completed prior to the termination of the Associate's <b>contract</b>	Current Year + 6 Years

Capella may share the information detailed below relating to Associates with the following Third Parties:

- Associates Single Central Record (SCR) data may be shared with Ofsted as part of an Ofsted Inspection
- Associates Bank Details may be shared with Capella's Accountant for the purposes of paying invoices
- The information provided in Capella Associate Surveys may be shared with a Third Party Provider for the purposes of analysing the results received
- An anonymised version of the results from the Capella Associate Survey may be shared with Capella's Advisory Board for the purposes of evaluation and improvement
- Complaints Information may be shared with relevant Third Parties (eg ESFA, Ofsted, DBS Service, Police) where statutorily required or where deemed appropriate

### **Keeping Your Data Up To Date**

Capella request that all Associates notify their Contract Manager of any changes in their personal details (eg change of name; change of address) that occur whilst under contract with Capella Associates in order that Capella can ensure that our records are up to date.

**Section E: Information relating to Clients and Providers**

The Table below provides information regarding the type of personal information that we collect relating to Clients and Providers; how we obtain that personal information; what we use that personal information for; and how long we retain that personal information.

Type of Personal Information Held relating to clients and providers	How we obtain the personal information	What we use the information for	How long we retain the information for
Name and Contact Details	We obtain this information directly from the client/provider and/or prospective clients/providers	Capella use this information for sales and marketing purposes	We retain this information until the client/provider (or prospective client/provider) requests us to delete their data or until Capella determine that we no longer have a requirement to hold the data, whichever occurs first

Capella does not share any information relating to clients and/or providers with any Third Party Organisations.