

# Data Protection and the General Data Protection Regulations

## 1. What is 'personal information'?

'Personal information' means any information which relates to or identifies you as an individual.

## 2. Who will process my personal information?

The information provided here applies to the use, sharing and disclosure of your personal information by Gen2 (<http://www.gen2.ac.uk/>) as part of the application process. Gen2 shares the personal information you provide in your application in accordance with agreed protocols. When assessing your application we may provide you with additional statements about how we will use, share and disclose your personal information as you progress through your application.

## 3. What personal information will be processed?

Gen2 will use the details you provide on your application and the results of your Aptitude Tests (where applicable), together with additional details provided by any referee and recorded following any interview process.

If you provide any information about relevant unspent criminal convictions during the application process, we will use this information as described:

**All applicants who have a relevant criminal conviction that is not spent must indicate this on their application.** A relevant criminal conviction is deemed by Gen2 to include convictions, cautions, admonitions, reprimands, final warnings, bind over orders or similar involving one or more of those listed below:

- Any kind of violence including (but not limited to) threatening behaviour, offences concerning the intention to harm, or offences which resulted in actual bodily harm
- offences listed in the Sex Offences Act 2003
- The unlawful supply of controlled drugs or substances where the conviction concerns commercial drug dealing or trafficking
- Offences involving firearms, crossbows and knives
- Offences involving arson
- Offences listed in the Terrorism Act 2006

By ticking the box stating that you have an unspent criminal conviction and submitting your application form, you are:

- Accepting that, if you do not fully comply with the possible admission requirements that may be set in light of your unspent criminal conviction, Gen2 shall have the right to cancel your application and you shall have no claim against Gen2.'

If you are convicted of a relevant criminal offence after you have applied, you must inform the HR team at [recruitment@gen2.ac.uk](mailto:recruitment@gen2.ac.uk).

### Applicants from within the UK and European Economic Area

Convictions that are spent (as defined by the Rehabilitation of Offenders Act 1974) are not considered to be relevant and you do not need to disclose them. If you are unsure whether a caution is relevant or spent, you should get advice from a solicitor, Citizens Advice Bureau, the Probation Service or Nacro, the crime reduction charity. If you seek advice from a solicitor you may have to pay for that advice.

Note that offences attracting sentences of 30 months imprisonment or more are never spent and therefore must always be declared.

#### 4. What is the purpose and legal basis of the processing?

Gen2 will process the personal information provided on your application and the other information referred to above for the purposes of identifying you, processing your application, verifying the information provided, deciding whether to forward your application to prospective employers for an apprenticeship, and communicating that outcome (together with any feedback).

We may also use or disclose the information provided for the following statutory or public interest purposes:

- To prevent or detect fraud.
- For equal opportunities monitoring.
- To help us to make reasonable adjustments for any disability, as requested by you.
- To allow us to consider any future accommodation requirements.
- To provide statutory returns required by applicable legislation.
- For research and statistical purposes, but no information which could identify you will be published.

We consider the processing of your personal information for the above purposes to be either necessary for us to take steps with a view to creating a contractual relationship with you (e.g. to assess your application/eligibility for an apprenticeship), or necessary for compliance with a legal obligation (e.g. equal opportunities monitoring), or necessary for the performance of tasks we carry out in the public interest (e.g. application research). We require you to provide us with the information we ask for during the application process in order to assess your application properly except where its supply is marked as optional. Decisions are not automated.

#### 5. Who will my personal information be shared with?

As well as circulating your application and related materials to the appropriate staff at Gen2, we will share your personal information for the above purposes as relevant and necessary with:

- Your referees.
- Where relevant and as required and/or notified to you, your school/college or training organisation.
- Your examination boards or awarding bodies.
- Your student support assessment body.
- Your funders and/or potential funders (including, for example, the Student Loans Company).
- In the case of international applicants, the British Council or appropriate agencies.
- Where relevant and as required, governmental bodies including local authorities, the Home Office, and the Department for Work and Pensions and its agencies, the Education Skills Funding Agency.
- Other Higher Education organisations, in order to assist with tracking and research into access to Higher Education.
- Companies or organisations requesting applicant information in order to short-list for interview and employ an apprentice.

#### 6. How can I access my personal information?

You have the right to access the personal information that is held about you by Gen2.

You also have the right to ask us to correct any inaccurate personal information we hold about you, to delete personal information, or otherwise restrict our processing, or to object to processing or to receive an electronic copy of the personal information you provided to us.

#### 7. How long is my information kept?

We store your personal information for as long as necessary to complete the application process. If you are successful, your information will be kept as part of your student record for the duration of your studies (and it may be used as part of our assessment of any future application you make for further studies with Gen2). If you are unsuccessful, your information will be normally kept for at least one year after the completion of the application process.

## 8. Who can I contact?

If you have any questions about how your personal information is used, or wish to exercise any of your rights, please e-mail [Heidi.clements@gen2.ac.uk](mailto:Heidi.clements@gen2.ac.uk)

## 9. How do I complain?

If you are not happy with the way your information is being handled, or with the response received from us, you have the right to lodge a complaint with the Information Commissioner's Office at Wycliffe House, Water Lane, Wilmslow, SK9 5AF (<https://ico.org.uk/>).

## 10. Are changes made to this information?

This webpage was last updated in October 2017. It is reviewed when necessary and at least annually. Any changes will be published here and you will be notified via email.

### [Additional Privacy Notice issued by the Education and Skills Funding Agency \(ESFA\): How We Use Your Personal Information](#)

This privacy notice is issued by the Education and Skills Funding Agency (ESFA), on behalf of the Secretary of State for the Department of Education (DfE). It is to inform learners how their personal information will be used by the DfE, the ESFA (an executive agency of the DfE) and any successor bodies to these organisations. For the purposes of the Data Protection Act 1998, the DfE is the data controller for personal data processed by the ESFA. Your personal information is used by the DfE to exercise its functions and to meet its statutory responsibilities, including under the Apprenticeships, Skills, Children and Learning Act 2009 and to create and maintain a unique learner number (ULN) and a personal learning record (PLR).

Your information may be shared with third parties for education, training, employment and well-being related purposes, including for research. This will only take place where the law allows it and the sharing is in compliance with the Data Protection Act 1998.

The English European Social Fund (ESF) Managing Authority (or agents acting on its behalf) may contact you in order for them to carry out research and evaluation to inform the effectiveness of training.

You can opt out of contact for other purposes by ticking any of the following boxes if you do not wish to be contacted:

- About courses or learning opportunities                       By post  
 For surveys and research     By phone                       By E-mail

Further information about use of and access to your personal data, and details of organisations with whom we regularly share data are available at: <https://www.gov.uk/government/publications/esfa-privacy-notice>

Please tick this box to indicate that you understand that your Personal Learning Record can be accessed by Gen2 unless you have informed us that you have opted out from this on the Skills Funding Agency website.