

1. Scope and Application

- 1.1. This policy applies to The City and Guilds of London Institute, its subsidiaries, business units and brands (together the “**City & Guilds Group**”).
- 1.2. This policy describes the City & Guilds Group’s approach to the protection of the personal data of individuals, and the exercise of data protection rights by individuals, whose personal data are processed by a member of the City & Guilds Group, in accordance with applicable data protection laws, including Regulation (EU) 2016/679 (**GDPR**).
- 1.3. This policy applies to all business activities that may involve the processing of personal data undertaken by a member of the City & Guilds Group or by any person working under the direction or control of a member of the City & Guilds Group. This includes members of the Management Board, Trustee Board, officers, employees, and any third party entity or person granted access to personal data in the custody or control of a member of the City & Guilds Group (**personnel**).
- 1.4. This policy is in internal policy, and is available on the City & Guilds Group intranet, and to personnel. This policy may be made available, in PDF format, to external third parties on request.
- 1.5. The Management Board has overall responsibility for ensuring adherence to this policy by all members of the City & Guilds Group.
- 1.6. Data Owners (as defined on the Group Data Protection SharePoint Site) are responsible for the operational implementation of this Policy within their responsible business area.
- 1.7. The City & Guilds Group Data Protection Team is responsible for:
 - responding to queries about this policy - which may be sent to gdpr@cityandguilds.com;
 - collecting feedback from Data Owners about this policy;
 - reviewing this policy, as necessary, to ensure that it meets the requirements of applicable data protection laws.

2. Introduction to the Data Subject Rights

- 2.1. Data subjects' rights regarding the processing of their personal data, as well as its exercise and the addressing of such rights, are regulated by articles 12 to 23 of the GDPR. Briefly, such rights are the following:

Access: is the right to obtain from the controller confirmation as to whether or not personal data concerning the data subject are being processed, and, where that is the case, certain information about such processing.

Rectification: is the right of any data subject whose personal data are being processed to request the correction of inaccurate personal data or to have incomplete personal data completed.

Erasure: also known as the "right to be forgotten", is the right to request that the controller deletes relevant personal data without undue delay.

Restriction of processing: is the right to request the restriction of further processing of personal data.

Data portability: allows data subjects to obtain their personal data in a structured, commonly used, and machine-readable format, and to transmit such data to another controller without hindrance.

Objection: allows a data subject to object at any time to processing of personal data concerning him/her in certain cases.

Objection to automated individual decision-making, including profiling: is the right not to be subject to a decision based solely on automated processing (including profiling), where such decision may have legal, or similarly significant effect.

3. Exercise of Rights

- 3.1. Where a member of staff of the City & Guilds Group has received a request from a data subject to exercise a data subject right, that person must immediately send the request to the City & Guilds Group Customer Services team by sending an email to cs.teamleader@cityandguilds.com. The cover email must include the date on which the request was received, to ensure that the request can be properly addressed in accordance with the relevant timeframes.
- 3.2. On receipt of a data subject request, Customer Services shall:
 - 3.2.1. ensure there is sufficient information to determine the identity of the data subject;
 - 3.2.2. record the full name of the data subject, the type of identification provided, the date of the request, the nature of the request and, once addressed, the outcome;
 - 3.2.3. where the request is not made by the data subject, ensure there is sufficient information to demonstrate that the data subject has consented to the request; and
 - 3.2.4. forward the request to the relevant member of the City & Guilds Group (**Department**).
- 3.3. If the data subject has not provided sufficient identification (for example driving licence, passport, National identification card, birth certificate) and/or there is no reliable evidence to establish that data subject has consented to such request, the relevant Department shall immediately request the relevant information from the data subject, and not process the request until such information has been provided.
- 3.4. The Department shall determine (1) whether a member of the City & Guilds processes the data subject's personal data and (2) whether the right requested by the data subject arises – in accordance with the Action Protocol set out in section 4 below.

- 3.5. The Department should contact gdpr@cityandguilds.com if it requires legal assistance determining whether the right arises and (2) how to respond to the data subject in compliance with the GDPR.
- 3.6. If no member of the City & Guilds Group processes the data subject's personal data, the Department shall respond as such to the data subject without undue delay and, in any event, within one 1 month after first receipt of the original request.
- 3.7. Where the Department determines (acting in consultation with all relevant members of the City & Guilds Group and accordance with the content and principles of the GDPR) that the data subject right does not arise due to relevant exemptions in the GDPR, the Department shall respond to the data subject's request without undue delay and, in any event within 1 month after first receipt of the original request, setting out:
 - the reasons why the City & Guilds Group is unable to address the request;
 - the possibility of lodging a complaint with the relevant supervisory authority (such as the Information Commissioner's Office); and
 - the possibility of seeking a judicial remedy.
- 3.8. Where the request can be addressed, the Department shall provide information to the data subject on action taken in relation to the request within 1 month after receiving the original request. Such time period may be extended by up to two extra months for reasons of complexity or as a consequence of the number of requests received. The Department shall inform the data subject of any such extension within 1 month of the original request, stating the reasons for the extension.

Form of communication

- 3.9. Where a data subject makes a request in electronic format, the Department shall respond in electronic format where possible, unless otherwise requested by the data subject.
- 3.10. All communications addressed to a data subject relating to the processing of his/her personal data shall be made in a concise, transparent, intelligible and easily accessible form, using clear and plain language.
- 3.11. The Department shall correspond with the data subject in writing, or by other means, including electronic means and, where the data subject requests it, even orally, provided that the identity of the data subject is proven by other means.
- 3.12. Any communication and actions taken in relation to the exercise of the data protection rights of a data subject shall be provided free of charge unless a request is manifestly unfounded or excessive, in which case the relevant member of the City & Guilds Group may either (1) charge a reasonable fee (determined in consultation with City & Guilds Group Legal) for the administrative costs of providing the information or communication or taking the action requested (2) refuse to act.

4. Action Protocol

Right of Access by the Data Subject (“subject access request”)

A data subject may ask the data controller to indicate whether it is processing his/her personal data and, if so, provide the data subject with specific information about the processing.

When Customer Services receives a right of access request (commonly known as a subject access request or SAR), Customer Services shall immediately refer the request to the relevant Department, who shall:

- 1 promptly conduct reasonable searches of its databases in order to locate all personal data regarding the data subject;
- 2 without undue delay and, in any event, within 1 month after the date of receipt of the original request, provide the data subject with a written communication confirming that a member of the City & Guilds Group is processing personal data concerning the data subject and the following information:
 - the purposes of the processing;
 - the categories of personal data concerned;
 - the recipients or categories of recipients to whom the personal data have been disclosed to;
 - the envisaged period for which the personal data will be stored or the criteria used to determine that period;
 - the existence of other rights and the possibility to lodge a complaint with a supervisory authority;
 - where appropriate, information regarding the source of the personal data (where they are not collected from the data subject);
 - where appropriate, the existence of automated decision-making, including profiling, indicating the logic involved in the decision making and the importance and consequences of such processing; and
 - where international transfers subject to appropriate safeguards take place, information regarding such safeguards; and
 - a copy of the personal data undergoing processing. The City & Guilds Group may charge a fee for any further copies requested by the data subject; such fee shall be reasonable and based on administrative costs derived from the making of additional copies.

Care must be taken to ensure that the information provided to the data subject does not include personal data or information regarding another data subject or data subjects, knowhow, trade secrets or confidential information.

If the City & Guilds Group holds a large quantity of data, it may require the data subject to specify what information or processing activities are subject to the request in order to set reasonable parameters for the search.

Right to Rectification

A data subject may request a data controller processing his/her personal data to correct the personal data.

When Customer Services receives a right to rectification request, Customer Services shall immediately refer the request to the relevant Department, who shall:

- 1 promptly conduct reasonable searches of its databases in order to locate all personal data regarding the data subject and rectify the personal data as requested by the data subject;
- 2 notify all third parties recipients (every entity to whom personal data regarding the data subject was transferred to) of the right to rectification request, unless this proves impossible or involves disproportionate effort. The relevant Department shall also inform the data subject about such third party recipients, upon request; and
- 3 inform the data subject without undue delay and, in event, within 1 month after receipt of the original request that the right has been addressed in accordance with the GDPR.

Right to Erasure (“the right to be forgotten”)

Under certain circumstances, a data subject may request a controller processing his/her personal data to erase the personal data.

When Customer Services receives a right to erasure request, Customer Services shall immediately forward the request to the relevant Department which shall, in consultation with City & Guilds Group Legal, first determine whether:

- 1 any of the following circumstances occur (the "**determining circumstances**"):
 - the personal data are no longer relevant for the purposes for which they were collected or processed;
 - the processing of the data relies solely on the consent of the data subject and he/she withdraws it;
 - the data subject objects to the processing of his or her personal data either: for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller (Article 6.e); or for the purposes of the legitimate interests of a member of the City & Guilds or a third party (Article 6.f), and there are no

overriding legitimate grounds for the processing;

- the data subject objects to the processing of his or her personal data for direct marketing purposes;
- the personal data have been unlawfully processed;
- the erasure of personal data is necessary to comply with a legal obligation; or
- the personal data have been collected in relation to the offering of information society services to a child; and

2 any of the following circumstances occur (the "**excluding circumstances**"):

- the processing is required for the exercise of the right of freedom of expression and information;
- the processing is triggered by a legal obligation which requires the processing of the personal data affected by the exercise of the right or for the performance of a task carried out in the public interest or in the exercise of official authority vested in City & Guilds;
- for reasons of public health;
- for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes; or
- for the establishment, exercise or defence of legal claims.

The right to erasure will only arise where at least one of the determining circumstances occurs and none of the excluding circumstances occur.

However, the right shall not arise where:

- none of the determining circumstances occur, irrespective of whether an excluding circumstance occurs; or
- one or more determining circumstances occur, but an excluding circumstance also occurs.

For the avoidance of doubt, the right to erasure does not arise when the Guilds & Guilds Group does not process the data subject's personal data.

Where the right to erasure arises

Where the right to erasure arises, the Department shall, with full co-operation of the relevant members of the City & Guilds Group:

- carefully analyse its databases in order to locate all personal data regarding the data subject, and erase that personal data;

- inform the data subject without undue delay and, in event, within 1 month after receipt of the original request that the right has been addressed in accordance with the GDPR; and
- notify all third parties recipients (every entity to whom personal data regarding the data subject was transferred to) of the right to erasure request, unless this proves impossible or involves disproportionate effort. The Department shall also inform the data subject about such third party recipients, upon request.

Where a member of the City & Guilds Group has made the personal data public, and is obliged to erase the personal data, insofar as it is reasonable taking into account the available technology and the costs, the Department shall inform controllers processing the personal data that the data subject has requested the erasure of any links to or copy of the personal data.

Where the right to erasure does not arise

Where the right does not arise, the Department shall without undue delay and, in any event, within 1 month after the date of receipt of the original request, provide the data subject with written notification setting out the reasons why the right does not arise.

Right to Restriction of Processing

Under certain circumstances, a data subject may ask a controller to restrict the processing of the data subject's personal data.

When Customer Services receives a right to erasure request, Customer Services shall immediately forward the request to the relevant Department which shall, in consultation with City & Guilds Group Legal, first determine whether the exercise of the right arises.

The right to restriction of processing will arise if any of the following circumstances occur:

- the accuracy of the personal data is queried by the data subject, for a period enabling the relevant member of the City & Guilds Group to verify the accuracy of the personal data;
- the processing is unlawful and the data subject opposes the erasure of the personal data and requests, instead, the restriction of use of the personal data;
- the relevant members of the City & Guilds Group no longer needs the personal data for the purposes notified to the data subject, but the data subject requires the personal data for the establishment, exercise or defence of legal claims; or
- the data subject has objected to processing but the relevant members of the City & Guilds Group are required to process the personal data while they verify whether legitimate grounds override the data subject's grounds for the exercise of the right.

Where the right to restrict processing arises

Where the right to restrict processing arises, the Department, with full co-operation of the relevant members of the City & Guild Group shall:

- restrict the further processing of the personal data for purposes other than those that are permitted taking into account the scope of the limitation triggered by the exercise of the right;
- inform the data subject without undue delay and, in event, within 1 month after receipt of the original request that the right has been addressed in accordance with the GDPR; and
- notify all third parties recipients (every entity to whom personal data regarding the data subject was transferred to) of the right to erasure request, unless this proves impossible or involves disproportionate effort. The Department shall also inform the data subject about such third party recipients, upon request.

If the data subject has queried the accuracy of his/her personal data, the processing shall be limited to the period of time necessary for the relevant members of the City & Guilds Group to verify the accuracy of the personal data.

Personal data in respect of which the data subject has exercised the right to restriction of processing may only be processed, except for the purposes of storage, with the data subject's consent; for the establishment, exercise or defence of legal claims; for the protection of rights of another natural or legal person; or for reasons of public interest.

A data subject who has obtained restriction of processing shall be informed by City & Guilds before the restriction of processing is lifted.

Where the right to restrict processing does not arise

Where the right does not arise, the Department shall without undue delay and, in any event, within 1 month after the date of receipt of the original request, provide the data subject with written notification setting out the reasons why the right does not arise.

Right to Data Portability

In certain circumstances, a data subject may request a data controller to provide a copy of his/her personal data, in a commonly used and machine-readable format.

When Customer Services receives a right to erasure request, Customer Services shall immediately forward the request to the relevant Department which shall, in consultation with City & Guilds Group Legal, first determine whether the exercise of the right arises.

The right to data portability arises where:

- 1 the legal basis of processing relies on:

- consent; or
 - the need to perform a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract; and
- 2 the processing is carried out by automated means.

In all other cases, including where no member of the City & Guilds Group processes the data subject's personal data, the exercise of the right does not arise.

Where the right to data portability arises

If both circumstances set out above apply, the Department shall, with full co-operation of the relevant members of the City & Guild Group:

- provide the data subject, in a structured, commonly used and machine-readable format, with all personal data concerning him/her processed by the City & Guilds Group that have been supplied by him/her (including those obtained as a consequence of observing or analysis his or her activity or behaviour) and excluding personal data generated by a member of the City & Guilds Group by using the aforementioned information (data inferred or derived from the personal data supplied by the data subject);
- provide any third party with the aforementioned information, upon request of the data subject, as long as it is technically feasible; and
- inform the data subject without undue delay and, in event, within 1 month after receipt of the original request that the right has been addressed in accordance with the GDPR.

Care must be taken to ensure that the information provided to the data subject does not include personal data or information regarding another data subject or data subjects, knowhow, trade secrets or confidential information.

Where the right to data portability does not arise

Where the right does not arise, the Department shall without undue delay and, in any event, within 1 month after the date of receipt of the original request, provide the data subject with written notification setting out the reasons why the right does not arise.

Right to Object

In certain circumstances, a data subject may object to the processing of his/her personal data for certain purposes.

When Customer Services receives a right to erasure request, Customer Services shall immediately forward the request to the relevant Department which shall, in consultation with City & Guilds Group Legal, first determine whether the exercise of the right arises.

The right to object will arise where:

- 1 the legal basis of processing is necessary for:
 - the performance of a task in the public interest; or
 - the legitimate interests of a member of the City & Guilds Group or a third party; or
- 2 the processing of personal data is for direct marketing purposes (including profiling for direct marketing purposes); or
- 3 the processing of personal data is for scientific, historical or statistical purposes, on grounds relating to the data subject's particular situation, unless it is necessary for the fulfilment of a task carried out in the public interest.

In all other cases, including where no member of the City & Guilds Group processes the data subject's personal data, the exercise of the right does not arise.

Where the right to object arises

Where the right to object arises, the Department shall, with full co-operation of the relevant members of the City & Guild Group:

- stop processing the data subject's personal data;
- inform the data subject without undue delay and, in event, within 1 month after receipt of the original request that the right has been addressed in accordance with the GDPR.

Where the right to object does not arise

Where the right does not arise, the Department shall without undue delay and, in any event, within 1 month after the date of receipt of the original request, provide the data subject with written notification setting out the reasons why the right does not arise.

Objection to automated decision-making (including profiling)

In certain circumstances, a data subject may object to decisions made solely on automated processing, including profiling, which results in a legal, or similarly significant, effect on the data subject.

When Customer Services receives a right to erasure request, Customer Services shall immediately forward the request to the relevant Department which shall, in consultation with City & Guilds Group Legal, first determine whether the exercise of the right arises.

The right to object to automated decision making does not arise where:

- 1 the decision is necessary for entering into a contract between the data subject and the controller, or for its performance;
- 2 the decision is authorised by a law to which a member of the City & Guilds Group is subject and which also lays down suitable measures to safeguard the data subject's rights and freedoms and legitimate interests; or
- 3 the data subject has given explicit consent to such decision making.

Where the right to object to automated decision making arises

Where the right to object to automated decision making arises, the Department shall, with the full co-operation of the relevant members of the City & Guild Group:

- refrain from processing the data subject's personal data for automated individual decision-making,
- inform the data subject without undue delay and, in event, within 1 month after receipt of the original request that the right has been addressed in accordance with the GDPR.

Where the decision is necessary for entering into a contract or for its performance or when the decision is based on the data subject's explicit consent, the Department, in consultation with the relevant member of the City & Guilds Group, shall implement suitable measures to safeguard the data subject's rights, freedoms and legitimate interests. In particular, the City & Guilds Group shall allow the data subject:

- to obtain human intervention with regard to the decision making;
- to express his or her point of view regarding the decision; and
- to contest the decision.

Where the right to object to automated decision making does not arise

Where the right does not arise, the Department shall without undue delay and, in any event, within 1 month after the date of receipt of the original request, provide the data subject with written notification setting out the reasons why the right does not arise.

5. Compliance with this Policy

- 5.1. This policy does not form part of any employment contract, and may be amended at any time. However, any personnel who breach this policy may face disciplinary action, in accordance with applicable HR policies and procedures.