



Confidentiality and Privacy Policy

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1 Introduction and Confidentiality Statement

EduQual performs and maintains comprehensive quality assurance processes and procedures. These procedures are designed to safeguard EduQual's integrity as a business and as an Awarding Body, and are also designed to ensure the validity of EduQual-accredited qualifications and EduQual-accredited assessment methodology. EduQual maintains up-to-date policies for staff and centres in order to meet any requirements stipulated by the regulatory authorities.

The purpose of this Confidentiality and Privacy Policy is twofold:

- 1) To provide EduQual staff with the guidance and information they need to sign the ongoing confidentiality agreement with EduQual (a Confidentiality Statement is provided at the end of this document)
- 2) To outline the key principles that EduQual adheres to with regard to privacy (including data protection).

All EduQual employees are required to familiarise themselves with this policy and to sign the EduQual Confidentiality Statement.

EduQual maintains strict adherence to the stipulations of and spirit inherent to the GDPR (General Data Protection Regulation 2018).¹

2 Confidentiality

2.1 Definition of Confidential Information

For the purposes of this policy, Confidential Information is:

- information, in whatever form obtained or maintained (including written, oral, visual and electronic), relating to any member of EduQual or, in any way, pertaining to the business undertakings and operation of EduQual
- analyses, compilations, studies and other documents or materials which contain or otherwise reflect or are derived/generated from any information described above.

Confidential information also includes any and/or all information relating to EduQual's business, qualifications and its customers. For example:

- technical information
- information relating to qualification development (unit developers, endorsers, etc.)
- assessment or the content of assessment
- exam question papers and completed examination scripts
- customer data
- artwork design and/or orientation (including company logos)

¹ The GDPR came into effect on 25 May 2018. In the UK, it supersedes the Data Protection Act 1998.

- qualification specifications (including support materials)
- new business areas (such as new products, new customers, or new market data)
- business and financial information
- marketing information
- pricing and cost details
- any other business relating to EduQual or its associates, including any information received in confidence from the regulatory authorities.

This definition does not include any information which:

- is (or which becomes) publicly available other than as a result of the information being disclosed in breach of this agreement
- a member of staff, senior officer or associate can prove was known prior to the date of their employment/contract with EduQual (i.e. they were not under any duty of confidence in respect of the information)
- is (or has been) lawfully received from a third party without restriction to its use or disclosure.

3 Obligations of Staff

EduQual, its staff, associates, and suppliers shall not, without the prior consent of the other:

- use any part of the Confidential Information, including at training events
- copy, reproduce or reduce to writing any part of the Confidential Information
- disclose to any person any part of the Confidential Information in pursuance of its business.

Equally, EduQual, its staff, associates and suppliers shall:

- apply to the Confidential Information the same degree of care that it applies to its own confidential information or proprietary information
- treat and safeguard as private and confidential all of the Confidential Information
- use the Confidential Information only for its specified purpose **and**
- not disclose the Confidential Information to anyone and/or make copies of it, except as permitted by this policy and any additional requirements that may, on occasion, be made.

3.1 Disclosure of Confidential Information

Staff, associates, and/or representatives of EduQual may disclose Confidential Information only:

- to such of its customers as is strictly necessary and appropriate
- to professional advisers engaged to counsel them
- when ensuring that persons to whom Confidential Information is shared, in accordance with

this policy, are made aware of the provisions of this policy and that they observe the same restrictions on the use of the Confidential Information as are applied to themselves

- to the extent required by the laws or regulations of any country with jurisdiction over their affairs or any order of any court of competent jurisdiction or any competent judicial, governmental or regulatory body or
- if it has been approved for release or use (in either case without restriction) by written authorisation of EduQual
- where required to disclose Confidential Information in accordance with the above, that person shall give to EduQual reasonable prior notice of the need to comply with such requirement and shall have regard to the views of EduQual as to the manner of compliance
- through copies, and may make only such copies of the Confidential Information as are necessary and which are clearly marked as confidential. All Confidential Information shall be returned to EduQual or destroyed, promptly upon request, together with any further/additional copies that may have been made.

3.2 Duration of the Confidentiality Agreement

The Confidentiality Statement is not intended to terminate once the relationship between the signee and EduQual has ceased. Furthermore, in accepting the terms stated in this Confidentiality and Privacy Policy, the signee is committed to the non-disclosure of EduQual confidential information for a duration not less than 5 years, commencing from the date of signature.

4 Data Protection and Privacy

EduQual takes its responsibility to protect the personal information of its service users seriously. We respect that you may have concerns about how we process your personal data; the following information is designed to provide all service users with an overview of our data protection procedures, in order that they can then make informed decisions.

EduQual is fully committed to the principles of the GDPR and has registered as a Data Controller with the Information Commissioner's Office (ICO). Further information regarding the principles of the GDPR as it applies to the education sector can be found here: <https://ico.org.uk/for-organisations/education/education-gdpr-faqs/>.

4.1 Personal information collected and used by EduQual

As part of its business model and methodology, and in order to provide the best level of service possible to its clients, EduQual will collect personal information from individual customers (users) and utilise this appropriately. This personal information includes:

- Your name
- Your date of birth
- Your email address

This personal information can be collected:

- from individual users accessing online services provided by EduQual
- by requirement or request where EduQual must collect and process various personal data, which may include a user's name, address and email address, telephone number, date of birth, job and job title, qualification information, personal interests, credit card/billing information and/or bank account details, and any other information relating to the user or third party that is supplied
- from those essential data provided by EduQual-approved centres, which is necessary to facilitate the registration of learners, recording and certificating levels of learner attainment/achievement, and protecting the integrity of all qualifications operated by EduQual.

By keeping your details up to date, we can use this information to help ensure the best possible services for you and to protect the integrity of the qualifications you pursue and achieve.

This helps us to contact you quickly where we find someone may have accessed your information in order to abuse it for the purposes of fraud (e.g. claiming a certificate illegally). It also helps to ensure we provide you with information and support that is relevant to you, and enables us to communicate any regulations and, or changes to our products and services.

EduQual may share your information in very limited circumstances as set out below:

- Where we are obliged to do so (for example, in responding to a legal request)
- When we need to work with a third-party stakeholder such as our regulator²
- With our centres, where you may be receiving learning and assessment support to help you achieve an EduQual qualification
- Any telephone calls between you and us in respect of our qualifications.

Furthermore, in order to adhere to the GDPR and ensure the safety of clients' personal and sensitive information, EduQual will:

- collect and process appropriate information only to the extent that it is needed to fulfil operational needs or to comply with any legal requirements
- ensure the quality of information used
- apply strict checks to determine the length of time information is held
- ensure that personal information is not transferred abroad without suitable safeguards
- ensure that personal information in paper copy is kept in a secure environment and, when necessary, destroyed securely
- ensure that everyone managing and handling personal information understands that they are contractually responsible for following good data protection practice and are appropriately trained and supervised to do so
- ensure that procedures for handling personal information are regularly assessed and evaluated

² Any information shared in this way is treated with strict confidentiality.

- ensure that the rights of people about whom the information is held can be fully exercised under the GDPR.

EduQual will never sell your information. EduQual complies with all relevant data protection legislation, including the GDPR (General Data Protection Regulation).

We may on occasion share anonymised information with third parties, but never in such a way that could identify you as an individual.

4.2 Access to the personal information of EduQual employees and EduQual-appointed consultants (Human Resource Management)

Access to Human Resource Management information relating to existing and potential EduQual employees and EduQual-appointed consultants / associates is limited to the following two EduQual officers:

- Chief Executive Officer (CEO)
- Director of Compliance, Quality and Qualifications (DCQQ)³

4.3 Access to the personal information of Centre staff and Learners

EduQual employees and EduQual-appointed consultants / associates (including External Examiners / External Quality Assurers) are granted the minimum level of access to the personal information of Centre staff and Learners. Such access is granted only in order to meet EduQual's obligations to Centres and Learners, and / or to comply with any regulatory requirements.

Furthermore, direct access to Learner and Centre data via any Learning Management System (LMS) used by EduQual will be limited wherever possible to the following EduQual personnel:

- Senior Administrator
- Quality Assurance Administrator
- Administrator

Other EduQual officers (e.g. the Quality Assurance Manager) may be granted access to a LMS where absolutely necessary (for example, where it is required by the regulatory authorities, or where required for the authentication and validation of Learner results following certification claims). EduQual-appointed consultants / associates will only have access to a LMS used by EduQual through the direct authority of the CEO.

EduQual employees and EduQual-appointed consultants / associates (including External Examiners / External Quality Assurers) do not process or otherwise use personal data in any unauthorised or unlawful way.

³ As EduQual's Responsible Officer (RO), the DCQQ may act to provide certain personal information to the regulatory authorities as appropriate to agreed requirements.

5 Processing of personal information through the EduQual website

Any personal information provided to EduQual through the use of its website (www.eduqual.org.uk) will only be used for the following purposes:

- necessary updates and enhancements of records
- defining areas of interest to the user, collating user data to improve the website (i.e. for the future alteration of the website in order to better meet user habits and requirements), and compiling information relating to user movements/interactions across the website
- advising the user of other EduQual products and services which may be of interest, whether through the website or via email.

The following caveats should be observed by EduQual staff and associates as well as centre staff:

- by submitting your personal data via the website, you are consenting to the processing of your personal data for the purposes, and by the means, set out above
- EduQual maintains a strict 'no spam' rule. Your email address, or any other means of contact, will not be sold or transferred to a third party under any circumstances without your prior consent
- if you provide us with it, you should be aware that your email address will only be used for the purposes specified at the time. EduQual may, on occasion, send emails to you, offering you the opportunity to sign up for a new service or to take part in a survey. You can opt-out of this, at any time, by emailing info@eduqual.org.uk and requesting that your details are no longer used for direct marketing purposes.

5.1 Use of 'internet cookies' and your interactions with the EduQual website

We may use internet cookies (referred to hereafter as 'cookies') when you access the EduQual website.

A cookie is a small collection of data sent from a website and stored in a user's web browser, as a text (.txt) file, while the user is browsing that website. Its purpose is to 'remember' information about you, so that each time you access the same website the stored cookie will interact with the server and provide it with information on the user's previous activity. Cookies are not programs, so cannot contain a virus.

Cookies from the EduQual website help us to:

- make our website work for you in the way that you would expect
- compile anonymous visitor statistics (see below)
- improve the speed and security of the site
- continuously improve our website for you
- make EduQual's marketing more efficient.

EduQual does not use cookies to:

- collect any information which could lead to the identification of the user
- collect any sensitive information (e.g. bank details)
- pass data, whether broad or personal, to advertising companies or other third parties
- pay sales commissions.

5.2 Anonymous visitor statistics

EduQual uses cookies to compile visitor statistics without compromising user identity. For example, our cookies allow us to see the number of visitors to our website, what operating system and/or browser is being used by the visitor (which helps us to identify when our site isn't working as it should for particular types of software), how long visitors spend on our website on average, the number of views of specific pages on our website, and so forth. Compiling these data allows us to continuously improve our website.

5.3 Granting EduQual permission to use cookies

If the settings on the software (i.e. web browser) that you are using to view EduQual's website are adjusted to accept cookies, EduQual will take your acceptance of cookies and your continued use of our website to mean that you accept the purposes and uses of our cookies. Should you wish to decline your consent, guidelines are provided below that will allow you to remove or not to use cookies from the EduQual website. Please note, however, that doing so will likely mean that our website will not function at its peak capacity.

5.4 Disabling the use of cookies

You can usually disable/reject cookies from websites by adjusting your browser settings. Doing this may limit the functionality of our website (and a large proportion of other, third-party websites), as cookies are used as part of a standard model in the majority of contemporary webpage designs.

Further information about cookies and how to limit and/or disable them can be found on the Information Commissioner's website: <https://ico.org.uk/for-the-public/online/cookies>.

5.5 User violations

In using the website, clients enter into an agreement not to misuse the information provided by EduQual, whether this be by gathering it manually or using robots, automated scripts etc. for this purpose. Any violations of this agreement should be notified to info@eduqual.org.uk.

EduQual takes any abuses of its Confidentiality and Privacy policy seriously and will take steps to ensure that anyone found to be in violation no longer has access to the website: this can happen immediately and without notice.

5.6 Online Security

EduQual's website and computer network has security measures in place to protect the loss, misuse, or alteration of any information provided by users. However, users should note that the internet is not a secure medium and, therefore, take reasonable and sensible precautions to protect their own data.

6 Disclosure of information to third parties

EduQual will not:

- disclose your personal data to any other person or body unless relevant requests are ratified by a legal requirement
- sell your information
- EduQual encourages all enquiries regarding personal data to be made in writing, either by email to info@eduqual.org.uk or by writing to:

EduQual Ltd.
7 Bell Yard
London
WC2A 2JR

EduQual will respond to any requests for access to personal information promptly and courteously. Any individual has a right of access to data held about them within a statutory maximum timescale of 40 days.

In cases where dubiety exists, EduQual will insist on triangulating information to confirm the identity of the applicant, prior to the release of any personal data.

Information will not be given to third parties making enquiries on behalf of a learner unless the third party is identified, to EduQual's satisfaction, as a legitimate member of staff at the learner's EduQual-approved centre. Such information is only given to nominated contacts of the centre concerned, as indicated on EduQual's approval documentation (which is updated on an annual basis).

6.1 Modification/Removal of personal information

Users of our services and website may request that their personal data is changed or removed from our system and records by using the contact methods stated above.

Any comments or questions about our Confidentiality and Privacy Policy, including our procedures to ensure data protection, may also be sent to us at the above address.

Any violations of this policy, or data protection law, can also be notified through the above means.

Notes:

EduQual will notify users of any changes to this policy by displaying them on our website. Every update will be dated. Users who disagree with any policy changes should discontinue use of our website.

The EduQual website may contain links to the websites of other bodies (for example, colleges and universities). EduQual is not responsible for the content, management, security and data policies of any third-party website.

Overall responsibility for maintaining EduQual's adherence to this Confidentiality and Privacy Policy lies with the Accountable Officer (currently, the Director of Compliance, Quality and Qualifications).