

Privacy Policy

Welcome to CMS Vocational Training Limited's ("**CMS Vocational Training**") privacy policy.

CMS Vocational Training respects your privacy and is committed to protecting your personal data. This privacy policy will inform you as to how we look after your personal data when you visit our website (regardless of where you visit it from) or otherwise interact with us and it tells you about your privacy rights and how the law protects you.

Please use the Glossary at the end to understand the meaning of some of the terms used in this privacy policy.

1. Important information and who we are

Purpose of this privacy policy

This privacy policy aims to give you information on how CMS Vocational Training collects and processes your personal data through your use of this website, including any data you may provide to us whether or not through this website.

We will process and collect your personal data when you register to use our site, sign up to our newsletter, subscribe to any of our services, search for a course, search for funding for a course, make any booking or order/application with or to us, operate any account that you may have with us, respond to any survey, purchase a service or take part in a competition.

It is important that you read this privacy policy together with any other privacy policy or fair processing policy we may provide on specific occasions when we are collecting or processing personal data about you so that you are fully aware of how and why we are using your data. This privacy policy supplements the other policies and is not intended to override them.

Controller

CMS Vocational Training is the controller and responsible for your personal data (collectively referred to as "company", "we", "us" or "our" in this privacy policy).

We have appointed a Privacy Manager who is responsible for overseeing questions in relation to this privacy policy. If you have any questions about this privacy policy, including any requests to exercise your legal rights, please contact the Privacy Manager using the details set out below. In the Privacy Manager's absence please contact the Deputy Privacy Manager.

Contact details

Our full details are:

Full name of legal entity: CMS Vocational Training Limited

Name of Privacy Manager: Gareth Luke

Name of Deputy Privacy Manager: Hayden Luke

Email address: compliance@cmsvoc.co.uk

Postal address: Parr House, 26 Station Road, Batley, WF17 5SU

Telephone number: 01924 470477

You have the right to make a complaint at any time to the Information Commissioner's Office ("**ICO**"), the UK supervisory authority for data protection issues (www.ico.org.uk). We would, however, appreciate the chance to deal with your concerns before you approach the ICO so please contact us in the first instance.

Changes to the privacy notice and your duty to inform us of changes

This version was introduced on 21st June 2018 and historic versions can be obtained by contacting us.

It is important that the personal data we hold about you is accurate and current. Please keep us informed if your personal data changes during your relationship with us.

Third-party links

This website may include links to third-party websites, plug-ins and applications. Clicking on those links or enabling those connections may allow third parties to collect or share data about you. We do not control these third-party websites and are not responsible for their privacy statements. When you leave our website, we encourage you to read the privacy policy of every website you visit.

2. The data we collect about you

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

We may collect, use, store and transfer different kinds of personal data about you which we have grouped together follows:

- **Identity Data** includes first name, maiden name, last name, title, date of birth, gender, disabilities (if any) and criminal convictions and offences (if any).
- **Contact Data** includes residential address, work address, personal email address, work email address and telephone numbers (mobile, residential and work numbers).
- **Financial Data** includes bank account and payment card details. If you enquire for funding in order to finance a course we will process details about such funding/loan(s), your credit history and your credit scores.
- **Transaction Data** includes details about payments to and from you and other details of services you have purchased from us.
- **Technical Data** includes IP address, your login data, browser type and version, time zone setting and location, browser plug-in types and versions, operating system and platform and other technology on the devices you use to access this website.
- **Profile Data** includes your username and password, applications made by you, your interests, preferences, feedback and survey responses.
- **Usage Data** includes information about how you use our website and services.
- **Marketing and Communications Data** includes your preferences in receiving marketing from us and our third parties and your communication preferences.

We also collect, use and share **Aggregated Data** such as statistical or demographic data for any purpose. Aggregated Data may be derived from your personal data but is not considered personal data in law as this data does **not** directly or indirectly reveal your identity. For example, we may aggregate your Usage Data to calculate the percentage of users accessing a specific website feature. However, if we combine or connect Aggregated Data with your personal data so that it can directly or indirectly identify you, we treat the combined data as personal data which will be used in accordance with this privacy policy.

Students/apprentices/learners: Special categories of personal data, disabilities and Disclosure and Barring Service report (“DBS Report”) for criminal convictions

We may collect and process **special categories of personal data** about you (“special categories of personal data” includes details about your disabilities (if any), race or ethnicity, religious or philosophical beliefs, sex life, sexual orientation, political opinions, trade union membership, information about your health and genetic and biometric data).

If you have any disabilities and we believe that adjustments and/or other considerations made to your workplace or course would help you, we would process data about your disability and liaise with your employer, potential employer and/or course leader(s) with a view to assist you. If we believe that there is an option for you to obtain funding because of your disabilities we may process data about disabilities with a view to assist you.

In such situations as outlined above, we would request information about your disabilities and if you provide us with information we would process such personal data. If we look to process and disclose personal data relating to your disabilities to third parties such as employers, potential

employers, course leader(s) and funding organisations we would receive your consent before we do so.

Some courses and employers may request that a DBS Report is carried out on you. A DBS Report would show if you have any criminal convictions and/or offences. We would obtain your consent to process your DBS Report. This means that if you agree to a DBS Report being carried out on you, and if you have any criminal convictions and/or offences which you or the DBS Report discloses to us, you are consenting to us collecting and processing this information and personal data in order to enrol you onto a course or find you employment.

We would obtain your prior consent before we would disclose your DBS Report to any course leader(s), employers and potential employers.

If you fail to provide personal data

Where we need to collect personal data by law, or under the terms of a contract we have with you and you fail to provide that data when requested, we may not be able to perform the contract we have or are trying to enter into with you (for example, to provide you with services). In this case, we may have to cancel a service you have with us but we will notify you if this is the case at the time.

3. How is your personal data collected?

We use different methods to collect data from and about you including through:

- **Direct interactions.** You may give us your Identity, Contact and Financial Data by filling in forms or by corresponding with us by post, phone, email or otherwise. This includes personal data you provide when you:
 - apply for our services;
 - search or apply for funding through our website or make payment for our services;
 - subscribe to our service or publications;
 - search, subscribe or apply for a course;
 - operate any account which you have with us;
 - request marketing to be sent to you;
 - undertake a DBS Report;
 - enter a competition, promotion or survey; or
 - give us some feedback.
- **Automated technologies or interactions.** As you interact with our website, we may automatically collect Technical Data about your equipment, browsing actions and patterns. We collect this personal data by using cookies and other similar technologies. Please see our [Cookie Policy](#) for further details.
- **Third parties or publicly available sources.** We may receive personal data about you from various third parties as set out below:
 - Technical Data from our analytics providers such as Google based outside the EU.
 - Identity and Contact Data from publicly available sources such as your company website (if any), Indeed (www.indeed.co.uk), Companies House and the Electoral Register based inside the EU.
 - Identity and Contact Data from third parties such as the National Apprenticeship Vacancy Website (<https://www.findapprenticeship.service.gov.uk/apprenticeshipsearch>), sub-contractors, credit reference agencies and Education Skills Funding Agency, all based in the EU.

4. How we use your personal data

We will only use your personal data when the law allows us to. Most commonly, we will use your personal data in the following circumstances:

- Where we need to perform the contract we are about to enter into or have entered into with you.
- Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests.

- Where we need to comply with a legal or regulatory obligation.

Please see the Glossary to find out more about the types of lawful basis that we will rely on to process your personal data.

Generally we do not rely on consent as a legal basis for processing your personal data other than in relation to dealing with special category personal data (as explained above) and sending third party direct marketing communications to you via email or text message. You have the right to withdraw consent to marketing at any time by contacting us.

Purposes for which we will use your personal data

We have set out below, in a table format, a description of all the ways we plan to use your personal data, and which of the legal bases we rely on to do so. We have also identified what our legitimate interests are where appropriate.

Note that we may process your personal data for more than one lawful ground depending on the specific purpose for which we are using your data. Please contact us if you need details about the specific legal ground we are relying on to process your personal data where more than one ground has been set out in the table below.

Purpose/Activity	Type of data	Lawful basis for processing including basis of legitimate interest
To register you as a new client, apply for funding for courses and or apply for job vacancies.	(a) Identity (b) Contact (c) Profile	Performance of a contract with you
To process applications for job vacancies, courses, DBS Reports (where relevant) and/or funding including: (a) Manage payments, fees, charges and overall funding of the course(s) (b) Collect and recover money owed to us	(a) Identity (b) Contact (c) Financial (d) Transaction (e) Marketing and Communications	(a) Performance of a contract with you (b) Necessary for our legitimate interests (to recover debts due to us)
To manage our relationship with you which will include: (a) Notifying you about changes to our terms or privacy policy (b) Asking you to leave a review or take a survey (c) Subscribe to our newsletter (d) To monitor progression with courses (e) To monitor students/apprentices/learners career progression up to 15 months after completing the most recent course	(a) Identity (b) Contact (c) Profile (d) Marketing and Communications	(a) Performance of a contract with you (b) Necessary to comply with a legal obligation (c) Necessary for our legitimate interests (to keep our records updated and to study how clients use our services)
To enable you to partake in a prize draw, competition or complete a survey	(a) Identity (b) Contact (c) Profile (d) Usage (e) Marketing and Communications	(a) Performance of a contract with you (b) Necessary for our legitimate interests (to study how clients use our services, to develop them and grow our business)
To administer and protect our business and this website (including troubleshooting, data analysis, testing, system maintenance, support, reporting	(a) Identity (b) Contact (c) Technical	(a) Necessary for our legitimate interests (for running our business, provision of administration and IT services, network security, to prevent fraud and in the context of a business reorganisation or group

and hosting of data)		restructuring exercise) (b) Necessary to comply with a legal obligation
To deliver relevant website content and advertisements to you and measure or understand the effectiveness of the advertising we serve to you	(a) Identity (b) Contact (c) Profile (d) Usage (e) Marketing and Communications (f) Technical	Necessary for our legitimate interests (to study how clients use our services, to develop them, to grow our business and to inform our marketing strategy)
To use data analytics to improve our website, services, marketing, client relationships and experiences	(a) Technical (b) Usage	Necessary for our legitimate interests (to define types of clients for our services, to keep our website updated and relevant, to develop our business and to inform our marketing strategy)
To make suggestions and recommendations to you about services that may be of interest to you	(a) Identity (b) Contact (c) Technical (d) Usage (e) Profile	Necessary for our legitimate interests (to develop our services and grow our business)

Marketing

We strive to provide you with choices regarding certain personal data uses, particularly around marketing and advertising.

Promotional offers from us

We may use your Identity, Contact, Technical, Usage and Profile Data to form a view on what we think you may want or need, or what may be of interest to you. This is how we decide which services and offers may be relevant for you (we call this marketing).

You may receive marketing communications from us if you have requested information from us or purchased services from us or if you provided us with your details when you entered a competition or registered for a promotion and, in each case, you have not opted out of receiving that marketing.

Third-party marketing

We will get your express opt-in consent before we share your personal data with any external companies for marketing purposes.

Opting out

You can ask us or third parties to stop sending you marketing messages at any time by following the opt-out links on any marketing message sent to you or by contacting us at any time.

Where you opt out of receiving these marketing messages, this will not apply to personal data provided to us as a result of an order/application, service experience or other transactions.

Cookies

You can set your browser to refuse all or some browser cookies, or to alert you when websites set or access cookies. If you disable or refuse cookies, please note that some parts of this website may become inaccessible or not function properly. For more information about the cookies we use, please see our [Cookie Policy](#).

Change of purpose

We will only use your personal data for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original

purpose. If you wish to get an explanation as to how the processing for the new purpose is compatible with the original purpose, please contact us.

If we need to use your personal data for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your personal data without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

5. Disclosures of your personal data

We may have to share your personal data with the parties set out below for the purposes set out in the table in paragraph 4 above.

- For employers, we may share your personal data with students/applicants/learners or prospective students/applicants/learners.
- For students/apprentices/learners (or prospective students/apprentices/learners) we may share your personal data with potential employers but we will endeavour to consult with you in advance.
- External Third Parties as set out in the Glossary.
- Third parties we instruct to assist us in the performance of our contractual obligations with clients in the performance of services.
- Third parties to whom we may choose to sell, transfer, or merge parts of our business or our assets. Alternatively, we may seek to acquire other businesses or merge with them. If a change happens to our business, then the new owners may use your personal data in the same way as set out in this privacy policy.

We require all third parties to respect the security of your personal data and to treat it in accordance with the law. We do not allow our third-party service providers to use your personal data for their own purposes and only permit them to process your personal data for specified purposes and in accordance with our instructions.

6. International transfers

The data that we collect from you is stored in the UK however it is also transferred and processed outside of the European Economic Area ("**EEA**").

Whenever we transfer your personal data out of the EEA, we ensure a similar degree of protection is afforded to it by ensuring at least one of the following safeguards is implemented:

- We will only transfer your personal data to countries that have been deemed to provide an adequate level of protection for personal data by the European Commission.
- Where we use certain service providers, we may use specific contracts approved by the European Commission which give personal data the same protection it has in Europe.
- Where we use providers based in the US, we may transfer data to them if they are part of the Privacy Shield which requires them to provide similar protection to personal data shared between the Europe and the US.

Please contact us if you want further information on the specific mechanism used by us when transferring your personal data out of the EEA.

7. Data security

We have put in place appropriate security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal data to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal data on our instructions and they are subject to a duty of confidentiality.

We have put in place procedures to deal with any suspected personal data breach and will notify you and any applicable regulator of a breach where we are legally required to do so.

8. Data retention

How long will you use my personal data for?

We will only retain your personal data for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements.

To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

Details of retention periods for different aspects of your personal data are set out below.

- **Clients:** Data for students/applicants/learners and employers (who we regard as clients) is generally retained for up to 13 years after the purchase/instruction of each service/course in order to comply with legal and regulatory requirements.
- **Enquiries:** Data for potential clients who have enquired about our services is generally retained for up to 3 years after each enquiry. This data will be used to assist potential clients with any applications which they have enquired about.
- **Recruitment Records:** Information relating to unsuccessful applicants will be kept for up to 1 year from the date which it was decided not to proceed with the application. This data will be used to assist the recruitment process to keep a record of the names of applicants who have been shortlisted or interviewed.
- **Disposal of Records:** all Personal Data will be disposed of in a way that protects the rights and privacy of Data Subjects.

By law we have to keep basic information about our clients (including Contact, Identity, Financial and Transaction Data) for 6 years after they cease being clients for tax purposes.

For regulatory purposes with the Education & Skill Funding Agency we are required to keep records and data for 13 years after the service/course.

In some circumstances you can ask us to delete your data: see “Request erasure” below for further information.

In some circumstances we may anonymise your personal data (so that it can no longer be associated with you) for research or statistical purposes in which case we may use this information indefinitely without further notice to you.

9. Your legal rights

Under certain circumstances, you have rights under data protection laws in relation to your personal data. Please see under “Your Legal Rights” in the Glossary below to find out more about these rights. If you wish to exercise any of these rights, please contact us.

No fee usually required

You will not have to pay a fee to access your personal data (or to exercise any of the other rights).

However, we may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive. Alternatively, we may refuse to comply with your request in these circumstances.

What we may need from you

We may need to request specific information from you to help us confirm your identity and ensure your right to access your personal data (or to exercise any of your other rights). This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it.

We may also contact you to ask you for further information in relation to your request to speed up our response.

Time limit to respond

We try to respond to all legitimate requests within one month. Occasionally it may take us longer than a month if your request is particularly complex or you have made a number of requests. In this case, we will notify you and keep you updated.

10. Glossary

LAWFUL BASIS

Legitimate Interest means the interest of our business in conducting and managing our business to enable us to give you the best service and the best and most secure experience. We make sure we consider and balance any potential impact on you (both positive and negative) and your rights before we process your personal data for our legitimate interests. We do not use your personal data for activities where our interests are overridden by the impact on you (unless we have your consent or are otherwise required or permitted to by law). You can obtain further information about how we assess our legitimate interests against any potential impact on you in respect of specific activities by contacting us.

Performance of Contract means processing your data where it is necessary for the performance of a contract to which you are a party or to take steps at your request before entering into such a contract.

Comply with a legal or regulatory obligation means processing your personal data where it is necessary for compliance with a legal or regulatory obligation that we are subject to.

THIRD PARTIES

External Third Parties

- Service providers based in the UK who provide IT and system administration services.
- Professional advisers including lawyers, bankers, auditors and insurers based in the UK who provide consultancy, banking, legal, insurance and accounting services.
- HM Revenue & Customs, Education & Skills Funding Agency, regulators and other authorities based in the UK who require reporting of processing activities in certain circumstances.
- Sub-contractors if we need to pass on your details for any reason in connection with an order/application or an enquiry.

YOUR LEGAL RIGHTS

You have the right to:

Request access to your personal data (commonly known as a "data subject access request"). This enables you to receive a copy of the personal data we hold about you and to check that we are lawfully processing it.

Request correction of the personal data that we hold about you. This enables you to have any incomplete or inaccurate data we hold about you corrected, though we may need to verify the accuracy of the new data you provide to us.

Request erasure of your personal data. This enables you to ask us to delete or remove personal data where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal data where you have successfully exercised your right to object to processing (see below), where we may have processed your information unlawfully or where we are required to erase your personal data to comply with local law. Note, however, that we may not always be able to comply with your request of erasure for specific legal reasons which will be notified to you, if applicable, at the time of your request.

Object to processing of your personal data where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground as you feel it impacts on your fundamental rights and freedoms. You also have the right to object where we are processing your personal data for direct marketing purposes. In some cases, we may demonstrate that we have compelling legitimate grounds to process your information which override your rights and freedoms.

Request restriction of processing of your personal data. This enables you to ask us to suspend the processing of your personal data in the following scenarios: (a) if you want us to establish the data's accuracy; (b) where our use of the data is unlawful but you do not want us to erase it; (c) where you need us to hold the data even if we no longer require it as you need it to establish, exercise or defend legal claims; or (d) you have objected to our use of your data but we need to verify whether we have overriding legitimate grounds to use it.

Request the transfer of your personal data to you or to a third party. We will provide to you, or a third party you have chosen, your personal data in a structured, commonly used, machine-readable format. Note that this right only applies to automated information which you initially provided consent for us to use or where we used the information to perform a contract with you.

Withdraw consent at any time where we are relying on consent to process your personal data. However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, we may not be able to provide certain services to you. We will advise you if this is the case at the time you withdraw your consent.