

# GDPR PRIVACY NOTICE

## Agents and Clients

### Introduction

EFL ("the School") is committed to protecting the privacy and security of your personal information.

For the simplicity below, please find below the meaning of statements in terms of this document:

- "you" – means your company, your students and your personal details (parents, legal guardians, the person who enrolls the student).
- "us" – EFL or the School.
- "personal data" – all data that is submitted by you in order to be able to enrol your students. This may include your company information, personal information, students' personal information and passports, parents' and legal guardians' personal information).

This privacy notice describes how we collect and use personal information about you before, during and after your working relationship with us, in accordance with the General Data Protection Regulation (GDPR). It applies to all clients, agents, students, parents and legal guardians.

The School is a "data controller". This means that we are responsible for deciding how we hold and use personal information about you. We are required under the GDPR to notify you of the information contained in the privacy notice.

This notice does not form part of any contract of agreements or other contract to provide services. We may amend or update this notice at any time.

It is important that you read this notice, together with any other privacy notice we may provide on specific occasions when we are collecting or processing personal information about you, so that you are aware of how and why we are using such information.

### Data Protection Principles

We will comply with the data protection law. In summary this says that the personal information we hold about you must be:

1. Used lawfully, fairly and in a transparent way.
2. Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
3. Relevant to the purposes we have told you about and limited only to those purposes.
4. Accurate and kept up to date.
5. Kept only as long as necessary for the purposes we have told you about and kept securely.

### Information Held

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). There are "special categories" of more sensitive personal data which require a higher level of protection (see below).

### Clients and Students

As a client we shall collect and hold the personal/company information about you which you provide to us when you apply for the course or to become a partner to the School. This information includes the

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information that is requested to sign an Agency Agreement, registration form, Parental Consent Form and all other information that is needed to establish a working relationship and enrol the students from you.

We may also ask to provide health information. Health information is a category of sensitive personal information (as to which see section headed "Use of Sensitive Personal Information" below). The School asks students to provide certain details relating to their health to enable the School to establish whether student can be accepted on the course and to discover whether it is necessary to make any reasonable adjustments to the course (i.e. provision of accommodation) to assist you.

We also ask you (the Agent) to provide details of criminal convictions for the group leaders coming with the groups and confirmation that these group leaders are not barred from working with children. These are also sensitive personal information or a special category of personal information which are dealt with further below. The School asks for the information in order to comply with its legal obligations with regard to checking its staff members (and anyone who has contact with under 18s) may work with children.

Other personal information provided by you (i.e. registration form, Parental Consent Form) will be reviewed by the managers involved in the enrolment process in order to assess the suitability for potential course bookings.

If your application (i.e. agency application to work with us) is unsuccessful the information supplied by you will be retained by the School for up to 12 months and then discarded. Alternatively, if you work with or engaged by the School as a partner or client, it shall be retained and stored securely by the School for the duration of our working arrangement and for reasonable period thereafter.

You need to let us know in writing when you consider the working arrangement between us concluded as our Agency Agreements are roll on contracts which keeps renewing every year if notice is not given.

## Agents, Students & Parents

If you become an agent or student of the School, we will collect, store, and use the following categories for personal information about you.

Personal contact details such as name, title, postal address, telephone numbers, and a personal email address.

- Date of birth.
- Gender.
- Marital status and dependents.
- Next of kin and emergency contact information.
- Bank account details, records and tax status information.
- Start date.
- Location of you and/or workplace.
- Student recruitment information (including copies of registration forms, references, consents and conducts).
- Educational and employment records (including job titles, working hours, training records and professional memberships).
- Accident records.
- Compensation history.
- Performance information.
- Disciplinary and grievance information (if any)
- CCTV footage and other information obtained through electronic means such as swipecard records.
- Information about your use of our information and communication systems.
- Photographs.

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We may also collect, store and use the following “special categories” of more sensitive personal information:

- Information about your race or ethnicity, religious beliefs, sexual orientation and political opinions.
- Information about your health, including any medical condition, health and sickness records.
- Information about your criminal convictions and offences.
- Passport copies

## Collection of Personal Information

We collect personal information about agents, students and parents/legal guardians through the application and student recruitment process, either directly from candidates/parents or sometimes form an education agency.

We will collect additional personal information in the course of course-related activities throughout the period of your working/studying with us (photos, feedbacks, surveys).

We may also collect limited personal information related to members of your family (student’s relatives) or a partner where this is required so that we have contact details for next of kin in the event of an emergency.

## Use of Personal Information

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

1. Where we need to perform the contract we have entered into with you.
2. Where we need to comply with a legal obligation.
3. 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 (i.e. accommodation booking for students with allergies, informing teachers about special needs of students like dyslexia)

We may also use your personal information in the following situations, which are likely to be rare: (1) Where we need to protect your interests (or someone else’s interests); or (2) Where it is needed in the public interest or for official purposes.

We need all the categories of information in the list above to allow us to perform our contract with you and to enable us to comply with legal obligations. In some cases we may use your personal information to pursue legitimate interests of our own or those of third parties, provided your interests and fundamental rights do not override those interests. The situations in which we will process your personal information are listed below.

- Making a decision about your recruitment or application to become an agent/student at our school.
- Providing you with the legally required paperwork to obtain a legal status to attend our school or to become a partner of us.
- Determining the terms on which we work together.
- Checking you are legally entitled to study/stay in the UK.
- Paying you.
- Administering the contract we have entered into with you.
- Business management and planning, including accounting and auditing.
- Conducting performance reviews, managing and determining performance requirements.
- Making decisions about compensation.
- Gathering evidence for possible grievance or disciplinary hearings.
- Making decisions about your continued engagement.
- Making arrangements for the termination of our working relationship.
- Education, training and development requirements.

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- Dealing with legal disputes involving you, or other employees, workers and contractors at your company, including accidents at school.
- Assessing your fitness to the School.
- Managing sickness absence.
- Complying with health and safety obligations.
- To prevent fraud.
- To monitor your use of our information and communication systems to ensure compliance with our IT policies.
- To ensure network and information security, including preventing unauthorised access to our computer and electronic communications systems and preventing malicious software distribution.
- To conduct data analytics studies to review and better understand student retention and attrition rates.
- To control access to the School's site and building.
- Equal opportunities monitoring.

Some of the above grounds for processing will overlap and there may be several grounds which justify our use of your personal information.

### **Failure to Provide Personal Information**

If you fail to provide certain information when requested, we may not be able to perform the contract we have entered into with you (such as providing the course you enrolled on or paying certain financial compensations), or we may be prevented from complying with our legal obligations (such as to ensure the health and safety of our pupils, the provision of legal paperwork to apply for visas).

### **Change of Purpose**

We will use your personal information 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 we need to use your personal information 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 information without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

### **Use of Sensitive Personal Information**

The "special categories" of sensitive personal information referred to above require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal information. We may process special categories of personal information in the following circumstances:

1. In limited circumstances, with your explicit written content.
2. Where we need to carry out our legal obligation and in line with our data protection policy.
3. Where it is needed in the public interest, such as for equal opportunities monitoring and in line with our data protection policy.
4. Where it is needed to assess your course application on health grounds, subject to appropriate confidentiality safeguards.
5. Where it is needed to provide you with the legal paperwork (i.e. invitation visa letters).
6. We will store your personal/company information where it is needed due to our accreditation requirements.

Less commonly, we may process this type of information where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

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## Our Obligations as the School

We will use your particularly sensitive personal information in the following ways:

- We will use information relating to leave of absence, which may include sickness absence or family related leave, to comply with employment and other laws.
- We will use information about your physical or mental health, or disability status, to ensure your health and safety in the school and to assess your fitness to study/work with us, to provide appropriate school and accommodation environment adjustments, to monitor and manage sickness.
- We will use information about your race or national or ethnic origin, religious, philosophical or moral beliefs, to ensure meaningful equal opportunity monitoring and accommodation placement (if necessary).
- We will use information about your where it is needed to provide you with the legal paperwork (i.e. invitation visa letters).

## Consent

We do not need your consent if we use special categories of your personal information in accordance with our written policy to carry out our legal obligations or exercise specific rights in the field of employment law. In limited circumstances, we may approach you for your written consent to allow us to process certain particularly sensitive data. If we do so, we will provide you with full details of the information that we would like and the reason we need it, so that you can carefully consider whether you wish to consent. You should be aware that it is not a condition of your contract with us that you agree to any request for consent from us.

## Information about Criminal Convictions (group leaders / adults)

We may only use information relating to criminal convictions where the law allows us to do so. This will usually be where such processing is necessary to carry out our obligations and provided we do so in line with our data protection policy.

Less commonly, we may use information relating to criminal convictions where it is necessary in relation to legal claims, where it is necessary to protect your interests (or someone else's interests) and you are not capable of giving consent, or where you have already made the information public.

We do envisage that we will process information about criminal convictions.

We will only collect information about criminal convictions if it is appropriate given the nature of the role and where we are legally able to do so. Where appropriate, we will collect information about criminal convictions as part of the student recruitment process (adults in the groups) or we may be notified of such information directly by you in the course of you working with us. We will use information about criminal convictions and offences in the following ways:

- Assessing your suitability as a group leader with your group.
- Making decisions about your continued engagement on our school premises.
- Ensuring compliance with safeguarding legislation where relevant.

We are allowed to use your personal information in this where it is necessary to comply with our legal obligations, it is necessary for our legitimate interests (and your interests and fundamental rights do not override those interests) and it is also necessary for the purposes of exercising rights conferred by law on us in connection with employment and provided we do so in line with our data protection policy.

We only collect criminal convictions related information about over 18s, who will be present at the school premises (or those who have access to children/under 18s at our school premises). We do not collect these records about agencies working at a different location or parents sending their children abroad for a course.

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## Data Sharing

We may have to share with third parties, including third-party service providers and other entities in the group.

We require third parties to respect the security of your data and to treat it in accordance with the law.

We may transfer your personal information outside the EU. If we do, you can expect a similar degree of protection in respect of your personal information.

## Third Parties

We will share your personal information with third parties where required by law, where it is necessary to administer the relationship with you (for example to place you with a host family) or where we have another legitimate interest in doing so.

“Third Parties” includes third-party service providers (including contractors and designated agents) and other entities within our group. The following activities are carried out by third-party service providers: accommodation administration (host families / residences), catering companies, transportation companies and all related third-party providers, who are essential to deliver the contracted course for you/your students.

All our third-party service providers and other entities in the group are required to take appropriate security measures to protect your personal information in line with our policies. We do not allow our third-party service providers to use your personal data for their own purposes. We only permit them to process your personal data for specified purposes and in accordance with our instructions. We will only share the relevant and necessary information with these third-party providers (simply: your host family will know about your nuts allergy but your teacher will not know as this is a “non important” date for your teacher to carry out his or her job).

We will share your personal information with other entities in our group as part of our regular reporting activities on School performance, in the context of a business reorganisation or group restructuring exercise, for system maintenance support and hosting of data.

We may share your personal information with other third parties, for example in the context of the possible sale or restructuring of the business. We may also need to share your personal information with a regulator or to otherwise comply with the law.

## Data Security

We have put in place appropriate measures to protect the security of your information.

Third parties will only process your personal information on our instructions and where they have agreed to treat the information confidentially and to keep it secure.

We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to

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your personal information to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal information on our instructions and they are subject to a duty of confidentiality.

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

## Data Retention

We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accreditation, or reporting requirements. To determine the appropriate retention 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.

In some circumstances we may anonymise your company/personal information so that it can no longer be associated with you, in which case we may use such information without further notice to you. Once you are no longer an student, partner or contractor of the School we will retain and securely destroy your personal information in accordance with applicable laws and regulations.

## Rights of Access, Correction, Erasure & Restriction

### Duty to inform us of changes

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

## Rights in connection with personal information

Under certain circumstances, by law you have the right to:

- Request access to your personal information (commonly known as a “data subject access request”). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.
- Request correction of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.
- Request erasure of your personal information. This enables you to ask us to delete or remove personal information 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 information where you have exercised your right to object to processing (see below).
- Object to processing of your personal information 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. You also have the right to object where we are processing your personal information for direct marketing purposes.
- Request the restriction of processing of your personal information. This enables you to ask us to suspend the processing of your personal information about you, for example if you want us to establish its accuracy or the reason for processing it.
- Request the transfer of your personal information to another party.

If you want to review, verify, correct or request erasure of your personal information, object to the processing of your personal data, or request that we transfer a copy of your personal information to another party, please contact the School in writing.

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You will not have to pay a fee to access your personal information (or to exercise any of the other rights). However, we may charge a reasonable fee if your request for access is clearly unfounded or excessive. Alternatively, we may refuse to comply with the request in such 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 the information (or exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

## Withdrawing Consent

In the limited circumstances where you may have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact the School. Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

## Complaints

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.

## Changes to this Privacy Notice

We reserve the right to update this privacy notice at any time, and we will provide you with a new privacy notice when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information.

## Queries

If you have any questions about this privacy notice or how we handle your personal information, please contact your line manager.

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