

PRIVACY STATEMENT - LEARNER

| Version | Date | Changes Made By | Changes Description |
|---------|-------------|-----------------|---------------------|
| 1.0 | 1 June 2023 | | |
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Privacy Statement for Learners

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1. Purpose

The purpose of this Privacy Statement is to outline how we collect, process, and share personal data of learners. This Privacy Statement will outline the types of personal data we process about you and the legal basis we rely on to do so.

Quality and Qualifications Ireland (“QQI”) are committed to protecting and respecting your privacy. We wish to be transparent on how we collect, store, and share personal data and to ensure that you understand your rights under the General Data Protection Regulation (“GDPR”).

In this Privacy Statement, we outline:

- The types of data we collect
- How we use your data
- Your rights in relation to the data we hold about you
- How to contact us if you have any questions on your data or you have any complaints.

2. Legislation

We process personal data to carry out our functions under the Qualifications and Quality Assurance (Education and Training) Act 2012 (“2012 Act”). All personal data we gather will be “processed” in accordance with all applicable data protection laws and principles, including the GDPR and the Data Protection Act 2018.

3. Queries and Complaints

If you require further information about the way your personal data will be used, or if you are unhappy with the way we have handled your personal data, and wish to contact us, please submit your concerns by email to the QQI Data Protection Officer at dpo@qqi.ie

We can also be contacted by post at:

26/27 Denzille Lane

Dublin 2,

D02 P266

Ireland

If you are unsatisfied with our use of your personal data or our response to any requests by you to exercise any of your rights, then you have the right to complain to the Data Protection Commission. See contact details below;

Data Protection Commission

21 Fitzwilliam Square South

Dublin 2

D02 RD28

Ireland

Email: info@dataprotection.ie

Phone: +353 57 868 4800 / +353 761 104 800

4. What information do we collect?

Where you have undertaken a course or programme with an education and training provider that offers programmes leading to a QQI award, you will have been asked to provide the following personal data:

- PPSN – QQI uses your PPSN as a unique identifier. It allows all your achievements to be kept within one record on the QQI certification system.
- Name – your name is recorded as it is printed on your certificate
- Date of Birth – your date of birth is used for statistical purposes. It is also used to locate and trace your records on the QQI certification system.
- Home Address – Home address is used as another means of tracing learner records
- Award data – learner results.

QQI may receive this data from you directly, or from the course or programme provider. It may also come from other sources, e.g. CAO if you have applied for a college place using your QQI award. QQI is responsible for processing personal data related to legacy awarding bodies including NCEA, NCVA, HETAC and FETAC.

5. How do we use your personal data?

Under the GDPR, we must have a lawful basis for processing your personal data. The lawful basis upon which we rely relates to our functions under the Qualifications and Quality Assurance (Education and Training) Act 2012 to make awards based on your achievements.

- QQI processes your personal data in order to make awards based on your course or programme of study.
- Where a course participant or former awards holder contacts QQI to request verification of the award(s) they have achieved over the years for employment or residency evaluation purposes. QQI will need to process your personal data (PPSN, Name, Address and Date of Birth) to accurately trace your records, especially any awards issued by legacy bodies.
- QQI also uses this data for research and statistical purposes. QQI publishes a range of anonymised reports using the data it collects. E.g. the profile of learner achievements in Further Education, annual statistical reports on QQI awards made in Ireland etc.
- QQI present certification data for statistical purposes on our website in tables and visuals. These data are anonymised and aggregated to minimise the potential for identification of individual data subjects.

6. How long do we retain your personal data?

We will retain your personal data for no longer than is necessary for the purpose for which we collected it, and/or in accordance with any requirements that are imposed by law. For some processing activities we may need to keep the data for longer periods e.g. award records, while

for other activities data will be deleted after a short period e.g. queries are deleted after two years.

7. How do we protect your personal data?

To ensure the security of your personal data:

- We limit access to your personal data to those with a legitimate need to know, and ensure that those individuals are subject to an obligation of confidentiality; and
- We have procedures for dealing with data breaches (the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, your personal data), including notifying you and/or the Data Protection Commission when we are legally required to do so.

8. Do we share your personal data with third parties?

We will only share your personal data with third parties where we have obtained your consent, where it is necessary to comply with a legal obligation or to provide services to you. For example:

- to confirm an award with your employer
- to confirm an award, you have achieved with your current education or training provider
- provide data on your behalf to the CAO where you wish to use your QQI award to access a college place.

Where we share personal data with a third party, we take steps to ensure that those third parties who handle your personal data comply with data protection legislation and protect your information to the same extent that we do.

8.1. International Transfers

In general, we do not transfer your personal data outside of the EEA. However, where it is necessary to do so, we will ensure that the transfer complies with our data protection obligations and we will ensure that the transfer agreement is based on an approved transfer mechanism, such as the European Commission's standard contractual clauses or an adequacy decision.

9. Data Subject Rights

As a data subject, you will have the following rights in relation to the processing of your personal data. **However, these rights are not absolute, and restrictions may apply in certain situations.**

9.1. Right to access

You have the right to know what personal data we hold on you, why we hold the data and how we are processing your personal data.

When submitting a request, please provide us with as much information as possible to help us understand the information you wish to access (i.e. data range, subject of the request).

9.2. Right to rectification

You have a right to request that the personal data held in relation to you is up to date and accurate.

Where information is inaccurate or incomplete, we encourage you to contact us to have this information rectified. Upon receipt of your request, we will ensure that the personal data is rectified and as up to date as is reasonably possible.

9.3. Right to erasure (“right to be forgotten”)

You have the right to seek erasure of personal data relating to you in the following circumstances:

- The personal data is no longer required for the purposes for which it was obtained.
- Where the use of the data is only lawful on the basis of consent, you withdraw consent to the processing and no other lawful basis exists.
- The personal data is being used unlawfully.
- You object to the use of your personal data and there are no overriding legitimate grounds for the use of the data.
- Your personal data requires deletion in line with the legal requirements.

However, we will be unable to fulfil an erasure request if the personal data is required for any of the below activities:

- Compliance with a legal obligation, such as the performance of a contract or compliance with certain legislation.
- For the performance of a task carried out in the public interest.
- Archiving, research, or statistical purposes in the public interest.
- The establishment, exercise, or defence of legal claims.

9.4. Right to restriction of processing

You have the right to restrict the extent for which your personal data is being used by us in circumstances where:

- You believe the personal data is not accurate (restriction period will exist until we update your information).
- The processing of the personal data is unlawful, but you wish to restrict the use of the data rather than erase it.
- Where the personal data is no longer required by us, but you require the retention of the data for the establishment, exercise, or defence of a legal claim.
- Where you have objected to the processing; processing should be restricted pending verification of whether the legitimate interests of the controller override those of you, the Data Subject. Article 18(1).

When you exercise your right to restrict processing, we will only continue to process the personal data if:

- You consent.
- The processing is necessary for the exercise or defence of legal claims.
- The processing is necessary for the protection of the rights of other individuals or legal persons.
- The processing is necessary for Public Interest reasons under EU/Member State law . We will inform you before the processing restriction is lifted/enforced.

9.5. Right to data portability

You have the right to the provision of all personal data that you have provided to QQI in a structured, commonly used machine-readable format where:

- Processing is completed on the basis of a contract.
- Processing is completed based on consent.
- Processing is carried out by automated means.

We may refuse such a request if the data being requested may adversely affect the rights and freedoms of others.

9.6. Right to object

You have the right to object to the further use of your personal data where the lawful basis for the use of your personal data by us is reliant on the basis of our legitimate interests. If you wish to object to the processing of your personal data, please contact us with our request. We will then stop processing personal data unless it is required for legal proceedings.

9.7. Right to withdraw consent

Where we are processing your personal data based on your consent, you will have the right to withdraw consent at any time. If you wish to withdraw your consent, please contact us with your request. We will then stop the further processing of your personal data.

9.8. Right to object to automated processing, including profiling

You have the right not to be subject to a decision based solely on automated processing or profiling, where such decisions would have a legal effect or significantly impact on you.

Currently, we do not employ any systems which use automated decision making or profiling on data.

10. Where do I send requests?

Please send all your requests to dpo@qqi.ie with as much details as possible regarding your requirements to allow us to deal with your requests efficiently. To answer your request, we may ask you to provide identification for verification purposes.

10.1. How long will a request take to complete?

Upon receipt of a request, we will have one month to provide an answer, with a possible extension of two further months if required. If we require more time to deal with your request, we will notify you of the delay and the reasons for the delay within one month of the receipt of your request. If we refuse your request, we will also notify you within one month of the receipt of the request accompanied by the reason for the refusal.

You are entitled to contact the Data Protection Commission if we refuse your request.

10.2. How much does it cost to submit a request?

We will not charge a fee for any requests, provided we do not consider them to be unjustified or excessive. If we do consider requests to be unjustified or excessive, we may charge a reasonable fee (also for multiple copies) or refuse the request.

11. Changes to our Privacy Statement

We will review this Privacy Statement regularly and reserve the right to make changes at any time to take into account changes in our business, legal requirement, and the manner in which we process personal data. This Privacy Statement was last updated on 13/02/2023