

ApprenticeshipsNI 2013 Memo 3/2018

To: All Contractors of *ApprenticeshipsNI 2013*

CHANGE TO RETENTION TIME FOR APPRENTICESHIPSNI RECORDS AND THE INTRODUCTION OF GDPR

The purposes of this Memo are to:

1. Advise all *ApprenticeshipsNI 2013* contractors of a change to the time for which you must retain all documents and data relating to the programme.
2. Explain how the introduction of the EU General Data Protection Regulation (GDPR) on 25 May 2018 will affect ApprenticeshipsNI contractors.
3. Request that all apprentices who currently participate or previously participated in the ApprenticeshipsNI 2013 programme are provided with a copy of the revised Privacy Notice, attached at Annex A.

1. Retention of ApprenticeshipsNI records

The retention of documentary evidence is the means by which an adequate audit trail can be maintained and compliance can be checked. The training costs incurred under the ApprenticeshipsNI programme are part-funded by the Northern Ireland European Social Fund Programme 2014-2020 (ESF), meaning certain ESF audit requirements must be met by all beneficiaries, e.g. in relation to the retention of programme records.

The Operational Guidelines for *ApprenticeshipsNI 2013* required contractors and their training partners to safely and securely retain all records financial and otherwise relating to ApprenticeshipsNI for a period of 16 years, as per Article 38 of Council Regulation (EC) No 1260/1999.

EC Regulation No 1260/1999 has since been superseded by EU Regulation No 1303/2013. Article 140 of this current regulation states that any beneficiaries of ESF funding must ensure that all documents relating to the operation, implementation and financing of the ApprenticeshipsNI programme are retained **until 31 December 2030**.

It is therefore vital that all ApprenticeshipsNI 2013 contractors ensure that all necessary documentation is kept safely and securely until this time, and is available if requested. As before, contractors must ensure that such records are kept in a manner that will enable all ApprenticeshipsNI 2017 income and expenditure to be identified separately from any other income and expenditure.

2. Introduction of GDPR

The UK will adopt the EU General Data Protection Regulation (GDPR) on 25 May 2018. GDPR is an updated Data Protection Regulation designed to harmonise data privacy laws across Europe, to protect and empower all EU citizens' data privacy, and to reshape the way organisations approach data privacy.

GDPR applies to 'personal data' meaning any information relating to an identifiable person who can be directly or indirectly identified in particular by reference to an identifier. This definition provides for a wide range of personal identifiers to constitute personal data, including names, identification numbers, location data or online identifiers, reflecting changes in technology and the way organisations collect information about people. It applies to both automated personal data and to manual filing systems.

GDPR applies to 'controllers' and 'processors'. A controller determines the purposes and means of processing personal data. A processor is responsible for processing personal data on behalf of a controller. In the context of *ApprenticeshipsNI 2017* The Department is the controller, and Contractors and their training partners are processors.

GDPR places specific legal obligations on processors; for example, the requirement to maintain records of personal data and processing activities. Processors will have legal liability if responsible for a breach.

Under GDPR, the data protection principles set out the main responsibilities for organisations. These state that personal data must be:

- processed lawfully, fairly and in a transparent manner
- collected for specified, explicit and legitimate purposes

- adequate, relevant and limited to what is necessary
- accurate and, where necessary, kept up to date
- retained only for as long as necessary
- processed in an appropriate manner to maintain security

GDPR outlines examples of the appropriate technical and organisational measures that should be taken to ensure the security and protection of personal data, including:

- the pseudonymisation and encryption of personal data
- the ability to ensure the ongoing confidentiality, integrity availability and resilience of processing systems and services
- the ability to restore the availability and access to personal data in a timely manner in the event of a physical or technical incident
- a process for regularly testing, assessing and evaluating the effectiveness of technical and organisational measures for ensuring the security of processing

When sending communications to The Department or learning partners that include personal data, the personal data must be encrypted using at least AES-256 encryption to ensure it is transmitted safely and securely. Instructions and information about appropriate software are detailed in the Contract Specification.

In the event of any data security breach Training Contractors must notify The Department immediately.

For further useful information about GDPR, please refer to:

<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/>

The GDPR legislation is available in full at the following link:

http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2016.119.01.0001.01.ENG

3. Issuing of revised Privacy Notice to current and previous ApprenticeshipsNI 2013 apprentices

As ApprenticeshipsNI 2013 contractors will hold personal data relating to all current and previous apprentices participating on the programme, it is vital that these individuals are made aware of how their personal data will be treated as a result of the introduction of GDPR.

It is therefore important that a copy of the revised Privacy Notice attached at Annex A is provided to each current and previous apprentice on the programme.

Where apprentices are currently on the programme it should be recorded on the PTP Review Form that they have received a copy of the revised Privacy Notice. For audit purposes please ensure apprentices sign to confirm receipt.

Where apprentices are no longer on the programme a copy should be posted to their last known address and a note should be entered in their records to confirm that a copy was sent and the date.

Any queries relating to this memo should be raised with Training Programmes Branch in the first instance, via email to apprenticeships@economy-ni.gov.uk.

Training Programmes Branch

30 April 2018

PRIVACY NOTICE

Data Controller	The Department for the Economy
ApprenticeshipsNI Contact	Training Programmes Branch (DfE), 5th Floor, Adelaide House, Belfast, BT2 8FD apprenticeships@economy-ni.gov.uk
Data Protection Officer Contact	Data Protection Officer, Department for the Economy, Netherleigh, Massey Avenue, Belfast, BT4 2JP DPO@economy-ni.gov.uk

The Department for the Economy (DfE) is one of nine government departments headed by Ministers of the Northern Ireland Executive. The Department’s vision is a globally competitive economy, and its mission is to develop and implement agile policies and programmes which promote a competitive, sustainable and inclusive economy through investment in: skills; economic infrastructure; research and innovation; and, business development.

For the purposes of the new General Data Protection Regulation which comes into force on 25 May 2018, DfE is registered as a data controller for personal data processed by the Department and other third parties contracted to process data on our behalf. Our data protection registration can be viewed on the Information Commissioner’s website at: <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/>

Who will use your information?

Whoever is delivering this privacy notice to you, will register and use your personal data. They will work for one of our contracted training organisations or a further education college and have permission to deliver training, therefore certain personal data is required to enable your registration on the programme. Your information is input to a system that is held and accessible by DfE and will be held by the organisation you are training with. The Department for Communities also use the system and can access your information if needed to, for social benefits purposes for example.

What information do we collect about you?

We collect information about you when you register with us through one of our contracted training organisations, a further education college, or the Department's Careers Service.

The information collected will include your name, address, date of birth, contact details, and previous educational attainment, plus Section 75 data such as your religious background, political opinion, race, marital status, sexual orientation, gender, and if you have disability or dependents. Section 75 data is required by law for statistical and equality monitoring purposes. In addition, we will collect:

- Information about your initial assessment and induction on the programme.
- Information about your time on a programme including your progress/achievements.
- Information about any additional support that you may have availed of to fully participate in the programme including information about any disability.

Information on unemployment, homelessness is also collected, which is a requirement by the European Social Fund for statistical and monitoring purposes.

How will we use the information about you?

We need your information:

- To determine your eligibility.
- To monitor your progress.
- To facilitate DfE's monitoring of Contractors' (training organisations, colleges, etc.) delivery and pay them for their work.
- To inform future programme changes.
- To contact you about issues directly related to your participation in training (e.g. changes that you need to be aware of, or a follow up survey)
- To prevent fraud.

We will use your personal data for these purposes only.

Who will have access to my information or who will you share it with?

Only individuals with a specific need to access your information will be able to access it. These individuals will be within DfE or the training organisation/college that you are attending. Staff will have been made aware of the importance of protecting personal data; will be familiar with their organisation's security policy; and put its security procedures into practice. The Department for Communities use the same system and can access your information if needed to, for social benefits purposes for example.

There may be occasions where we are required to share your personal data with other third parties, however any such sharing will be subject to an assessment of who is requesting the data, the purpose for which it is required, the level and sensitivity of the data requested and the arrangements in place to share, store and handle the information.

Access to your information and correction

Should you wish to access the information we hold on you, or have information we hold on you corrected/amended, please submit a request using the appropriate contact details provided below.

Changes to this privacy policy

You will be notified if changes are made to this privacy policy.

How long we will keep your personal data

We will only keep your data for as long as necessary to process in line with Department's Retention and Disposal Schedule, and in line with European Social Fund record retention requirements. It is a requirement of the European Social Fund that all records pertaining to the *ApprenticeshipsNI 2017* must be retained until 31 December 2030.

Changes to this privacy policy

You will be notified if changes are made to this privacy policy.

How to contact us

If you are unhappy with any aspect of this privacy notice, or how your personal information is being processed, please contact the Department's Data Protection Officer at:

DPO@economy-ni.gov.uk.

If you are still not happy, you have the right to lodge a complaint with the Information Commissioner's Office. Further information about this process is available at:

<https://ico.org.uk/concerns/handling/>