



## **MIAP Fair Processing / Privacy Notice v1.0**

**July 2009**



## Introduction

Privacy Notices (also sometimes known as Fair Processing Notices or FPNs) are the mechanism by which individuals are informed about what will happen to the data collected about them and how that data will be processed and shared. A Privacy Notice can also act as a means of obtaining consent to certain types of data collection and processing.

The Information Commissioner has recently issued a draft Code of Practice on Privacy Notices, and has recommended the use of "layered" Privacy Notices as a means of ensuring that a balance is struck between providing too much or too little information. Layered privacy notices generally have 2 or 3 layers of notification.

The first layer notice can be brief and to the point, providing only high level information, but enough that most people can make an informed decision that their information is being used correctly. The first layer will then point to a second layer notice that is quite often a web page, e.g. [www.miap.gov.uk](http://www.miap.gov.uk).

The second layer contains more detail about how and why personal information may be processed. It contains specific information on third party organisations that may have access to data and why it is required. It also provides further information for the individual to make contact with the data controller so that they may modify their consent, should they wish to do so.

A third layer may be provided which includes more detailed information, e.g. relating to relevant legislation, regulations, policies and protocols.

Not all organisations who themselves, or have learners who, wish to make use of the MIAP services, are covered by the Privacy Notices issued by the Skills Funding Agency or the Department for Children, Schools and Families. MIAP has developed standard text for these institutions to include in their own Privacy Notices.

Although making a learner aware that their data will be shared through MIAP is the responsibility of the registering / enrolling institution and not MIAP, it would be damaging to MIAP's reputation if a learner's data was collected or shared in a way that was considered unfair.

It will be the responsibility of individual organisations to show a learner an appropriate Privacy Notice as part of the enrolment/examination process. MIAP requires that individual organisations include the first layer of the MIAP Privacy Notice in their own Privacy Notice. This will direct learners who require further information to the second layer on the MIAP website. MIAP recognises however that it cannot be responsible for ensuring the learner looks at the Privacy Notice, as they did not issue it, are not collecting the data in the first instance and are not managing the enrolment process.

## **Standard MIAP Privacy Notice Text [First Layer]**

MIAP provides two recommended sets of Privacy Notice Text; Extended Text and Shortened Text. The following wording should be included in the Learning Provider's own Privacy Notices.

### **Text 1 – Extended Text**

The data you supply will be passed to Managing Information Across Partners (MIAP) service for the purpose of allocating you a Unique Learner Number (ULN) and creation of your Personal Learning Record. The ULN is used to enable collection and sharing of data within the education sector. The Personal Learning Record will be a lifelong record of your learning and qualifications, which will be accessible to you, organisations linked to your education and training and any other organisations you choose. For further details of how your data is shared and used by MIAP and how to change who has access to your record, please see the MIAP website at [www.miap.gov.uk](http://www.miap.gov.uk).

### **Text 2 – Shortened Text**

The data you supply will be used by the Skills Funding Agency to issue you with a Unique Learner Number (ULN) and share information about your learning. Further details of how your data is processed and shared can be found at [www.miap.gov.uk](http://www.miap.gov.uk).

## Standard MIAP Privacy Notice Text [Second Layer]

### How We Use Your Data

This statement is intended to provide you with information as to how MIAP will collect and use your personal data, and how you can exercise choice in respect of the use of your personal data.

The Managing Information Across Partners (MIAP) service is operated by the Skills Funding Agency. MIAP collects data relating to learners registering for relevant post-14 qualifications, for example GCSEs, AS and A2 Qualifications, Diplomas and associated units, Apprenticeships, Entry to Employment Certificates and Qualifications Credit Frameworks and associated units.

MIAP offers two core services:

- a Learner Registration Service which allocates a Unique Learner Number (ULN) to each learner
- a Personal Learning Record Service. The Personal Learning Record Service will offer the learner the facility to access their participation and achievement data via a website and will enable this information to be shared with other organisations and individuals as further explained below.

### Collection of data

MIAP collects data from:

- information which is already being collected by other agencies from schools and other learning providers and
- the information you provide when you register with a learning provider.

MIAP will collect and store the following information:

- Learner Registration Service: The information that will be collected about each learner will be basic information about you as an individual, for example, your name, date of birth and postcode.
- Personal Learning Record: In addition to the above, the Personal Learning Record will also contain information about your educational qualifications, date of qualifications, courses studied and the place of learning.

### Use of data

Using the Unique Learner Number MIAP services will enable organisations across the education and training sector to share information about participation and achievements in a consistent and approved manner, promoting good information management practice, and helping to improve accuracy and efficiency. This will benefit the learner through ease of application to learning providers, access to their information and the ability to challenge inaccuracy.

The Personal Learning Record will be shared with organisations linked to your education and training, including those organisations specified in Regulations made under section 537A of the Education Act.

The Personal Learning Record Service also enables learners, if they so wish, to choose to share their participation and achievement data with other third parties such as prospective employers, as described further below.

All organisations that will have access to the information you provide are required to sign a data sharing agreement which requires them to manage your data responsibly [and only to access information where there is a direct connection between you and the relevant organisation].  
[See <http://www.miap.gov.uk/documentlibrary/forms/Organisation+Agreement.htm> for further details.]

At no time will your personal information be passed to any organisations for marketing or sales purposes.

### **Permissions for sharing**

Because the ULN is required for the administration of services within the education sector (such as the issuing of certain qualifications), individual learners are not able to opt-out of being included on the Learner Registration Service or being issued with a ULN.

Individuals can opt-out of sharing their participation and achievement data through MIAP with organisations linked to their education and training, including those organisations specified in Regulations made under section 537A of the Education Act. Details of how to opt out of data sharing can be found at [www.miap.gov.uk](http://www.miap.gov.uk) or by telephoning the MIAP helpdesk on 0845 6022589. Please note that organisations may still share some data outside of MIAP.

Information will only be shared with organisations outside the education sector with the positive consent of the individual learner concerned, which can be given by the individual accessing their Personal Learning Record. Individuals have full control of what information will be shared as well as who it may be shared with. Full details of how to grant permission for sharing with third parties can be found at [www.miap.gov.uk](http://www.miap.gov.uk).

One potential consequence of deciding not to give permission to share the Personal Learning Record will be that you may need to provide copies of certificates or other information to verify qualifications.

### **Correcting inaccurate data**

A major benefit of the MIAP service is that you can check that information held about you is accurate and request that any errors are corrected. If you believe that any information on your Personal Learning Record is incorrect then you should follow our data challenge procedure.

### **Sensitive personal data**

MIAP makes every effort not to collect any information which consists of sensitive personal data (e.g. data which relates to ethnic origin, physical or mental health, religious beliefs, trade union membership or any criminal offences or proceedings). If you find that any sensitive personal data has inadvertently been included, you should contact MIAP. MIAP are currently in the process of working with the Information Commissioners Office (ICO) to implement a Sensitive Learning Events policy.

### **Sensitive learners**

MIAP recognises that some learners have specific concerns about privacy which mean that additional safeguards are required. MIAP are currently in the process of working with the Information Commissioners Office (ICO) to implement a policy to protect Sensitive Learners.

### **Security**

MIAP recognises the need to keep your information secure and has implemented technical and organisational measures aimed at preventing loss of, or unauthorised use of, your information.

### **How long will we keep your data?**

The ULN and Personal Learning Record are intended to provide a life-long record of learning which will be available to you at any time you choose to participate in education or training. Therefore MIAP may continue to hold your ULN and associated data indefinitely

### **Updates to this policy**

MIAP recognises that privacy and data protection concerns can evolve over time and will keep this policy under review. Any amendments will be posted here and will be notified to learners when they access their Personal Learning Record.

## Standard Privacy Notice Text [Third Layer]

Please see the following detailed policies and procedures for further information on how MIAP processes your data:

- Education Sector Data Sharing Framework
- MIAP Framework Code of Practice for Sharing Personal Information
- MIAP Data Governance Overview
- MIAP Organisation Agreement
- MIAP Learner Agreement
- MIAP User Agreement
- MIAP Data Challenge Procedure
- List of organisations permitted to access data under section 537A of the Education Act



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