



# PRIVACY POLICY

| Responsibility | Date Reviewed |
|----------------|---------------|
| Ian Pearce     | 01/04/2024    |
| Ian Pearce     | 26/06/2025    |

## PURPOSE

Gathering personal data and information is part of Profile's requirements for the running and marketing of the business and as such has a responsibility and requirement to protect this data and information.

Protecting data and information is not simply limited to covering the information that Profile maintains. It also addresses the people that use them, the processes they follow, and the physical computer equipment used to access them.

This Policy addresses all these areas to ensure that high confidentiality, quality, and protection are maintained.

The following policy details the basic requirements and responsibilities for the proper management of data and information at Profile. The policy specifies the means of information handling and transfer within Profile.

## SCOPE

This policy applies to all the business processes and interactions. This includes for marketing, learner and employer management purposes. It applies to anyone who has interactions with Profile's information systems, such as (but not limited to) social media, awarding bodies, government departments and internal management systems.

## DEFINITION

This policy should be applied whenever information is acquired, used and stored. Information can take many forms and includes, but is not limited to, the following:

- 🌀 Hard copy data printed or written on paper
- 🌀 Data stored electronically
- 🌀 Communications sent by post/courier, social media or email
- 🌀 Speech

## TYPES OF INFORMATION

Profile holds personal data about learners, employers and employees.

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). It does include:

- 🌀 **Identity Data** includes first name, last name and email address
- 🌀 **Contact Data** includes invoicing address, delivery address, email addresses and telephone numbers
- 🌀 **Usage Data** includes information about how you use our products and services.
- 🌀 **Marketing and Communications Data** includes your preferences in receiving marketing from us and your communication preferences.
- 🌀 **Special Categories of Personal Data** about you. This includes details about your race or ethnicity, sexual orientation and information about your health.

Profile believes these uses are consistent with the principles of the Data Protection Act 2018. Profile may need to disclose information about a learner, employer or employee to relevant third parties, e.g. information sent to government departments for tax or funding purposes.

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 deliver the goods or services requested. In this case, we may have to cancel a goods or service request you have with us, but we will notify you if this is the case at the time.

## HOW IS YOUR PERSONAL DATA COLLECTED?

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

**Direct interactions.** Information may be collected by corresponding by post, phone, social media, email or otherwise.

**Third parties or publicly available sources.** We may receive personal data about you from various third parties and public sources, such as the Department for Education (DfE).

## 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:

- ☞ 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.

Generally, we do not rely on consent as a legal basis for processing your personal data other than in relation to sending marketing communications to you via email or social media. 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, 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.

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 market our goods and services | a) Identity<br>b) Marketing and communication | a) Necessary for our legitimate interests (to define types of customers for our products and services, to keep our website updated and relevant, to develop our business and to inform our |

|  |  |   |
|--|--|---|
|  |  | marketing strategy)   |
| To register you as a new customer or member of staff   | a) Identity<br>b) Contact  | a) Performance of a contract with you   |
| To process and deliver your requirements including<br>a) Manage payments, fees and charges<br>b) Collect and recover money owed to us  | a) Identity<br>b) Contact<br>c) Financial<br>d) Transaction<br>e) Marketing and communications | a) Performance of a contract with you<br>b) Necessary for our legitimate interests (to recover debts due to us)   |
| To manage our relationship with you which will include:<br>a) Notifying you about changes to our terms or privacy policy<br>b) Asking you to leave a review or take a survey | a) Identity<br>c) Contract<br>b) Marketing and communication                                   | a) Performance of a contract with you<br>b) Necessary for our legitimate interests (to recover debts due to us)<br>c) Necessary for our legitimate interests (to keep our records updated and to study how customers use our products/services) |
| To use data analytics to improve our website, products/services, marketing, customer relationships and experiences   | a) Technical<br>b) Usage   | a) Necessary for our legitimate interests (to define types of customers for our products and 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 goods or services that may be of interest to you  | a) Identity<br>b) Contract<br>c) Technical<br>d) Usage   | a) Necessary for our legitimate interests (to develop our products/services and grow our business)  |

## MARKETING

We strive to provide you with choices regarding certain personal data uses, particularly around:

### Opting Out

You can ask us to stop sending you marketing messages 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 a product/service purchase, product/service experience or other transactions.

## Cookies

A cookie is a small file of letters and numbers that we put on your computer if you agree. These cookies allow us to distinguish you from other users of our website, which helps us to provide you with a good experience when you browse our website and also allows us to improve our site.

The cookies we use are "analytical" cookies. They allow us to recognise and count the number of visitors and to see how visitors move around the site when they are using it. This helps us to improve the way our website works, for example by ensuring that users are finding what they are looking for easily.

## 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.

## DISCLOSURES OF YOUR PERSONAL DATA

We may have to share your personal data with:

-  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 notice.

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.

## 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.








## DATA RETENTION

### HOW LONG WILL YOU USE MY PERSONAL DATA FOR?

By law we have to keep basic information about our customers (including Contact, Identity, Financial and Transaction Data) for six years after they cease being customers for tax purposes. In some circumstances you can ask us to delete your data: see Request erasure below for further information.

### YOUR LEGAL RIGHTS

Under certain circumstances, you have rights under data protection laws in relation to your personal data. These include the right to:

-  Request access to your personal data.
-  Request correction of your personal data.
-  Request erasure of your personal data.
-  Object to processing of your personal data.
-  Request restriction of processing your personal data.
-  Request transfer of your personal data.
-  Right to withdraw consent.

If you wish to exercise any of the rights set out above, please contact us.

### FEES

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.

## 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/product 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** DfE, regulators and other authorities acting as processors or joint controllers based in the United Kingdom who require reporting of processing activities in certain circumstances.

## 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 the law.

Note, however, that we may not always be able to comply with your request for erasure. We will require your personal data for the basis and performance of a contract, and we will be required to keep such personal data for as long as reasonably required to do so to comply with HM Revenue and any other legal requirements.

**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 freedom.

**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 products or services to you. We will advise you if this is the case at the time you withdraw your consent.

## ICO REGISTRATION

We are registered as a data controller with the Information Commissioner's Office and our registration reference is **Z1962446**