

## Privacy Notice

### Modern Apprenticeship

#### Who are we?

The Skills Development Scotland Co Limited (“SDS”, “we”, or “us”) is the national skills body supporting the people and businesses of Scotland to develop and apply their skills.

We refer to the individuals whose personal data we may be processing as “apprentices”, “employers”, “training providers”, “sole traders”, “staff”, “you” or “your” in this notice.

#### The Modern Apprenticeship Programme

The Modern Apprenticeship Programme (“MA Programme”) is a programme operated by SDS supporting training of individuals, which is funded by the Scottish Government.

#### Covid-19 Relief Grant

The Covid-19 Relief Grant was a grant funded by Scottish Government in response to the Covid-19 pandemic and it was payable to Modern Apprentice training providers who applied for and qualified for payments under the scheme. It was a temporary scheme, but SDS has audit rights relating to the scheme which allow SDS and other bodies to access certain personal data even though the scheme has ended.

#### Apprentice Transition Plan (ATP)

The ATP initiative is a service to support apprentices affected by redundancy as a result of the economic impact of Covid-19. Apprentices will be supported to create a Record of Achievement which apprentices can use when looking for alternative work or learning opportunities. It is a temporary initiative, but SDS has audit rights relating to the initiative which allow SDS and other bodies to access certain personal data once the initiative has ended. ATP incorporates an access fund providing digital access to participants who need it. SDS funds the cost of data cards and devices – tablets, laptops - which are supplied by providers.

#### Apprentice Employer Grant (AEG)

In response to the COVID -19 pandemic, the AEG was available to employers in all sectors that follow apprenticeship funding frameworks who were either:

- Recruited new Apprentices between 1 December 2020 and 25 March 2021; or
- Used the MA and GA Programmes to upskill existing employees already in the workplace and who have moved into a new role.

The funding available was dependent on the age of the Apprentice and whether they are disabled, care experienced, or from a black and minority ethnic (BME) background. The funding was limited to a maximum of 10 Apprentices per employer. It was a temporary scheme, but SDS has audit rights relating to the scheme which allow SDS and other bodies to access certain personal data even though the AEG is no longer available.

### **Who is this Privacy Statement for?**

This Privacy Statement primarily provides information to apprentices on the Modern Apprenticeship programme around how their personal data will be processed, shared and stored. This Privacy Statement also provides information to: -

- the apprentices' employers;
- the staff of the training providers, where the training provider has claimed for the ATP; and
- training providers who are sole traders;

around how their personal data will be processed, shared and stored.

### **What personal information do we collect and process?**

#### **The apprentice on the MA programme:**

- Information that you provide about you and your personal circumstances.
- Information about your Modern Apprenticeship including details of your achievements and progress, your records of work and portfolios relating to your training and subsequent progression and outcomes from your training.
- Information you provide about yourself in the SDS equalities monitoring form and any disability or care leaver form.

#### **The employer**

- Contact details of each representative from each Employer: name, address, telephone and unique email address.

#### **Training providers who claimed Covid-19 Relief Grant from SDS and their staff**

- For all training providers: Contact details of staff members: including phone or email address, as provided to SDS by the provider that were used to verify claims relating to staff costs in relation to the COVID-19 Relief Grant.
- For all training providers: details of jobs held by staff, hours worked, salaries and remuneration due and paid, details of staff salaries for which Covid-19 relief payments were paid (e.g., furlough.)
- Sole traders: Whilst we are entitled to collect the same data from all training providers, where the training provider happens to be a sole trader, their data may constitute 'personal data' as a result. The data that we process may, in addition to the data referred to above, also include financial data, including bank statements, remuneration, invoices, other demands and receipts.

## Training providers who claim / have claimed for ATP from SDS:

- For all training providers: Contact details of staff members: including phone or email address, as provided to SDS by the provider in order to verify claims relating to staff costs in relation to ATP.
- Sole traders: Whilst we are entitled to collect the same data from all training providers, where the training provider happens to be a sole trader, their data may constitute 'personal data' as a result.

SDS will receive the above information from the apprentice directly, from the provider or from your employer.

## How do we use your information?

	<b>Types of personal information</b>	<b>Why do SDS use your personal information?</b>	<b>Under what legal basis do SDS use your personal information?</b>
<b>1.</b>	Personal information.	To monitor our compliance with the conditions of funding related to the MA Programme and to ensure that we are properly spending and are accountable for those monies	Fair and lawful because it is: <ul style="list-style-type: none"> <li>• necessary for SDS to comply with its legal obligations</li> <li>• necessary for reasons of the public interest</li> <li>• necessary for reasons of substantial public interest</li> </ul>
<b>2.</b>	Personal Information, Contact Information.	To generally help you find and retain suitable employment	Fair and lawful because it is: <ul style="list-style-type: none"> <li>• necessary for SDS to comply with its legal obligations</li> <li>• necessary for reasons of the public interest</li> </ul>
<b>3.</b>	Contact information	To monitor, audit and evaluate the quality of your individual training and the MA Programme generally. (Evaluating may include requesting you to complete any questionnaire issued by or on behalf of SDS and/or Scottish Ministers)	Fair and lawful because it is: <ul style="list-style-type: none"> <li>• necessary for SDS to comply with its legal obligations</li> <li>• necessary for reasons of the public interest</li> </ul>
<b>4.</b>	Personal Information.	To monitor the training provider's compliance and performance including validating their claims for payment	Fair and lawful because it is: <ul style="list-style-type: none"> <li>• necessary for SDS to comply with its legal obligations</li> <li>• necessary for reasons of the public interest</li> </ul>
<b>5.</b>	Contact information.	To provide information to you about working life, fair work practices and the services and benefits you	Fair and lawful because the intended processing is: <ul style="list-style-type: none"> <li>• necessary for reasons of the public interest</li> </ul>

		can access from SDS and other public sector or government bodies in Scotland and/or the UK	<ul style="list-style-type: none"> <li>necessary to fulfil SDS's or any of the other bodies' legitimate interests, where the processing isn't unreasonably detrimental, and doesn't relate to a core obligation of SDS or the other body</li> </ul>
6.	Special category information (e.g. ethnicity, disability, sexual orientation)	To carry out equalities monitoring and to ensure we meet our Equality Act 2010 obligations	Fair and lawful because it is: <ul style="list-style-type: none"> <li>necessary for SDS to comply with its legal obligations</li> <li>necessary for reasons of substantial public interest</li> </ul>
7.	Personal information.	To monitor and evaluate the training against applicable educational standards	Fair and lawful because it is: <ul style="list-style-type: none"> <li>necessary for SDS to comply with its legal obligations</li> <li>necessary for reasons of the public interest</li> <li>necessary for reasons of substantial public interest</li> </ul>
8.	Contact information, Personal information, Special category information (e.g. ethnicity, disability, sexual orientation)	To undertake statistical research regarding the value and impact of the MA Programme and to assist with policy development.	Fair and lawful because it is: <ul style="list-style-type: none"> <li>necessary for SDS to comply with its legal obligations</li> <li>necessary for reasons of the public interest</li> <li>necessary for reasons of substantial public interest</li> </ul>
9.	Contact information.	To contact the Employer to alert them to and discuss any additional services offered by SDS from time to time	Fair and lawful because it is: <ul style="list-style-type: none"> <li>necessary for reasons of legitimate interests</li> </ul>
10.	Contact information.	To contact training provider staff and/or sole traders in order to verify evidence submitted to support claims made by the grant recipients (MA providers) under the COVID-19 Grant Relief scheme	Fair and lawful because it is: <ul style="list-style-type: none"> <li>necessary for SDS to comply with its legal obligations</li> <li>necessary for reasons of the public interest</li> </ul>
11.	Personal information.	To support apprentices through the ATP initiative, which may include sharing	Fair and lawful because it is: <ul style="list-style-type: none"> <li>necessary for reasons of the public interest</li> </ul>

		personal data with other MA training providers as and when necessary and appropriate for the purpose of creating a Record of Achievement	
<b>12.</b>	Personal information, Special category information (e.g. ethnicity, disability, sexual orientation)	To ensure that you, the applicants for the Apprenticeship Employer Grant were eligible for this grant	Fair and lawful because it is: <ul style="list-style-type: none"> <li>• necessary for reasons of the public interest</li> <li>• necessary for reasons of substantial public interest</li> </ul>

### When might we share your information?

The information collected shall be held by us or on our behalf and may be passed by us to other public bodies concerned with one or more of the following:

- economic development
- skills development
- awards for vocational qualifications
- maintaining educational standards
- the provision of other public services or benefits
- ensuring compliance with legal obligations
- our internal/external auditors in each case, to the extent required to fulfil their respective public functions.

The information you provide to us about aspects such as your ethnicity, gender and religion in the Equality Monitoring Form will be passed to Scottish Government as we are required to report on this information under the Equality Act (2010).

Employer information may be shared with external contractors for the purposes of follow up evaluation and research.

### How do we protect your information?

Skills Development Scotland maintain a high standard of both physical and network security designed to protect paper or electronic forms of storage to hold and process your personal information.

Information that we hold about you will be subject to rigorous safeguards to ensure that it isn't accessed or disclosed inappropriately. We also take steps to ensure that

your information is not damaged or rendered unavailable to those who have a right to see it.

To meet confidentiality requirements for our customers, stakeholders, and staff, Skills Development Scotland has Confidentiality, Data Protection and Information Technology notices in place and we ensure that staff are fully aware of these and the associated guidance in relation to your personal information. These also apply when we dispose of paper records and delete electronic information in ways that ensure that your information cannot be recreated.

### How long do we store your information?

Once you have been verified as an apprentice under the MA Programme by your provider, your personal data submitted to SDS by you and/or your employer or provider will be retained by SDS from the date it is provided until:

- 31st December 2026, for the purposes of monitoring and auditing checks performed in relation to the European Social Fund.
- A period of 12 years after the completion of your course, for the purposes of research and analysis that aims to understand the long-term outcomes of individuals who have completed a Modern Apprenticeship, so that we can improve our service and better meet the needs of people across Scotland.

The contact information of the Employer's representative will also be held from the date it is provided until 31st December 2026 or 12 years after the completion of an apprenticeship, in line with how long we hold the apprentice's data for monitoring and auditing purposes.

We will hold personal data related to the purpose of verifying evidence submitted to support claims by grant recipients (under the COVID-19 Grant Relief and Apprentice Employer Grant and ATP Access Fund) for a period of 3 years following the expiry of the grant period.

If you require any further detail or clarification on how long we will keep your personal information for and our reason for doing so, please feel free to get in touch with us through the contact information provided in the contact section below.

### Your Rights

Under Data Protection legislation – including the UK GDPR and Data Protection Act 2018 - you have a number of rights in relation to how your personal information is processed.

If you wish to find out what these rights are, please see [www.sds.co.uk/privacy](http://www.sds.co.uk/privacy) and get in touch with [DPO@sds.co.uk](mailto:DPO@sds.co.uk) if you wish to find out more information or enact one of those rights.

### Updating Information

Please let us know if the personal information which we hold about needs to be corrected or updated.

## Notice Amendments

We may update this privacy notice by posting a new version on the website and, where appropriate, we will notify you by email. Please check back frequently to see any updates or changes.

## Data Controller

The data controller responsible in respect of the information collected is The Skills Development Scotland Co. Limited, which is notified to the Information Commissioner as a data controller with registration number Z1445093.

If you remain dissatisfied with our response following any review related to a request you have made regarding your personal data, you are entitled to appeal to the Information Commissioner. Such an application should be sent to the following address:

Information Commissioners Office

Wycliffe House, Water Lane, Wilmslow SK9 5AF

Phone: 0303 123 1113

Website: [ico.org.uk/](https://ico.org.uk/)

## Contact

If you have any specific queries regarding your rights, or any other matter, please contact the Data Protection team at [DPO@sds.co.uk](mailto:DPO@sds.co.uk).