



cpcab

The only awarding body
run *by* counsellors
for counsellors

2020 - 2021

CPCAB Data Protection Policy



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EXCEPTIONAL ARRANGEMENTS FOR THE SUMMER PERIOD, 2020

During the period of the COVID-19 pandemic in 2020, CPCAB, under direction from its regulators and from the Secretary of State for Education, have been directed to enable as many candidates as possible to complete their qualifications if they were expecting to complete between March and July 2020. For CPCAB qualifications this has involved the implementation of new mitigation arrangements to enable completion., which are covered in detail elsewhere (see regular updates on the CPCAB website www.cpcab.co.uk).

Where emergency procedures have been initiated, they are subject to the same requirements of data protection law as outlined below, in order to perform CPCAB's contract with each data subject.

1. Introduction

CPCAB is licensed in accordance with the legal requirements of the General Data Protection Regulation (GDPR) 2018. This means that we follow strict procedures specified by this legislation when collecting and handling information about individuals. We are registered with the Information Commissioner as CPCAB Ltd (this is our 'Data Controller Name').

Our registration number (also known as our notification number) is Z6708416.

2. Privacy Notice

All personal information data held by CPCAB must be:

- fairly and lawfully processed, for relevant purposes only;
- secure, accurate and up to date;
- not kept longer than necessary;
- processed in accordance with the individual's rights.

CPCAB will only share your personal data with other organisations where there is a clear requirement to do so; we will never pass on your details to other companies for marketing purposes. These organisations, who are themselves subject to data protection legislation, may include:

- The Learning Records Service;
- Ofqual, Qualifications Wales or CCEA Regulation ;
- A court of law under direction.

3. Fair Processing of Data

CPCAB processes data on behalf of candidates, centre staff and CPCAB staff. The purposes for gathering this data are known under GDPR law as "lawful bases" and include:

- Performance of a contract with the data subject;
- Compliance with legal obligations;
- Occasionally other lawful bases may also be relevant.

An internal document known as an “information audit” lists individual pieces of data with the rationale for processing them, a retention period, a description of its format and how consent was obtained.

4. Security of Data

4.1 Rectification of your Data (see also section 5, Subject Access Requests)

Candidate data is gathered by the centre and requests to make alterations may be accepted up to the point of certification¹. Please note that after this time certificates can only be re-printed in a different name where the candidate is initiating a new identity, for example as part of gender reassignment; this policy is designed to ensure the integrity of the qualification and to prevent fraud.

Tutor data is gathered by the centre and relevant data is forwarded to CPCAB via the online tutor CV template. Tutors are requested to check periodically that the data held by CPCAB remains accurate.

Staff data, including for external consultants and actors (who are required to sign a separate release form relating to their filmed material), may be amended at any point on request; supporting information may be required as appropriate.

Marketing information (email addresses) may be amended on request.

4.2 Deletion of your Data

You are able to request that the data CPCAB holds on your behalf is deleted. In the absence of such a request, candidate data is retained over time in order to monitor standards, prevent fraud and provide replacement certificates for example. Candidates are reminded that if you request to have their data deleted it may not be possible to issue a replacement certificate in the future or to verify their achievement. A request to delete data may be refused if it is required in order to provide data to regulatory authorities or as part of a direction from a court of law.

CPCAB Archiving Policy (available on request) explains the retention periods for assessment material and the rationale behind the decisions.

4.3 Data Breaches

CPCAB takes its responsibilities in respect of the retention of data seriously and undertakes to handle any data breach promptly, thoroughly and transparently. In the event of a data breach CPCAB will:

- Identify the scale of the breach; and
- Identify the sensitivity of the data.

Depending on the outcome, CPCAB will, if appropriate:

- Notify the Information Commissioner’s Office;
- Notify the Police;
- Notify its regulators;
- Notify the data subject(s);

¹ Where a centre has failed to request rectification of a candidate’s name before this point a replacement certificate can only be issued in the new name where there is clear evidence to support the case, such as a formal confirmation that the centre was provided with change of name via an enrolled deed poll during the course. The usual replacement certificate fee (see CPCAB website) will apply in such cases. Contact CPCAB for more information.

- Formally record any lessons learned; and
- Initiate an appropriate action plan, such as extra security measures or staff training.

4.4 Data Portability

Under the new GDPR legislation you are able to apply for your own data to be provided to you in a format that will allow you to share it with another organisation, such as a different awarding organisation. In practice the data we hold on you is limited and we recognise that it's unlikely that this service will be helpful to you but do please get in touch if you'd like to explore this option.

4.5 General Security

CPCAB operates a range of processes to ensure that the data it processes is retained securely. They include, amongst others:

- Staff computers are password protected at log-in;
- Sensitive documents are further password protected, for example external assessment papers, staff annual reviews, financial documents etc;
- SAR requests and replacement certificates require a range of ID to be submitted in support of each request;
- Payments for on-line sales, e.g. support DVDs are processed by GDPR-compliant service providers.

There is a separate internal policy that relates to the procedures that apply when a member of staff leaves CPCAB's employment.

4.6 Data Storage Equipment

Redundant equipment does not leave CPCAB premises until all of the files stored – whether they contain personal data or not – have been permanently erased beyond any possibility of retrieval. In the case of hard disks, for example, this means securely re-formatting each disk. Redundant data storage devices are rendered physically useless before disposal. Any redundant hard copy which contains personal data is also destroyed securely.

5. Subject Access Requests

We acknowledge your right to be informed by us whether your personal data is being processed by CPCAB and, if so, to be given by us a description of the personal data involved and the purposes for which it is being (or is to be) processed.

You can apply for copies of your personal data under the Subject Access Request (SAR) scheme. SAR requests must be received in writing and copies of the data will be provided electronically; if you are unable to access an electronic response please ask for advice.

Please note that under the 2018 GDPR and the 1998 Data Protection Act awarding organisations are not required to disclose marked scripts (external assessment papers) to applicants. In other words, candidates have no right of access to marked scripts (EA papers); information recorded by candidates during an academic, professional or other examination is exempt from the scheme and it is CPCAB policy not to disclose candidate scripts (exam papers) or recorded sessions to candidates. Other material including assessors' comments can be requested although please be aware that CPCAB operates an

archiving policy (copy available on request) and assessment materials are securely destroyed after a defined period of time. All data related to **tutor calculations made during the exceptional assessment period of Summer 2020 are similarly exempt from data requests, in order to permit tutors to give a fair and unbiased judgement.**

CPCAB will remove any references that might allow another individual to be identified, unless that person has consented (in writing) to such a disclosure. If it is not possible to provide copies of any other information, for example because to do so would identify another person and compromise their rights to confidentiality, you will be given an explanation of the decision.

The SAR request form at the end of this policy gives more information, including how you can provide proof of your identity. We undertake to respond to such requests within one month. Please be aware that CPCAB reserves the right to refuse any requests that may be considered excessive or manifestly unfounded. The data you provide as part of a SAR request will be retained securely as proof that CPCAB has followed due process when responding to the request.

6. CPCAB's Recognised Centres

Centres approved to offer CPCAB qualifications are responsible for gathering data on candidates and tutors, some of which is shared with CPCAB. For the purposes of the data privacy laws, CPCAB and its centres are independent data controllers and have an equal obligation to be compliant with General Data Protection Regulations.

Centres are also reminded to take special care where any recordings are made of counselling skills or practices, because they may contain sensitive material revealed by the candidate, although candidates should bear in mind that their work is designed to be used as assessment material and may be viewed by others, such as CPCAB External Verifiers.

In a legal challenge, although rare, it may be necessary to share sensitive data with a court of law, which has the power to over-rule GDPR.

7. Your Right to Complain

You are able to complain about the data held by CPCAB on your behalf if it is:

- Inaccurate. Please note that it is the responsibility of centre staff to upload personal data to the Portal on behalf of their learners and inaccurate information may lead to incorrectly printed certificates and/or failure to upload Learner Achievement Data. See also footnote, page 1.
- Inappropriate. If you feel that it is not appropriate for CPCAB to hold any of your personal information, please liaise with CPCAB (if you are a tutor) for advice. If you are a candidate, please liaise with your tutor.
- Insecure. Data held by CPCAB is securely stored (see section 4, above) but candidates should be aware that their work both within their centre and in external assessment is regarded as assessable material and may be seen by others.

For further information from CPCAB please contact:

- The GDPR team, PO Box 1768, Glastonbury BA6 8YP
- Email: contact@cpcab.co.uk (please mark "for the attention of the GDPR team")

For further information (or queries) about the Act:

- Office of the Data Protection Commissioner
Wycliff House, Water Lane
Wilmslow, Cheshire SK9 5AF
- Tel: 01625 545700 E-mail: mail@dataprotection.gov.uk
- Web: <https://ico.org.uk/>

For the data protection and privacy policies of CPCAB's regulators:

- <https://www.gov.uk/government/organisations/ofqual/about/personal-information-charter>
- <https://qualifications.wales/english/search/?page=1&perpage=10&categories=&sortBy=byDate&fromDate=&toDate=&query=privacy%20notice&publicationTypes=>
- http://ceea.org.uk/legal/privacy_policy

For the data protection of CPCAB's partners:

- <https://www.gov.uk/government/publications/esfa-privacy-notice>
- <http://www.open.ac.uk/students/charter/sites/www.open.ac.uk.students.charter/files/files/student-privacy-notice-summary.pdf>
- <https://www.gov.uk/government/publications/lrs-privacy-notice>

CPCAB 2020

CPCAB Subject Access Request (SAR) Form

A Subject Access Request relates to personal data that relates to you and nobody else. Under data protection law you are entitled to ask for a copy of your information. CPCAB will remove any information that allows any other individual to be identified, with the exception of any third party on whose behalf you are making this request.

Please (a) write to CPCAB at the address overleaf, giving as much information as you can to support your request or (b) complete the form below (please print clearly). A list of identification that is required is provided overleaf.

Name:		Status Tutor/candidate/other:	
Your address including postcode:		Telephone number(s):	
		Email:	
CPCAB centre:		Are you still a tutor or candidate at this centre?	Yes / no
Date of request:		Signature:	

Purpose of SAR:

You don't have to complete this section if you'd rather not – but if you do, it may help us to identify all documentation that relates to you and avoid sending you unnecessary paperwork that doesn't interest you.

Scope of SAR: if you only require a specific range of documents CPCAB can offer you a reduced request. If you prefer this option, please indicate which documents you would like to receive and sign the disclaimer, below.

External assessment paperwork ²	Yes / no	Personal data	Yes / no
Written correspondence	Yes / no	Other (please give details)	

Disclaimer: I confirm that I am applying for a Subject Access Request for the data indicated in the boxes above only.

Signature:

² Depending on the qualification, this may include assessor comments, moderator comments and written feedback to centres. It will not include your written paper or recorded session: external assessment submissions are exempt from the legislation.

Are you making this SAR on behalf of someone else?	Yes / no	If this SAR relates to someone other than yourself, you will need to provide authorisation to make the request on their behalf (see below)	
Name of third party if applicable (please print clearly)		Signature of third party	

Your request will be dealt with within the legal timescale of one calendar month from the date of receipt of this form. Unless you have confirmed that a reduced SAR will be acceptable, it will contain all data currently held by CPCAB, including any correspondence that mentions you by name. The purpose of holding your data and any other agencies with whom we may share your data is detailed in CPCAB's data protection policy.

Proof of identity for Subject Access Requests

Unless advised otherwise, you must provide a copy of one of the following: (please do not send original documents as CPCAB cannot be held responsible for loss/damage).

Birth certificate **Driving licence** **Passport**

If your name has changed since your personal data was supplied to CPCAB then please **also** provide a copy of one of the following:

Marriage certificate **Decree absolute** **Enrolled deed poll**

If you are making the request on behalf of a third party (see overleaf) you will need to provide proof of identify for the third party as well, in line with the above. Documents used to identify the individual making the request will be retained securely as evidence that CPCAB has followed due process when responding to the request.

SARs received without the relevant documents may be returned, causing a delay in processing your request. If you are unsure of what documentation to provide then please contact CPCAB for advice.

CPCAB, PO Box 1768, Glastonbury, Somerset BA6 8YP

Checklist - enclosed:

Signed and completed SAR form ID Consent for reduced SAR (if applicable)

And if you are making a request on behalf of a third party:

Authorisation from the subject of the request

.....
Office use only – please forward to SAR Co-ordinator

Date received:		Form completed ID enclosed	Yes / no Yes / no
Reduced SAR Documents requested	Yes / no		
List of documents provided:			
Date returned to data subject:		Returned by:	