

## **A-04 REALrating Privacy Notice, Use of Cookies and User Agreement**

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### **1. Purpose**

upReach (“we”, “our”, “us”) collects certain information or data about you when you use upReach’s website. upReach has prepared this Privacy Notice, Use of Cookies and User Agreement to outline our practices regarding the collection, use, disclosure, transfer and other processing of individually identifiable information about you (“Personal Information”) collected when you use upReach’s website. upReach will process any Personal Information fairly and lawfully, in accordance with this Privacy Policy and in accordance with the General Data Protection Regulation (“GDPR”).

In accordance with GDPR definitions, upReach CAN Mezzanine, 7 - 14 Great Dover Street, SE1 4YR is the Data Controller, with the CEO and Trustees therefore ultimately responsible for its implementation. UpReach has designated Nicola Lewis, Operations Manager the person responsible for Data Protection matters at upReach. Her contact details can be found at the end of this document.

### **2. Information collection and use**

While using our website, we may ask you to provide us with certain personally identifiable information that can be used to contact or identify you. Personally identifiable information may include, but is not limited to your name and contact details ("Personal Information").

#### **A. Personal Information Collection**

Subject to this Notice, upReach will treat as confidential the Personal Information that it collects about you. For those completing the REALrating form upReach may collect the following categories of Personal Information:

Your name, photo, home contact information (address and telephone number), date of birth, gender, family status, educational details (including the name of your school/college and previous school(s)/college(s), and A-level grades), details relating to any work experience or job that you may have had or will have (including salary information), personal interests and academic/career aspirations. We may also collect Sensitive Personal Data (as defined by the GDPR) from you. This includes information about your ethnic origin, family income and any disabilities or medical conditions you may have.

#### **B. Purposes of Use of Personal Information and Legal Basis**

upReach may use the Personal Information listed above for the following purposes:

To calculate your REALrating that is emailed to you, to consider if you are eligible to apply for a place as an upReach Associate (in which case you will be contacted by us), various administrative purposes in connection with the operation of upReach programmes, for statistical or research purposes, promotional purposes, REAL or upReach programme evaluation purposes and for the purposes of reviewing career progression.

### **3. Disclosure and international transfers of personal information**

If you join upReach as an Associate, we may disclose your Personal Information or application progress to the employers at which you've applied, your mentors and prospective supporters.

The recipients of the Personal Information that upReach collects from you will be located in the United Kingdom or Europe, except in exceptional and temporary circumstances such as server maintenance. upReach has taken steps to establish appropriate data protection and information security requirements with such recipients to confirm that Personal Information is properly protected in accordance with this Policy and applicable laws. If necessary and in accordance with applicable laws, upReach may disclose Personal Information to our outside professional advisers and to other third parties that provide products or services to upReach, such as IT systems providers.

Where the processing of Personal Information is delegated to a third party data processor, such as that listed above, upReach will delegate such processing in writing, will choose a data processor that provides sufficient guarantees with respect to technical and organisational security measures governing the relevant processing and will ensure that the processor acts on our behalf and under our instructions. In addition, upReach will impose in writing appropriate data protection and information security requirements on such third party data processors.

### **4. Use of Cookies**

This site uses cookies to optimise your user experience. Cookies are files with small amount of data, which may include an anonymous unique identifier. Cookies are sent to your browser from a web site and stored on your computer's hard drive.

By using this site you are consenting to our use of these cookies.

### **5. Log Data**

Like many site operators, we collect information that your browser sends whenever you visit our website ("Log Data").

This Log Data may include information such as your computer's Internet Protocol ("IP") address, browser type, browser version, the pages of our website that you visit, the time and date of your visit, the time spent on those pages and other statistics. This helps us to improve the site by monitoring how you use it.

We may use third party services such as Google Analytics to collect, monitor and analyze this in order to help us measure traffic and usage trends for the website. We collect and use this analytics information in aggregate form such that it cannot reasonably be manipulated to identify any particular individual user.

## **6. Changes to the policy**

Should upReach decide to substantially modify the manner in which it collects or uses Personal Information, the type of Personal Information that it collects or any other aspect of this Policy, the upReach will notify you as soon as possible of such changes by re-issuing a revised Policy on the REALrating website (<http://realrating.co.uk>).

## **7. Accuracy of and access to your personal information**

You are entitled to request and access the information held about you that upReach holds (subject to limited exceptions), as stated in General Data Protection Regulation (GDPR). In addition, you have the right to have inaccurate Personal Information corrected or removed and to object to the processing of your Personal Information. If you wish to access such Personal Information, you should apply in writing to the Operations Manager of upReach via the details below or at the email address set out on our website (<http://upreach.org.uk>).

To assist us in maintaining accurate Personal Information, you must advise us of any changes to your Personal Information. In the event that upReach becomes aware of any inaccuracy in the Personal Information that it has recorded, the upReach will correct that inaccuracy at the earliest practical opportunity.

## **8. Retention of Data**

upReach will maintain Personal Information of REALRating users until July 1st after the last completion. On that retention end date annually upReach will delete any personally identifiable information in order to retain the information for data reporting purposes.

A REALrating user can at any time request that their data is destroyed rather than the identifying details removed.

The data of REALrating users who become upReach Associates will be processed under the Associate User Agreement from their acceptance onto the programme.

## **9. Security**

upReach maintains appropriate technical and organisational security measures including staff training to protect Personal Information against accidental or unlawful destruction, or accidental loss, alteration, unauthorised disclosure or access, in compliance with applicable laws.

## **10. Links to Other Websites and Services**

upReach is not responsible for the practices employed by websites or services linked to or from its website (<http://upreach.org.uk>), including the information or content contained therein. Please remember that when you use a link to go from this site to another website, our Privacy Policy does not apply to third-party websites or services. Your browsing and

interaction on any third-party website or service, including those that have a link or advertisement on our website, are subject to that third party's own rules and policies.

## **11. Questions?**

Please address all questions to the Nicola Lewis, Operations Manager of upReach at [nicolal@upreach.org.uk](mailto:nicolal@upreach.org.uk) or via the contact address set out on our website (<http://upreach.org.uk>).

## **REALrating User Agreement**

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### **1. Introduction**

upReach needs to keep certain information about the people who use its services. This includes those who submit information online to receive their REALrating and those who apply to become upReach Associates and those that are subsequently accepted and become upReach Associates and then Alumni. This is necessary for upReach to carry out its work. We also need to process information so that support can be organised and obligations to partners and government complied with.

upReach is committed to ensuring that any information provided is collected and used fairly, stored safely and not disclosed to any other person unlawfully. To do this upReach complies with all applicable laws and regulations and observes the Data Protection Principles, which are set out in the General Data Protection Regulation (GDPR).

Article 5 of the GDPR requires that personal data shall be:

- a) processed lawfully, fairly and in a transparent way;
- b) collected only for valid and explicit purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes
- c) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
- d) accurate and, where necessary, kept up to date;
- e) kept only as long as necessary for the purposes we told you about; and
- f) processed securely using appropriate technical or organisational measures.

upReach, it's staff and others who process or use any personal information must ensure that they follow these principles at all times. In order to ensure that this happens, we have developed this Associate User Agreement.

## **2. The Data Controller and person responsible for Data Protection**

In accordance with GDPR definitions, upReach is the Data Controller, with the CEO and Trustees therefore ultimately responsible for its implementation.

upReach has designated the Operations Manager, Nicola Lewis as the person responsible for Data Protection at upReach. Any queries relating to this User Agreement, upReach data protection policy or implementation of GDPR should be referred to the Data Controller, Nicola Lewis at [nicolal@upreach.org.uk](mailto:nicolal@upreach.org.uk).

## **3. Status of the Policy**

upReach is committed to following this agreement and takes seriously any breaches. If you feel that this policy has not been followed in respect of your personal data please contact the Operations Manager immediately who will take appropriate action.

## **4. upReach Obligations**

All employees of upReach have some responsibility for ensuring data is collected, stored and handled appropriately in line with the Data Protection Principles set out in Article 5 of the GDPR. In addition all upReach staff are responsible for ensuring:

- Data is not shared informally. Access to data is restricted and will only be used by those who have legitimate interest.
- Any personal data, which they hold, is kept securely, for example, if it is computerised, be protected by a strong password that is never shared.
- Associate data is not disclosed to unauthorised people, internally or externally.

The Operations Manager and CEO are responsible for ensuring all implemented and new systems, services and equipment used for storing data meet acceptable security standards and perform regular checks to ensure proper functionality.

upReach is obliged to abide by all legal requests for information made by law enforcement or judicial bodies.

## **5. REALrating User Obligations**

Users must ensure that all personal data provided to the Charity is accurate and up-to-date. They must ensure that the Charity is kept up-to-date with, for example, changes of telephone number or email address.

## **6. Right to Access Information**

You are entitled to request and access the information that upReach holds about you (subject to limited exceptions), as stated in General Data Protection Regulation (GDPR). In addition, you have the right to have inaccurate Personal Information corrected or removed and to object to the processing of your Personal Information. If you wish to access such Personal Information, you should apply in writing to the Operations Manager of upReach via the details below or at the address set out on our website (<http://upreach.org.uk>).

In the event that upReach becomes aware of any inaccuracy in the Personal Information that it has recorded, upReach will correct that inaccuracy at the earliest practical opportunity.

## **7. User Consent and Processing Personal Information**

In order to submit and receive a REALrating you are required to accept the terms of this REALrating User Agreement. This consent is the Legal Basis which allows upReach to process the personal data you provide in order to carry out our work. We process personal information to help deliver the services we offer to students. We use the data for impact measurement and evaluating the success of our programme.

Some examples of the ways in which this data may be used are set out below:

- Determining whether a REALrating user is eligible to be an upReach associate
- Informing an employer of an Associate's background, REALrating and progress through application processes.

A list of what information we define as personal data can be found in the Glossary section.

## **8. Sensitive Data**

upReach may also need to process some sensitive personal information. Accepting the terms of this User Agreement also allows upReach to process the sensitive data you provide in order to deliver our services.

Unlike personal data, however, we will always seek your permission before sharing your sensitive information with a third party. Some examples of the why we might ask to share your personal data are set out below:

- Informing a Partner Employer who has requested information to help inform their recruitment decision about an Associate.
- Reporting to a University on diversity information about their cohort of Associates.

A list of what information we define as sensitive data can be found in the Glossary section.

## **9. Retention of Data**

upReach will maintain Personal and Sensitive Information of REALRating users until July 1st after the last completion. On that retention end date annually upReach will delete any personally identifiable information in order to retain the information for data reporting purposes.

A REALrating user can at any time request that their data is destroyed rather than the identifying details removed.

The data of REALrating users who become upReach Associates will be processed under the Associate User Agreement from their acceptance onto the programme.

## **10. Conclusion**

Compliance with GDPR is the responsibility of all members of upReach. Any deliberate breach of GDPR or this Associate User Agreement may lead to disciplinary action being taken, or access to Charity facilities being withdrawn, or even a criminal prosecution. Any questions or concerns about the interpretation or operation of this policy should be taken up with the Operations Manager.

## **Glossary of Terms**

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### **Consent**

GDPR defines this as any freely given specific and informed indication of his wishes by which the data subject signifies his agreement to personal data relating to him being processed. Consent can be withdrawn after it has been given.

Where data is “sensitive”, express consent is always sought from the data subject before the data can be given to a third party.

### **Data**

Any information which will be processed, or, used on or by a computerised system, additionally it also includes information contained within a “relevant filing system” of information. Data can therefore be written, tape, photographic or digital.

### **Personal Data**

Personal data means any information relating to a living individual who can be identified:

Examples of data which would fall into this category include:

- Names
- Gender
- Date of birth
- University details
- Emails, phone number and personal address
- IP address from where registration forms are sent
- Postcode aged 16
- Schools attended

- A level qualifications
- Career interests
- Interview question answers
- Applications and application status outcomes

### **Sensitive Data (termed Special Category under GDPR)**

This means data which relates to sensitive aspects of a living and identifiable individual's life

Examples of data which would fall into this category include:

- Family income
- Number of active guardians
- Parents' occupation, employment etc.
- Student Finance arrangements
- Information relating to siblings
- Mitigating circumstances
- Photos of an individual
- Photos of student finance documents
- Disability information
- Equal opportunity information eg ethnicity, sexual orientation, religion, marital status e
- Free School Meal eligibility
- Whether or not a person is a care leaver
- POLAR 3 / POLAR 4 data
- ACORN deprivation data

### **Data Subject**

The person who is the subject of the "personal data".

### **Data Controller**

A person who determines the purposes for which, and the manner in which, any personal data are, or are to be, processed.

### **Data Processor**

Any person (other than an employee of the data controller) who processes data on behalf of the data controller. The data controller retains responsibility for the actions of the data processor.

### **Legitimate Interest**

Where data processing is allowed because of a legitimate interest of the data subject and/or the Data Controller.

### **Limited Exceptions**

Processing of personal and sensitive data including responding to a Subject Access Request may, in rare circumstances, be restricted when personal data is subject to situations involving "crime and taxation purposes" which include:

- the prevention or detection of crime;



- the capture or prosecution of offenders; and
- the assessment or collection of tax or duty.

### **Processing**

Covers almost anything which is done with or to the data, including:

- obtaining data
- recording or entering data onto the files
- holding data, or keeping it on file without doing anything to it or with it
- organising, altering or adapting data in any way
- retrieving, consulting or otherwise using the data
- disclosing data either by giving it out, by sending it on email, or simply by making it available
- combining data with other information
- erasing or destroying data
- using the data within research

### **Recipient**

Any person to whom the data are disclosed, including any person to whom they are disclosed in the course of processing the data for the Data Controller (e.g. an employee of the data controller, a data processor or employee of the data processor).

### **Subject Access Request**

The process by which individuals can find out what personal or sensitive data an organisation holds about them, why they hold it and who they disclose it to.

### **Third Party**

A natural or legal person, public authority, agency or body other than the data subject, controller, processor and persons who, under the direct authority of the controller or processor are authorised to process personal data.

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