

Privacy Policy

Version 5.1 Signed off by Ed Steeds MBA, Production Director
This policy was last updated on 25th July 2022

Introduction

This Privacy Policy (together with our terms and conditions and any other documents referred to in it) describes the type of information that we collect from you ("you/your") through the use of our services ("Services"), how that information may be used or disclosed by us and the safeguards we use to protect it.

Our Website and Services may contain links to third party websites that are not covered by this Privacy Policy. We therefore ask you to review the privacy statements of other websites and applications to understand their information practices.

We have drafted this Privacy Policy to be as clear and concise as possible. Please read it carefully to understand our policies regarding your information and how we will treat it. By using or accessing our Website or the Services, you agree to the collection, use and disclosure of information in accordance with this Privacy Policy. This Privacy Policy may change from time to time and your continued use of the Website or the Services is deemed to be acceptance of such changes, so please check periodically for updates.

Please check back regularly to keep informed of updates to this Privacy Policy. Please read this Privacy Policy carefully and ensure that you understand it. Your acceptance of our Privacy Policy is deemed to occur upon your first use of our Website. If you do not accept and agree with this Privacy Policy, you must stop using our Website immediately.

You have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues (www.ico.org.uk). We would, however, appreciate the chance to deal with your concerns before you approach the ICO so please contact us in the first instance. It is important that the personal data we hold about you is accurate and current. Please keep us informed if your personal data changes during your relationship with us.

Who We Are

Momentum Learning Technologies Ltd, Momentum eLearning Ltd, Complete Competence Ltd. (MEL) holds Personal Data on behalf of our clients. That data includes personal information such as: User names, emails, job titles, and other private information. We will also hold client information, supplier information and personal information about other related individuals for a variety of business purposes.

Momentum Learning Technologies Ltd, Momentum eLearning Ltd, Complete Competence Ltd. is committed not only to the letter of the law but also to the spirit of the law and places a high premium on the correct, lawful and fair handling of all

Personal Data, respecting the legal rights, privacy and trust of all individuals with whom it deals.

Privacy notice

This page explains our privacy policy and how we will use and protect any information about you that you give to us or that we collate when you visit this website, or undertake employment with MEL, or participate in any MEL hosted competency assessment, training, education, development or assessment (hereafter 'training').

This privacy notice is intended to provide transparency regarding what personal data MEL may hold about you, how it will be processed and stored, how long it will be retained and who may have access to your data.

Personal data is any information relating to an identified or identifiable living person (the data subject). An identifiable person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number or factors specific to the physical, genetic or mental identity of that person, for example.

What this privacy statement covers

This privacy statement only covers the processing of personal data by MEL that MEL has obtained from data subjects accessing MEL's websites and from its provision of services and exercise of functions. It does not cover the processing of data by any sites that can be linked to or from MEL's websites, so you should always be aware when you are moving to another site and read the privacy statement on that website.

When providing MEL with any of your personal data for the first time, for example, when you take up an appointment with MEL or when you enrol in any MEL sponsored training, you will be asked to confirm that you have read and accepted the terms of this privacy statement. A copy of your acknowledgement will be retained for reference.

If our privacy policy changes in any way, we will place an updated version on this page. Regularly reviewing the page ensures you are always aware of what information we collect, how we use it and under what circumstances, if any, we will share it with other parties.

Why MEL collects your personal data

Your personal data is collected and processed for the purposes of and in connection with the functions that MEL performs with regard to e-Learning and Training. The collection and processing of such data is necessary for the

purposes of those functions. For further information please refer to MEL's registration number: [ZA580297 on the ICO's website](#).

In connection with training, MEL collects and uses your personal information for the following purposes:

- To manage your training and/or competency assessment programme
- To quality assure your training and/or competency assessment programme and ensure that standards are maintained
- To comply with legal and regulatory responsibilities including revalidation
- To contact you about training opportunities, events, surveys and information that may be of interest to you

Cookies

All Cookies used by and on our website are used in accordance with current UK Cookie Law. We use cookies to distinguish users and improve our Website.

You will be presented with a cookie banner which will pop up on your first visit to this website. It will deal with the consent requirements, and include a link to our cookie policy, giving more information about cookies used. You will be asked to specifically opt-in to accept. This will not be bundled with other terms and conditions. If you do not agree with this policy please stop using our website immediately.

Use of our website is also subject to our website terms of use, privacy policy and acceptable use policy.

Cookies are small text files placed on your device when you visit our website and are used to make the users experience more efficient. We are able to store cookies on your computer where they are necessary for the operation of the site however, for non-essential cookies we need your permission. Further details of the different types of cookies used are provided below.

How we use Cookies

We use cookies to recognise you and your preferences, improve our site's performance and collect analytical information for ourselves and our business partners. We track users on our site to identify which parts of our website you have visited and to allow us to make our site more relevant to you. Without the knowledge gained we would not be able to provide the service we do.

'Session' and 'Persistent' Cookies

'**Session cookies**' allow us to track your actions during a single browsing session, but they do not remain on your device afterwards.

'**Persistent cookies**' remain on your device between sessions. We use them to authenticate you and to remember

your preferences. We can also use them to balance the load on our servers and improve your experience on our site.

Session and persistent cookies can be either first or third party cookies. A first-party cookie is set by the website being visited; a third-party cookie is set by a different website. Both types of cookie may be used by us or our business partners.

Third Party Cookies

We do not use third party cookies on this site.

Cookies set by Company

PHPSESSID – Category a, this cookie stores your user id and is used so that we can use your anonymised user ID when you use the application. It expires when the browsing session ends.

Disclaimer

All our cookies are categorised by the role they fulfil on our website:

a. Strictly Necessary; these are essential to enable you to move around our website and use features such as secure services. Without these cookies such services could not be provided;

b. Functionality; allow the website to remember your choices and to personal certain features. These cookies may be anonymised and cannot track your browsing activity on other websites; and

c. Performance: collect information as to how users use the website. These cookies don't collect information that identifies a visitor. The information collected is aggregated and used to improve our website.

d. None of the cookies employed are classified as Behavioural Targeting.

If at any time you wish to disable our cookies, you may do so through the settings on your browser. However, if you choose to disable or delete our cookies that will prevent certain important areas and features of our service from functioning properly. (but if you do so you will not be able to use certain important features of our service). You can find additional information at [AboutCookies.org](#).

Notwithstanding, the audit undertaken regarding our cookies, it is possible we may have missed one from our list above. If you happen to find one that is being set on our site, please let us know.

MEL as data controller

MEL is the data handler in respect of any personal data it holds for anyone accessing MEL's website.

Legal basis for processing

We respect your right to privacy and will only process personal information about you or provided by you in accordance with the Data Protection Legislation which for the purposes of this Privacy Policy shall mean: (i) the retained EU law version of the General Data Protection Regulation ((EU) 2016/679) (UK GDPR), (ii) the Data Protection Act 2018 and any other national implementing laws, regulations and secondary legislation, as amended or updated from time to time, in the UK and then (ii) any successor legislation to the UK GDPR or the Data Protection Act 2018 and other applicable privacy laws

The GDPR requires that data controllers and organisations that process personal data demonstrate compliance with its provisions. This involves publishing our basis for lawful processing.

As personal data is processed for the purposes of MEL's statutory functions, MEL's legal bases for the processing of personal data as listed in Article 6 of the GDPR are as follows:

- 6(1)(a) – Consent of the data subject
- 6(1)(b) – Processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract
- 6(1)(c) – Processing is necessary for compliance with a legal obligation
- 6(1)(e) – Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller

Where MEL processes special categories of personal data, its additional legal bases for processing such data as listed in Article 9 of the GDPR are as follows:

- 9(2)(a) – Explicit consent of the data subject
- 9(2)(b) – Processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law
- 9(2)(f) – Processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity
- 9(2)(g) – Processing is necessary for reasons of substantial public interest
- 9(2)(h) – Processing is necessary for the purposes of occupational medicine, for the assessment of the working capacity of the employee, or the management of health and social care systems and services
- 9(2)(j) – Processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes

Special categories of personal data include data relating to racial or ethnic origin, political opinions, religious beliefs, sexual orientation and data concerning health.

Please note that not all of the above legal bases will apply for each type of processing activity that MEL may undertake. However, when processing any personal data for any particular purpose, one or more of the above legal bases will apply.

If you do not give consent for us to use your data for these purposes, we will not use your data for these purposes, but your data may still be retained by us and used by us for other processing activities based on the above lawful conditions for processing.

The Privacy and Electronic Communications Regulations (PECR) sit alongside the Data Protection Act and the UK GDPR. They give specific privacy rights in relation to electronic communications. There are specific rules on:

- marketing calls, emails, texts and faxes
- cookies (and similar technologies)
- keeping communications services secure

PECR standard of consent.

Regulation 8(2) of the Data Protection, Privacy and Electronic Communications (Amendments etc.) (EU Exit) Regulations 2019 clarifies that, for PECR: In respect of cookies, this means that: all users must take a clear and positive action to give consent to **non-essential cookies**.

Transfers Abroad

The GDPR imposes restrictions on the transfer of personal data outside the European Union, to third countries or international organisations, in order to ensure that the level of protection of individuals afforded by the GDPR is not undermined.

Your data may only be transferred abroad where MEL is assured that a third country, a territory or one or more specific sectors in the third country, or an international organisation ensures an adequate level of protection.

How we protect your personal data

Our processing of all personal data complies with the General Data Protection Regulation principles in line with data protection registration held with the Information Commissioners Office.

The personal data we hold may be held as an electronic record on data systems managed by MEL or as a paper record. These records are only accessed, seen and used as required and/or permitted by law by staff who need access

to personal data so they can do their jobs and other partner organisations under data sharing agreements.

The security of the data is assured through the implementation of MEL's policies on information governance management.

We make every effort to keep your personal information accurate and up to date, but in some cases we are reliant on you as the data subject to notify us of any necessary changes to your personal data. If you tell us of any changes in your circumstances, we can update the records with personal data you choose to share with us.

We will keep personal data for no longer than necessary.

Sharing personal data

So we can provide the right services at the right level, we may share your personal data within services with our client. This will be on a legitimate need to know basis only.

We may also share information, where necessary, to prevent, detect or assist in the investigation of fraud or criminal activity, to assist in the administration of justice, for the purposes of seeking legal advice or exercising or defending legal rights or as otherwise required by the law.

Where the data is used for analysis and publication by a recipient or third party, any publication will be on an anonymous basis, and will not make it possible to identify any individual. This will mean that the data ceases to become personal data.

Your rights

Under the UK GDPR, you have the right to:

- request access to, deletion of or correction of, your personal data held by us at no cost to you
- request that your personal data be transferred to another person (data portability)
- be informed of what data processing is taking place;
- restrict processing
- to object to processing of your personal data
- complain to a supervisory authority.

Automated Decision-Making and Profiling

In the event that we use personal data for the purposes of automated decision-making and those decisions have a legal (or similarly significant effect) on you, you have the right to challenge to such decisions under UK GDPR, requesting

human intervention, expressing their own point of view, and obtaining an explanation of the decision from us.

The right does not apply in the following circumstances: the decision is necessary for the entry into, or performance of, a contract between the you and us; the decision is authorised by law; or you have given you explicit consent.

Right to rectification and erasure

The GDPR extends and strengthens your rights as a data subject. Under the GDPR you have the right to rectification of inaccurate personal data and the right to request the erasure of your personal data. However, the right to erasure is not an absolute right and it may be that it is necessary for MEL to continue to process your personal data for a number of lawful and legitimate reasons.

Right to object

You have the right in certain circumstances to ask MEL to stop processing your personal data in relation to any MEL service. As set out above, you can decide that you do not wish to receive information from MEL about matters of policy affecting education, training and workforce. However, the right to object is not an absolute right and it may be that it is necessary in certain circumstances for MEL to continue to process your personal data for a number of lawful and legitimate reasons.

If you object to the way in which MEL is processing your personal information or if you wish to ask MEL to stop processing your personal data, please contact your relevant Local Office. However, if we do stop processing personal data about you, this may prevent MEL from providing the best possible service to you.

Subject Access

You can access a copy of the information MEL holds about you by writing or emailing MEL at the contact details at the bottom of this page.

Data Portability

The GDPR sets out the right for a data subject to have their personal data ported from one controller to another on request in certain circumstances. You should discuss any request for this with your local office.

If you want to complain about how we have used your personal data or to know more about how your information will be used, please contact your relevant Local Office.

Alternatively, MEL's Data Protection Officer can be contacted via the following email address

ed@momentumelearning.com

You can also contact the Information Commissioner if you have a complaint about our processing of your personal data:

The Office of the Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Your responsibilities

It is important that you work with us to ensure that the information we hold about you is accurate and up to date so please inform MEL if any of your personal data needs to be updated or corrected.

All communications from MEL will normally be by email. It is therefore essential for you to maintain an effective and secure email address or you may not receive information or other important news and information about your employment or training.

Contact Information

Registration number: ZA580297

Data controller: Momentum E-learning Ltd

Data Protection Officer: Mr Edward Steeds,
Momentum House, Unit 26 Pensilva Industrial Estate, St. Ive
Road, Pensilva, Liskeard, Cornwall, PL14 5RE,

Email: ed@momentumelearning.com

English Law

This policy, and any non-contractual obligations arising out of it, will be interpreted in accordance with English law. Any disputes may only be dealt with by the courts of England and Wales.