

Privacy Policy

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1 Policy Introduction

Welcome to the English Speaking Board (International) Ltd. (ESB International) Privacy Policy (“ESB International”, “we”, “us”, “our”). ESB International is an awarding organisation, registered at Companies House as a company limited by guarantee and having charitable status. We develop, deliver and award qualifications in the UK and internationally, as an awarding organisation, are regulated by Ofqual and CCEA Regulation.

We respect your privacy and are committed to protecting your personal data. This Privacy Policy explains how we look after your personal data (regardless of how it is provided to us) and tells you about your privacy rights and how the law protects you.

Please use the Glossary (section 3) to understand the meaning of some of the terms used in this Privacy Policy.

1.1 Purpose of the policy

This Privacy Policy aims to inform you how we collect and process your personal data, including any data you may provide to us. It is important that you read this Privacy Policy together with any other privacy notice or fair processing policy we may provide on specific occasions when we are collecting or processing personal data about you so that you are fully aware of how and why we are using your personal data.

1.2 Scope of the policy

This policy applies to all data subjects for whom ESB International processes personal information including but not limited to:

- Learners
- Centres, Satellite Centres, Venues
- Employees, Trustees, Members and Patrons
- Assessors, Markers and Writers
- Contractors
- Any other third parties

1.3 ESB International’s Controller responsibilities

For the purpose of the UK General Data Protection Regulation (UK GDPR) ESB International is either a controller or a joint controller of your personal data, dependent upon its lawful basis for processing and the nature of the person or organisation which provides it to us. As a controller, we are responsible for your personal data. If applicable, we will let you know which entity is a joint controller for your personal data when we engage with you.

For learners’ personal data, ESB International and the centre that the learners belong to, are joint controllers. The centre has a direct relationship with its learners and therefore the primary responsibility for complying with UK Data Protection Law obligations in relation to the learners’ data, and in particular, transparency obligations and individuals’ rights, sits with the centre. The centre is responsible for informing its learners how their personal data will be used and about their rights as data subjects.

1.4 Contact us

If you have any questions about this Privacy Policy or our privacy practices, please contact our Quality Assurance Manager, who is responsible for overseeing questions in relation to it, in the following ways:

Email address: qualityassurance@esbuk.org

Postal address: English Speaking Board (International) Limited, 9 Hattersley Court, Burscough Road, Ormskirk, L39 2AY.

Telephone number: 01695 573 439

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 (<https://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.

1.5 Changes to the Privacy Policy

ESB International will review this policy annually, to ensure its procedures and practices continue to meet legislative and regulatory compliance. If required, ESB International reserves the right to make changes at any time in line with customer and stakeholder feedback, changes in its practices as a result of actions from the regulatory authorities, external agencies, or in compliance with changes in government legislation.

Any changes to this policy will be approved by the Board of Trustees during quarterly meetings and communicated to all staff during monthly staff meetings.

The latest version of the policy is always available for all parties in scope on ESB International's website. An update notification will also be sent to all our centres, contractors, members and patrons. The centres are responsible for sharing this information with their satellite centres and venues, as applicable.

1.6 Your duty to inform us of changes

All individuals in scope (e.g. employees, trustees, contractors) providing us with their personal data have the responsibility to ensure that their own personal data, which we hold, is correct. All our centres are responsible for providing us with correct data for their organisation and correct personal data for their learners.

All our centres have the responsibility and the ability to ensure that their own personal data and that of their learners, which we hold, is correct. Should your centre and/or learners' data change please provide us with the relevant information by:

- Accessing [My Hub](#)
- Contacting customer@esbuk.org

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.

2. Your Personal Data

2.1 The data we collect about you

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).

We may collect, use, store and transfer different kinds of personal data about you which we have grouped together as follows:

- **Identity Data** includes first name, maiden name, last name, username or similar identifier, marital status, title, date of birth and gender.
- **Contact Data** includes billing address, delivery address, email address and telephone numbers.
- **Financial Data** includes bank account and payment card details.
- **Transaction Data** includes details about payments to and from you and other details of products and services which you have purchased from us.
- **Technical Data** includes internet protocol (IP) address, your login data, browser type and version, time zone setting and location, browser plug-in types and versions, operating system and platform, and other technology on the devices you use to access our website or our online qualifications suite
- **Profile Data** includes your username and password, bookings made by you, your interests, preferences, feedback, and survey responses.
- **Usage Data** includes information about how you use our website, products, and services.

- **Marketing and Communications Data** includes your preferences in receiving marketing from us and our third parties and your communication preferences.
- **Achievements Data** includes your prior educational achievements if you apply for Recognised Prior Learning (RPL) as well as your results from ESB International qualifications
- **Medical Information** as listed below in Special Categories personal data

We may also collect, use, and share **Aggregated Data** such as statistical or demographic data for any purpose.

Aggregated Data could be derived from your personal data but is not considered personal data in law as this data will **not** directly or indirectly reveal your identity. For example, we may aggregate your Usage Data to calculate the percentage of users accessing a specific website feature. However, if we combine or connect Aggregated Data with your personal data so that it can directly or indirectly identify you, we treat the combined data as personal data which will be used in accordance with this Privacy policy.

In respect of **Special Categories of Personal Data** about you (this includes details about your race or ethnicity, religious or philosophical beliefs, sex life, sexual orientation, political opinions, trade union membership, information about your health, and genetic and biometric data), we only collect:

- information about learners' medical conditions provided to centres in respect of learners' health, which is used only to consider whether any reasonable adjustments are appropriate in respect of our assessments.
- individuals medical information that may impact on their work assigned duties (i.e. staff, contractors etc.)

The UK GDPR gives extra protection to "personal data relating to criminal convictions and offences or related security measures". We refer to this as **criminal offence data**. ESB International collects the following data that belongs to this category:

- assessors basic disclosure and barring service check
- our Trustees 'fit and proper' persons declaration as required by the Charity Commission
- automatic disqualification declaration required by the Charity Commission by Trustees and senior managers
- Aside from data contained therein, we do not collect any information about criminal convictions and offences.

2.2 If you fail to provide personal data

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 perform the contract we have or are trying to enter into with you i.e., to enable you to make a booking with us so that we can provide our services. In this case, we may have to cancel a booking which you have made with us, but we will notify you if this is the case at the time.

2.3 How is your personal data collected?

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

- **Direct interactions.** You may give us your Identity, Contact and Financial Data by filling in forms or by corresponding with us by post, phone, email or otherwise. This includes personal data you provide when you make a booking; create an account on our website; subscribe to our services or publications; request marketing to be sent to you; enter a competition, promotion, or survey; or give us feedback or contact us.
- **Automated technologies or interactions.** As you interact with our website, we will automatically collect Technical Data about your equipment, browsing actions and patterns. We collect this personal data by using cookies, server logs and other similar technologies. We may also receive Technical Data about you if you visit other websites employing our cookies.
- **Third parties or publicly available sources.** We will receive personal data about you from various third parties and public sources as set out below:
 - Our commercial partners (including centres),
 - Assessors and Markers.

- Technical Data from analytics providers such as Google based outside the UK; advertising networks based inside or outside the UK and search information providers.
- Contact, Financial and Transaction Data from providers of technical, payment and delivery services based inside or outside the UK.
- Identity and Contact Data from data brokers or aggregators based inside or outside the UK.
- Identity and Contact Data from publicly available sources such as Companies House and the Electoral Register based inside the UK.

2.4 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 in the following circumstances:

Learners

- We will collect personal data relating to learners when a centre registers with us or places a booking for our products or services through one of our registered centres.
- We will also process personal data relating to learners to carry out our contract with the centre under whose terms we will assess or examine your learners to award relevant qualifications; in this case we require you/centres to obtain explicit consent to provide us with special category data as this may be required in the process of making reasonable adjustments.

Contractors and Employees

- When you apply to become an employee or contractor of ESB International, we will collect and process personal data relating to you to allow both you and us to fulfil our contractual obligations towards each other.
- We will also process personal data relating to you to carry out our contract with you under whose terms we will assess or examine your learners to award relevant qualifications; in this case we require you to obtain explicit consent to provide us with special category data as this may be required in the process of making reasonable adjustments.

Registered Centres

- We will collect personal data relating to your staff and contractors (on whose behalf you are a data controller) when you register with us or place a booking for our products or services.
- We will also process personal data relating to your learners (on whose behalf you are a data controller) to carry out our contract with you and any learner under whose terms we will assess your learners to award relevant qualifications; in this case we require you to obtain explicit consent to provide us with special category data as this may be required in the process of making reasonable adjustments.

Assessors, Markers and Writers

- We will collect personal data relating to you when you apply to become an Assessor, Marker or Writer. If you enter into a contract with us to provide services on our behalf, we will process your personal data to allow us both to fulfil our contractual obligations towards each other.

Patrons, Members & Trustees

- We will collect personal data relating to you when you apply to become a Patron or Trustee of ESB International, and in order to carry out our legal obligations to you according to our Articles of Incorporation and associated memorandum. We will collect personal data relating to you when you apply to become a Patron, Member or Trustee of ESB International, and in order to carry out our legal obligations to you according to our Articles of Incorporation and associated memorandum. For Trustees this includes 'fit and proper person and disqualification data' which may fall under a Special Category of Personal Data or Criminal Offence Data.

Generally

- We will also collect personal data relating to you when you voluntarily complete surveys, provide feedback or articles.
- We will also process personal data where it is necessary for our legitimate interests (or those of a third party) and the interests and fundamental rights of any data subject (including learners) do not override those interests or where we need to comply with a legal obligation.

Please see the Glossary (section 3) to find out more about the types of lawful basis that we will rely on to process personal data.

Generally, we do not rely on consent as a legal basis for processing personal data, although we will obtain consent before sending third party direct marketing communications via email or text message. Consent for direct marketing can be withdrawn at any time and for any reason by contacting us at: business@esbuk.org

2.5 Purposes for which we will use your personal data

Whether it be for registration of your details in any capacity, process and delivery of qualifications or services, managing our relationship with you, administering our business, delivering content or materials or to analyse and develop our business and services, we may process your data on a lawful basis on the basis of a legitimate interest.

This may be for performance of a contract with you, necessary for our legitimate interests, compliance with a legal or regulatory obligation, necessary for our legitimate interests (to study how customers use our products/services, to develop them and grow our business or for running and developing our business, provision of administration and IT services, network security, to prevent fraud and in the context of a business reorganisation or group restructuring exercise for example). In order to make reasonable adjustments for learners, it is necessary for our legitimate interests to collect learners' special category data. This information needs to be provided to us by the centre on the explicit consent basis.

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 personal data. Please contact us if you need details about the specific legal ground we are relying on to process your personal data.

2.6 Change of purpose

We will only use your personal data for the purposes for which we originally 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.

2.7 Promotional offers from us and third-party marketing

We may use your Identity, Contact, Technical, Usage and Profile Data to form a view on what we think you may want or need, or what may be of interest to you. This is how we decide which products, services and offers may be relevant for you (we call this marketing). You will receive marketing communications from us if you have requested information from us or made a booking with us and have not opted out of receiving that marketing.

Opting out

You can ask us, or third parties to stop sending you marketing messages at any time by contacting us at any time and for any reason at: business@esbuk.org. Where you opt out of receiving these marketing messages, this will not apply to personal data provided to us as a result of a booking or other transaction.

2.8 Our Website

Cookies

You can set your browser to refuse all or some browser cookies, or to alert you when websites set or access cookies. If you disable or refuse cookies, please note that some parts of our website esbuk.org may become inaccessible or not function properly.

Third-party links

Our website esbuk.org may include links to third-party websites, plug-ins, and applications. Clicking on those links or enabling those connections may allow third parties to collect or share data about you. We do not control these third-party websites and are not responsible for their privacy statements. When you leave our website, we encourage you to read the privacy policy of every website you visit.

2.9 Disclosures of your personal data

We may disclose your data to External Third Parties (as set out in the Glossary – section 3), and 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 Policy. 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.

2.10 International transfers

Unless it is required for our third parties based outside the UK to process your data on our behalf, we do not transfer your personal data outside the UK, save for where our registered centres are based outside the UK and then only to such centres in respect of learners registered by them.

2.11 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.

2.12 Data Retention: How long will you use my personal data for?

We will only retain your personal data for as long as reasonably necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, regulatory, tax, accounting or reporting requirements, including our obligations to Ofqual, CCEA Regulation, UCAS and DfE. We may retain your personal data for a longer period in the event of a complaint or if we reasonably believe there is a prospect of litigation in respect to our relationship with you. To determine the appropriate retention period for personal data, we consider the amount, nature and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal, regulatory, tax, accounting, or other requirements.

In some circumstances you can ask us to delete your personal data: see “your legal rights” below for further information. In some circumstances we will anonymise your personal data (so that it can no longer be associated

with you) for research or statistical purposes, in which case we may use this information indefinitely without further notice to you.

Table 1 shows documents for which the retention periods are prescribed by law:

Record	Statutory Retention Period	Authority
Accounting	Private companies – 3 years from the date they were made; Public companies – 6 years from the date they were made.	s. 388 Companies Act 2006 Note that accounting records may be required to be kept for longer periods under other legislation or for tax reasons.
Income Tax, NI returns, HMRC correspondence	3 years after the end of the financial year	The Income Tax (Employments) Regulations 1993
Retirement Benefits Schemes	6 years from the end of the scheme year	The Retirement Benefits Schemes (Information Powers) Regulations 1995
Statutory Maternity Pay (calculations, certificates, medical evidence)	3 years after the end on the tax year in which the period ends	The Statutory Maternity Pay (General) Regulations 1986
Wage/salary (overtime, bonuses, expenses)	6 years	Taxes Management Act 1970
NMW	3 years after the end of the consequent pay reference period	National Minimum Wage Act 1998
Working time	2 years after they are made	The Working Time Regulations 1998

Table 2 shows recommended retention periods:

Record	Recommended Retention Period
Application forms and interview notes	6 months to a year
Assessments under health and safety regulations and records of consultations with safety representatives and committees	Permanently
Inland Revenue/HMRC approvals	Permanently
Money purchase details	6 years after transfer or value taken
Parental leave	Until child is 18 (birth/adoption)
Pension scheme investment policies	12 years from the ending of any benefit payable under the policy
Pensioners' records	12 years after end of benefit
Personnel files, training records (disciplinary records, grievance records)	6 years after end of employment
Redundancy details, calculations of payments, refunds, notification to the Secretary of State	6 years after date of redundancy
Statutory Sick Pay records, calculations, certificates, self-certificates	at least 3 months after the end of the period of sick leave, but 6 years after the employment ceases advisable

2.13 Your Legal Rights

Under certain circumstances, you have rights under data protection law in relation to your personal data. Please see below to find out more about them. If you wish to exercise any of the rights set out below, please contact qualityassurance@esbuk.org. 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 could refuse to comply with your request in these circumstances.

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.

We try to respond to all legitimate requests within one month. Occasionally it could 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.

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 local law. Note, however, that we may not always be able to comply with your request of erasure for specific legal reasons which will be notified to you, if applicable, at the time of your request.

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 freedoms.

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:

- If you want us to establish the accuracy of the data.
- Where our use of the data is unlawful but you do not want us to erase it.
- 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.
- You have objected to our use of your personal 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.

3. Glossary

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 personal 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 obligation means processing your personal data where it is necessary for compliance with a legal or regulatory obligation that we are subject to.

External Third Parties

- Service providers acting as processors who provide IT and system administration services.
- Professional advisers acting as processors or joint controllers including lawyers, bankers, auditors and insurers based in the UK who provide consultancy, banking, legal, insurance and accounting services.
- HM Revenue & Customs, regulators including Ofqual, CCEA Regulation and other authorities acting as processors or joint controllers based in the United Kingdom who require reporting of processing activities in certain circumstances (e.g. UCAS, Department for Education).

4. Legislation

ESB International is committed to keeping up to date with the latest legislation, in accordance with UK government issued laws that seek to protect individuals' data, namely:

- [UK General Data Protection Regulation 2022 \(UK GDPR\)](#)
- [Data Protection Act 2018](#)
- [The Privacy and Electronic Communications Regulations 2003 \(PECR\)](#)

Revision No	Change to previous release
4	<p>Reference to EU (or EEA) replaced with UK where applicable due to data protection law changes related to Brexit</p> <p>1.2 policy scope added</p> <p>1.5 Changes to the privacy policy – information added</p> <p>1.6 means of contact for data updates provided</p> <p>2.1 Data sets updated:</p> <p>Technical Data – online qualifications information added</p> <p>Achievements Data and Medical Data - added</p> <p>Special Categories Personal Data – reworded, bullet point 2 added</p> <p>Criminal offence data separated from special category personal data</p> <p>2.10 updated to replace the EEA with the UK and added reference to third parties based outside the UK</p>
5	<p>Section 1 updated to clarify joint controllers' responsibilities, ICO link added, information about policy approval and communications added, patrons and writers added to policy scope</p> <p>2.3 EU location replaced by UK for third parties and publicly available sources of data collection,</p> <p>2.4 and 2.7 Email address for consent marketing updated</p> <p>2.5 clarified legal basis for processing</p> <p>2.12 added details of DfE and UCAS as data collectors</p> <p>Section 4 links to legislation added</p>
6	<p>Section 1 CCEA updated to CCEA Regulation; references to Qualification Wales removed</p> <p>Section 2.12 Retention periods added</p>