

# Fair Processing Notice

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## 1. Overview

1.1 The General Data Protection Regulation (GDPR) regulates the processing of personal data in any format by ACLT, including both digital and hard copy personal data. 'Personal data' is any information relating to a living individual, and 'processing' is any activity carried out involving personal data, including holding and storing it.

1.2 This statement establishes ACLT's procedures governing the collection processing and release of student data and is provided to students at the application stage. It may also be found on the ACL website. It includes information about how student data is used, and when it is supplied by ACLT to other external parties.

1.3 ACLT is the data controller for all personal data that it holds and processes, except where it is done in the capacity of a data processor on behalf of another data controller. ACLT's contact details are:

Herringbone House  
Lion Road  
Palgrave  
Diss, Norfolk  
IP22 1AL

1.4 Requests or queries under this policy should be directed to the Head of Operations:

ACL Training  
Herringbone House  
Lion Road  
Palgrave  
Diss Norfolk  
IP22 1AL  
[enquiries@costslawyer.co.uk](mailto:enquiries@costslawyer.co.uk)

Tel: 0203 174 0967

## 2. Notification to applicants and registered students

2.1 ACLT may obtain, hold and process the personal data of students including personal details, family and social circumstances, education and training records, employment information, financial details, and services provided. It may obtain, hold and process the special category data of students including racial or ethnic origin, religious or philosophical beliefs, biometric data, and physical or mental health.

2.2 Personal data and sensitive personal data/special category data held by ACLT relating to students is obtained directly from the student or applicant, or in some cases from a third party organisation involved in the services provided by ACLT that has obtained the information in the first instance, for example employers sponsoring students on the costs lawyer qualification.

2.3 ACLT holds the special category data of its students in order to implement and manage all services and processes relating to students, including student recruitment, admission, registration, teaching and learning, examination, and other services such as student support. Only information required for these purposes is obtained and processed, and without it ACLT may not be able to provide its services. Information is passed between various sections of ACLT for operational reasons as is necessary and proportionate for intended purposes.

2.4 Student personal data is collected and processed by ACLT as it is necessary for the performance of the contract under which ACLT provides services to students. Some processing activities may also be carried out under a legal obligation (for example, disclosing personal data to external parties under statutory powers), where it is necessary to protect the vital interests of the student or another party (for example, disclosures to external parties to ensure the safety and wellbeing of individuals), where it is necessary for the performance of a task carried out in the public interest or in the exercise of official authority (for example, collecting or disclosing information in order to meet regulatory or statutory requirements), or where it is necessary for legitimate interests pursued by ACLT or a third party (the legitimate interests will relate to the efficient, lawful and proportionate delivery of services and will not be to the detriment of the interests or rights of individuals). Where any of these legal bases do not apply, the consent of an individual to process their personal data will be sought.

2.5 Where students' sensitive personal data/special category data is collected and processed by ACLT this will be on the legal basis of explicit consent of the student, employment or social security/protection requirements, protecting the vital interests of the student or another party, the exercise or defence of a legal claim, reasons of substantial public interest, purposes of medical or health care, or where the information has been made public by the student. Any processing will be proportionate and relate to the

provision of services by ACLT. When this data is used for monitoring and reporting purposes it will be anonymised if possible.

2.6 ACLT may disclose student's personal data and sensitive personal data/special category data to external agencies to which it has obligations; for example for visa and immigration purposes, and to other arms of central or local government, to the Cost Lawyer Standards Board, Association of Costs Lawyers and potentially other such organisations for defined purposes. It may also disclose information to examining bodies, legal representatives, Police or security agencies, suppliers or service providers and regulatory authorities.

If students have unpaid debts to ACLT at the end of their course, or period of study, ACLT may, at its discretion, pass this information to debt collecting agencies in order to pursue the debt.

2.7 ACLT also uses students' personal data as follows:

- a Provide progress reports to sponsors of students (usually with express consent of the student).
- b Provide references to education institutions and employers, usually with the consent of the student.
- c Publication of the names of qualifying students in the award ceremony programme and in the Costs Lawyer magazine.
- d Disclose information about students for the purpose of promoting ACLT,
- e For the purposes of plagiarism detection, utilising on-line plagiarism detection service.
- f Disclosing information to external parties for safeguarding and duty of care purposes, for example to medical practitioners and law enforcement agencies.
- g To pass to ACL in order to produce qualification certificates and transcripts for students.
- h Subject to review on a case-by-case basis, providing contact details to third party companies and organisations formally engaged by ACLT to provide enhanced levels of service to support core activities.

2.8 ACLT requires all costs lawyer qualification students to participate in its attendance monitoring system. For some student groups it is a statutory requirement that ACLT to monitor attendance.

2.9 Upon qualification, all students may become members of the Association of Costs Lawyers. They receive the opportunity to remain in touch with fellow

students and to be kept up to date on ACL and ACLT news, events, products, services and opportunities.. If you do not wish to receive these communications you must notify ACLT – this can be done at any time after qualification.

2.10 In some instances ACLT may transfer students' personal data to third parties located in other countries, including some outside of the European Economic Area. Any such transfers will be strictly in relation to the delivery of the ACLT's core services, including to partner institutions abroad. IT services used by the ACLT may involve the transfer or hosting of student personal data overseas. All instances of overseas transfers of personal data are subject to appropriate technical safeguards and contractual provisions incorporating appropriate assurances to ensure the security of the data and full compliance with legislative and regulatory requirements.

2.11 Some sections of ACLT undertake processes involving applicant or student personal data that include elements of profiling or automated decision-making. Examples are marketing, Student Recruitment and Admissions, where these processes are employed to determine the nature of communications sent to individuals and to facilitate student recruitment and admissions procedures.

2.12 A basic academic record for individual students will be kept permanently by the ACLT, with more detailed records kept for defined retention periods (please see the ACLT Data Retention Rules).

2.13 If you have any queries about the use of student personal data outlined above then please contact Operations ([enquiries@costslawyer.co.uk](mailto:enquiries@costslawyer.co.uk) or tel: 0203 174 0967).

### **3. Individual rights**

3.1 Individuals whose personal data and sensitive personal data/special category data is held by ACLT have the following rights regarding their data:

- a) The right to request access to their personal data held by ACLT.
- b) The right to have inaccurate or incomplete personal data rectified.
- c) The right to erasure of personal data – this will only apply where there is no legitimate reason for ACLT to continue to process the personal data. There will usually be a requirement for ACLT to keep a basic student record indefinitely.

- d) The right to restrict the processing of personal data – individuals have the right to block the processing of their personal data by ACLT in specific situations.
- e) The right to data portability – students have the right to request provision of some elements of their information (for example academic progress details) in digital form in order to provide it to other organisations.
- f) The right to object – students can object to the processing of their personal data by ACLT in certain circumstances, including the sending and receipt of direct marketing material.
- g) The right to object to automated decision making and profiling – individuals have the right to object to decisions taken by automatic means without human intervention in some circumstances.

All requests to exercise any of these rights should be made to the Head of Operations.

3.2 Where the processing of personal data or sensitive personal data/special category data is based on the consent of the student, they have the right to withdraw their consent at any time by contacting the Operations Manager.

3.3 If a student is unhappy with ACLT's handling of their personal data, or believes that the requirements of the GDPR may not be fully complied with, they should contact the Operations Manager in the first instance. ACLT's formal complaint procedure can be invoked if appropriate, and they also have the right to submit a complaint to the Information Commissioner's Office; further details can be found at [www.ico.org.uk](http://www.ico.org.uk).

## **4. Monitoring of IT systems and accounts**

4.1 Students should also be aware that, in certain circumstances, ACLT may monitor usage of its IT systems and access user information on its systems and networks that is normally private. Any institutional monitoring or access will comply with UK legislation including the Regulation of Investigatory Powers Act 2000, Human Rights Act 1998, and the GDPR. Where necessary any access or monitoring will be justifiable, fair and proportionate.

## **5. Declaration**

Students are deemed to make the following declaration upon enrolment:

*I understand that by signing my enrolment form (electronically or on paper) I consent to the uses of my personal data as described above.*