



PRIVACY NOTICE

Fresh Start Direct Limited
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This Privacy Notice sets out how the Company uses and protects any information that you provide or which we gather or is submitted to us.

1. INTRODUCTION

Fresh Start Direct Ltd is a specialist Online Education Service. We work with to a high standard of Safeguarding and Data Protection.

The services of the Company are commissioned by Parents or Carers, Businesses, Local Authority Departments, Schools and Colleges. All data processed by the Company is for the purpose of fulfilling our Contract with the Client who commissions our services.

The Company's purpose is to engage with students in a way that will make learning easy and fun where the student needs support. Every student has their own learning plan, designed just for them. Progress is continually assessed and made available to the Client through our online Portal. On receipt of an enquiry we arrange an online video Consultation with the client and student to explain our service and to see how we can help the student.

The Data Protection Officer can be contacted by emailing dataprotectionofficer@freshstart.direct or by writing to: The Data Protection Officer, Fresh Start Direct Ltd, Church House, Sandgate Road, Folkestone, Kent CT20 2BY.

2. DEFINITIONS USED IN THIS PRIVACY NOTICE

- Fresh Start Direct Ltd will be referred to as 'the Company' throughout the Privacy Notice
- The term 'staff' is used to cover all Company employees, e-Tutors, contractors and workers
- The term 'student' is used to cover any learner placed with the Company
- The term 'Client' refers to person or body that commissions the services of the Company to work with a student or students
- An 'Identifiable Natural Person' is one who can be identified, directly or indirectly, in particular, by reference to an identifier such as a name, an identification number, location data, an online identifier, or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural, or social identity of that natural person
- A 'Data Subject' is the identified or Identifiable Natural Person to which the data refers
- 'Data Controller' is a natural or legal person, Public Authority, Agency or other body which, alone or jointly with others, determines the purpose and means of the Processing of Personal Data
- A 'Data Processor' is a natural or legal person, Public Authority, Agency or other body which Processes Personal Data on behalf of a Data Controller
- 'Personal Data' is any information that relates to a living individual who can be identified from that information
- The term 'Information' refers to any fact or detail which is not 'Personal Data'
- The term 'Mobile Data' refers to data communicated wirelessly between a hand held and or a portable device(s)
- The 'Data Protection Officer' (DPO) may be contacted in writing to the Data Protection Officer, Fresh Start Direct Ltd, Church House, Sandgate Road, Folkestone, Kent. CT20 2BY, or by email: dataprotectionofficer@freshstart.direct
- The terms 'processing', 'process' or 'processed' are used to cover any operation or set of operations performed on Personal Data or on sets of Personal Data, whether or not by automated means. Operations performed may include collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

3. WHY WE NEED TO COLLECT AND PROCESS PERSONAL INFORMATION

Personal Data is processed as necessary by the Company's staff to ensure that the students we work with get the maximum benefit from their time with us and are safeguarded effectively. We collect Personal Data that is submitted to us by the Client, including where applicable the details of the Client and their staff, and also during our Consultation to ensure that we have a full understanding of the student's needs and aspirations. We use this Personal Data to help us choose the most suitable e-Tutor and to design a bespoke Learning Plan to ensure that the student receives the best opportunities to achieve goals set.

3.1. Students and their Parents/Carers, where the parents/carers are not the client

We keep Personal Data relating to the referral or placement of a student in order to:

- Perform the Contract that we have with the Client and in order to pursue the legitimate business interests of the Company
- Review and assess the effectiveness of the service
- Ensure that we can respond effectively to any questions about the behaviour or progress of students, and the effectiveness of staff or the Company's service
- Ensure that we can properly respond to any safeguarding or legal concerns or enquiries at any time.

Students and their parents/carers Personal Data is never used for direct marketing purposes. Apart from contact with students and their parents/carers during the course of lessons, the only other contact we may have will be to obtain feedback in connection with lessons.

3.2. Clients

Information and or Personal Data, that we hold on Clients, is collected and held to ensure that we can fulfil any Contract, and for the legitimate business interests of the Company. Contact information may be used for direct marketing from time to time to keep Clients and potential Clients up to date with our services. Clients can choose to opt out from these communications if they wish.

4. THE INFORMATION WE MAY COLLECT, HOLD AND PROCESS ON A DATA SUBJECT

The information that we may collect, hold and process on a Data Subject will depend entirely on their relationship with us. For example, most of the information we hold is about students. This covers education, engagement, behaviour, special needs, abilities, and any other relevant information. Personal Data relating to parents/carers is generally limited to contact information and correspondence but may include additional Personal Data as required to perform a Contract, or fulfil our legal obligations. We do not use the Personal Data of parents/carers or others involved with a student's life or wellbeing, for marketing purposes.

The only information that we hold for marketing purposes relates to Clients whom we keep up to date with existing and new services that we offer, with the option to opt out. See **section 5** for information on how we use Personal Data.

We have listed the three main groups together with the information that we collect, hold, and process:

	Category of Personal Data	Purpose of Processing	Legal Basis for Processing
Students	Names, addresses, date of birth, telephone numbers, email addresses, next of kin, emergency contact details, education history and plans, religion, disabilities, physical and mental health, medication, gender, sexual orientation, marital status, ethnicity, nationality, relatives' and or carers' contact details, social services contact details and role, Police and other official involvement, general educational and social history, court history and orders, financial information, social media history and interactions.	<p>Future and current students: Fulfilment of our Contract with the referring Client.</p> <p>Past students: Safeguarding and Child Protection, educational, behavioural and engagement history and attainment.</p> <p>Students may be contacted from time to time to provide feedback or to enter competitions to assess the effectiveness of the Company's service and as part of the Company's continual improvement and Quality Assurance.</p>	Legitimate Business Interest, Legal Obligation, Public Interest, Vital Interest, Statistical Research and Processing.
Parents/Carers (where the parents/carers are not the Client)	Names, telephone numbers, email addresses and email letter and telephone correspondence and any information provided by the Client.	<p>Fulfilment of the Contract with the Client.</p> <p>Safeguarding and Child Protection.</p> <p>Parents/Carers may be contacted from time to time to provide feedback on the effectiveness of the Company's service and as part of the Company's continual improvement and Quality and Assurance.</p>	Legitimate Business Interest, Legal Obligation, Public Interest, and Vital interest.
Clients	Names, telephone number, email addresses, office address, job title, employer, email, letter and telephone correspondence, contract(s), tenders, tender submissions, preferences and interests, general financial information relating to the client, payment terms and efficiency, usage of the Company's website.	<p>Fulfilment of Contract with the Client.</p> <p>Safeguarding, Child Protection, Behaviour Management, Reporting, Statistical Analysis and Review, and Quality Assurance.</p>	Legitimate Business Interest, Legal Obligation, Public Interest, Vital Interest, Research, and Statistical Purposes.

5. HOW WE USE YOUR PERSONAL DATA

5.1. Students

We use your Personal Data to:

- Contact you by email, phone or letter in connection with our work with you
- To choose a suitable e-Tutor to work online with you
- Prepare a Learning Plan and to review and update this during your time with us
- Report on your progress to the Client, including examples of work that you have done, behaviour, attendance and any other matters relating to your safety or education
- Liaise with your school, college or place of learning or employment, where necessary
- Contact your parents/carers in an emergency, or for information and assistance in fulfilling our Contract with the Client
- Gain feedback on how you feel the service has worked or is working for you
- Compare the results of different groups of students with each other by age, location, ethnicity, and any other factor required by law or during any legitimate inspection of, or enquiry about, the service, by a Client
- Maintain a record of your time with us to respond to any legitimate enquiries
- Perform the requirements of our Contract with the Client
- Fulfil the legitimate interests of the business
- To comply with legal and regulatory requirements
- Statistical analysis, research, and the development of products and or service(s)

5.2. Parents and/Carers (where the parents/carers are not the Client)

We use your Personal Data to contact you about the student, in order to fulfil our legal and regulatory obligations. This Personal Data will be used to:

- Contact you about the student by email, phone or letter
- Maintain Safeguarding for the lessons
- Collect feedback from you about the service
- Keep records of conversations and correspondence
- Perform the requirements of our Contract with the Client
- Fulfil the legitimate interests of the business
- To comply with legal and regulatory requirements
- Statistical analysis, research, and the development of products and or service(s)

5.3. Clients

Information on those who commission our services or who may commission our services is used to:

- Contact you about a student by email, phone or letter
- Keep records of conversations and correspondence
- Perform the requirements of our Contract with you
- Fulfil the legitimate interests of the business
- To comply with legal and regulatory requirements
- Collect feedback from you about the service
- Statistical analysis, research, and the development of products and or service(s)
- To contact you about the service or potential use of the service and any changes.

6. HOW WE COLLECT YOUR PERSONAL DATA

6.1. Students

We collect your Personal Data when a Client refers you to us and we may collect further data during lessons and any communication.

6.2. Parents/Carers (where the parents/carers are not the Client)

We are provided with your Personal Data by the Client, and during our meetings with you or correspondence with you. This may be from face to face meetings, documents provided to us by the Client, telephone calls or corresponding between us by any means.

6.3. Clients

Information is gathered from direct contact by you with us, by telephone, email or letter, online meeting, a Booking or Registration Form, Reports, or your corresponding with us including any enquiry forms that you complete, marketing events you attend where we have a presence; for example, a trade show and or conferences, mailing lists from third parties to which you have subscribed, our own research of information that is in the public domain or public sources, but in all cases only as permitted by applicable law. This also includes any information you may provide through our Client Portal and this may include technical information such as IP Address, login information, username, browser information including plug-ins, page interaction information, and usage methods, URL, dates and times of visits.

7. DISCLOSURE OF YOUR PERSONAL DATA

7.1. Students

We are appointed by a Client for our services to work with you. We will share information about your progress to inform them about how you are doing. This information may include some or all of the following:

- Your attendance at lessons, including time keeping and any absences
- How you engage with us and how you get on with learning, together with examples of work that you do
- How you behave and your general attitude
- Any concerns we have about your safety
- Conversations that we have had with your parents/carers about you
- Information that we are legally required to give
- Any information necessary to fulfil the requirements of the Contract that we have with the Client.

7.2. Parents/Carers (where the parents/carers are not the Client)

We will only disclose information about you to our staff and the Client in connection with the engagement, education and safety of the student and others associated with them, and in order to perform the Contract, unless required otherwise by law.

7.3. Client

Information about the Client is shared with staff and member companies within the group only, unless otherwise instructed in order to perform a Contract, with prior agreement, or as required by law.

8. DATA RETENTION

We may retain Personal Data about any Data Subject party to any Contract or referral for up to 85 years. However, information is only held for as long as necessary except as required by law, and for our lawful business processing. We regularly review our records to ensure that we only retain Personal Data for as long as necessary for the purposes set out in this Privacy Notice.

Where we no longer need Personal Data, we will dispose of it, or anonymise it so that the Data Subject is no longer identifiable, or delete it in a secure manner, without further notice to you.

9. AUTOMATED DECISIONS

We do not use Personal Data to make automated decisions.

10. MOBILE DATA

The main use of Mobile Data is to fulfil the requirements of our Lone Working Policy to ensure the safety of staff and students. This is done using a secure web browser on a mobile device and access to Personal Data is strictly limited to names and times of arrival and departure. For all uses of Mobile Data, password protection and encryption are used to ensure data cannot be breached and that individuals cannot be identified.

11. MARKETING

We do not use the Personal Data of any student, non-Client parents or carers, for marketing purposes. Persons or bodies that commission our services and those that could benefit from doing so may receive information on services, updates, information and news items from time to time, with the option to opt out from these if preferred.

12. TRANSFER OF DATA OUTSIDE THE EUROPEAN ECONOMIC AREA

No Personal Data is transferred outside the European Economic Area.

13. STORAGE AND SECURITY OF PERSONAL DATA

The security and storage of your Personal Data is very important to us. The Personal Data we collect from you is stored on secure servers, protected through a combination of physical and electronic access controls, firewall technology and other security measures. In addition, when we create payment instructions and pass them to our banking partners, they will be encrypted using secure technology.

We have put measures in place to guard against unauthorised or unlawful processing and against accidental loss, destruction or damage.

If you contact us, we may ask some questions to establish your identity and will not disclose any personal information, under any circumstances, unless we are satisfied that you are who you claim to be.

Although we use market standard security software to protect Personal Data, we cannot guarantee the security of Personal Data transmitted by you to our websites, secure portals, applications or services any transmission is at your own risk.

Once we have your Personal Data, we use strict procedures and security features to prevent unauthorised access. If you have a user name and password to access certain areas of our websites, applications or services, please keep these confidential.

We do not have access to passwords. If you believe your account has been compromised, please contact the DPO immediately at dataprotectionofficer@freshstart.direct.

In the event of any Data breach the relevant parties will be contacted within the requirements of the law.

14. COOKIES

Our website(s) may use Cookies to distinguish visitors from other users of the website and to help us to improve our website, applications and services.

15. YOUR INFORMATION AND RIGHTS

You have the following rights:

- To be informed about how we obtain and use Personal Data

- To ask for a copy of the Personal Data that we hold about you
- To have your information rectified
- To request us to restrict processing of your Personal Data
- To request to have your information erased (right to be forgotten)
- To object to the processing of your information; for example, for direct marketing purposes
- To have Personal Data you provided to us, returned to you or sent directly to another company, in a structured, commonly used and machine-readable format where technically feasible (Data Portability)
- Where the processing of your Personal Data is based on your consent, the right at any time to withdraw that consent
- To object to any decisions based on the automated processing of your Personal Data, including profiling
- To lodge a complaint with the Information Commissioner's Office (ICO), the supervisory authority responsible for Data Protection matters.

If you withdraw your consent to the processing of your Personal Data, where the processing of your Personal Data was based on your consent, or you ask for your Personal Data to be erased, we may not be able to comply if you are linked with a student with whom we are working or have worked.

Should you want to exercise any of your rights, please contact the DPO:
dataprotectionofficer@freshstart.direct

All formal requests for access to, or changes to Personal Data, must be made in writing. We will need a recognised form of Proof of Identity before we can consider any request, in order to ensure that we are dealing with the Data Subject.

16. ELECTRONIC MAIL CONTAINING PERSONAL DATA

You may, from time to time, send Personal Data to us electronically. We are not responsible for the way in which you handle Personal Data. We recommend, where possible, that you communicate using either secure or encrypted email, registered post, or a secure portal or using encrypted files.

When we communicate personal information with you through electronic means, we will ensure that it is done securely using either encrypted files or secure messaging via our Client Portal.

To access our Client Portal, you are required to be a Client and Registered Authorised User with a Username and Password.

17. CHANGES TO OUR PRIVACY NOTICE

We may change, modify or adjust this Privacy Notice from time to time; however, we will not reduce your rights under this Notice.

Our Privacy Notice will be kept up to date and can be found on our website www.freshstart.direct. Copies are also available from us by post, please contact the DPO at the address in Point 18.

If you have any concerns about the way in which we collect or use your Personal Data you may also contact the ICO directly at <https://ico.org.uk/concerns/>.

18. CONTACT US

We take your privacy and protection of your Personal Data very seriously. If you have any questions or comments about the way in which we collect or use your Personal Data, please contact the DPO either in writing:

The Data Protection Officer
Fresh Start Direct Ltd
Church House,
Sandgate Road,
Folkestone
Kent
CT20 2BY

or by email: dataprotectionofficer@freshstart.direct

Our Data Protection Policy, of which this Privacy Notice forms part, is available upon request.

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