

NTP/Tribal Privacy Notice

Background

Tutor Trust is taking part in the National Tutoring Programme (NTP) as one of the approved Tuition Providers (TPs). You are receiving this privacy notice because you are part of the tutoring programme delivering NTP tuition in schools.

As a TP of the NTP, it is a requirement that Tutor Trust are quality assured by Tribal Education Limited ("Tribal") on behalf of the Department for Education (DfE). For Tribal to undertake quality assurance of Tutor Trust, we must provide Tribal with specific data. The provision of this data is a condition to retain our approval as a TP.

Purpose

Tribal will collect data from Tutor Trust on behalf of the DfE as its data processor, and share this data with the DfE, in order to undertake rigorous quality assurance in accordance with the TP criteria and Quality Assurance Framework. This will enable Tribal and/or the DfE to each use the data in order to:

- monitor performance of each TP
- quality assure each TP against the application and Quality Assurance Framework
- evaluate the effectiveness of the NTP Tuition Partner programme
- identify good practice and opportunities to improve the NTP TP delivery model
- provide confidence and security for schools, parents, Government and the wider public that organisations delivering NTP funded services have robust safeguarding and safer recruitment processes in place and that these are compliant with all relevant statutory and programme requirements

The analysis and evaluation of data shared with Tribal by Tutor Trust will directly inform the review of performance and quality of delivery against the framework requirements, and any improvements to the delivery of tuition in schools.

How will Tribal and the DfE use data provided by Tutor Trust?

Each party shall comply with Applicable Data Protection Legislation. Tribal will collect, store and share with the DfE data from Tribal's quality assurance of Tutor Trust, and we (i.e. DfE and/or Tribal) will:

- analyse and report on data, including personal data, to understand the characteristics of tutors employed by TPs and how they might be deployed; and
- link and match this data with other information that already exists and to which access is lawfully permitted, for example regional economic information. This enables the analysis of the longer-term benefits of the NTP programme, for example how TPs develop and grow in terms of national and regional coverage. This means we can avoid asking TPs to give us the same information twice.

Tribal and the DfE will also use data shared by TPs, including personal data, for the purpose of audits and spot checks, to ensure that TPs are at all times compliant with statutory and programme requirements in relation to safeguarding and safer recruitment, and for the purpose of monitoring and investigating any concerns arising in relation to safeguarding and safer recruitment.

Lawful basis for sharing/processing data

Tribal and the DfE will only share and use data provided by Tutor Trust in a lawful, fair and transparent manner in conformance with Applicable Data Protection Legislation and the Human Rights Act (HRA)

1998. The Data Protection Act 2018 (DPA) states “personal data shall be processed fairly and lawfully”. In particular, personal data shall not be processed under Article 6.1 (e) of the UK GDPR unless:

- a) at least one of the conditions in Section 8 of the DPA is met, and
- b) in the case of special category personal data, at least one of the conditions in Schedule 1 of the DPA is also met.

The conditions under which it is lawful for this to happen are set out in:

- Chapter 2, Article 6 (1) of the UK GDPR (Lawfulness of processing): In Article 6(1) of the UK GDPR (Lawfulness of processing), the reference in point (e) to processing of personal data that is necessary for the performance of a task carried out in the public interest or in the exercise of the controller’s official authority includes for the purposes of this DPA the processing of personal data that is necessary for the exercise of a function of the Crown, a Minister of the Crown or a government department (Schedule 1, Part 2, 6 (2) b) of the DPA.

Tribal and the DfE require TPs to provide data which will be shared between Tribal and the DfE in order to undertake rigorous quality assurance, including ensuring TPs meet safeguarding and safer recruitment requirements, the requirements of the Tuition Partner Quality Assurance Framework and offer value for money to schools.

Tribal and DfE will only share, use and disclose data (in the case of Tribal, acting as processor for the DfE) provided to Tribal by TPs where Applicable Data Protection Legislation allows it. Tribal and the DfE will share, use and disclose data, including personal data, for the purposes of research, evaluation, planning and statistical analysis that is in the public interest. By undertaking these activities, Tribal and the DfE will be able to provide confidence and security for schools, parents, the Government and the wider public that all TPs undergo rigorous quality assurance and that organisations delivering NTP funded services have robust safeguarding and safer recruitment processes in place and that these are compliant with all relevant statutory and programme requirements

Data Handling/Processing

For the purposes of the DfE’s National Tutoring Programme Quality Assurance of Tuition Partners, the DfE is the data controller and Tribal is the data processor; Tuition Partners (Tutor Trust) are also data processors. The Programme requires data to be provided by Tutor Trust to Tribal and for Tribal to share it with the DfE. Data will be shared between Tribal and the DfE throughout the duration of the NTP in a secure manner, using SecureSend and Tribal’s secure NTP platform. Tribal and the DfE will take reasonable steps to maintain the integrity of the data shared by Tutor Trust by restricting access and using secure methods of sharing.

The DfE’s commercial contract with Tribal ensures that Tribal meets standards on how the data should be handled under this contract, in accordance with the UK GDPR and HMG Security Policy Framework. Tribal will, as part of its quality assurance of TPs, monitor TPs’ compliance with the UK GDPR.

Tribal and the DfE will ensure that only those personnel who have a legitimate need to know or have other lawful public interest or need will have access to the data shared by Tutor Trust once it is in Tribal and/or the DfE’s possession. This may include (but is not limited to) where access to information is necessary for the purpose of law enforcement or for the purpose of investigating any identified risks to the safety and wellbeing of children. Where third parties are involved, Tribal or the DfE will procure that arrangements are in place to ensure that the third party is under an obligation to meet the requirements of Applicable Data Protection Legislation.

The above processing is separate to processing done by Tutor Trust to manage your self - employment.

Data Storage and Retention

The data shared by Tutor Trust with Tribal and the DfE will be stored securely with access restricted to only those who require it for the purposes of the NTP.

The data, including personal data, shared by Tutor Trust with Tribal and the DfE will be processed for the duration that Tribal is contracted to provide the quality assurance of TPs service to the DfE (until August 2024) and thereafter to the extent that Tribal and / or the DfE has an ongoing legal basis for processing and for such periods as are in accordance with Applicable Data Protection Legislation as well as obligations for retained data for longer periods such as for tax reporting obligations.

Data, including personal data, shared by Tutor Trust with Tribal will be securely retained by Tribal and the DfE for the duration of Tribal's tenure in providing the quality assurance of TPs service to the DfE (until August 2024). Once the Processing is complete, unless there is a requirement under law to preserve that type of data, all personal data will be deleted in line with GDPR and other statutory obligations.

Security Breaches

Tribal has in place a Data Breach Response Policy that forms a key component of Tribal's Data Protection and Information Security systems designed to preserve and protect the information and data in Tribal's control and comply with Tribal's legal obligations under Applicable Data Protection Legislation.

On identification of an actual or suspected data breach Tribal will escalate to Tribal's DPO, no matter how small.

Types of data shared with Tribal

Below are the data types to be shared with Tribal/DfE:

- Identity (Name, DoB, documents used by Tutor Trust to verify tutor identity)
- Safer Recruitment information (Application Documentation, Interview Records, Qualifications, References, Eligibility to work, Employment history, UK Prohibition from teaching checks Criminal Record checks, Overseas checks etc.)
- Safeguarding incidents, allegations and concerns

This Privacy Notice will be kept under review.