



# **Privacy Notice**

Version 12 – February 2022

# National Examination Board in Occupational Safety and Health

## Privacy Notice

We are the National Examination Board in Occupational Safety and Health (“**NEBOSH**”, “we”, “**our**”, “**us**”) (registered company number 2698100 and registered charity number 101044 in England and Wales).

Your right to privacy is very important to us and we know that when you give us your personal data or we obtain your personal data indirectly from sources other than you, you trust us to be responsible with it. We’re committed to protecting the privacy of those using our services as well as the confidentiality of their personal data.

We take appropriate technical and organisational security measures to protect your personal data in compliance with the UK General Data Protection Regulation (“GDPR”).

This privacy notice (“**Notice**”) sets out the basis on which any personal data we collect from or about you, or that you provide to us, will be processed by us. Please read the following information carefully in order to understand our views and practices regarding your personal data and how we will treat it, and to learn about your rights to control how we use your personal data.

***This Notice contains important information about your rights to privacy. Please read it carefully to understand how we use your personal data.***

***The provision of your personal data to us is voluntary. However, without providing us with your personal data, your use of our services or your interaction with us may be impaired. For example, you will be unable to register as a learner, or you will be unable to take an examination for a NEBOSH qualification.***

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## 1. How do we collect your personal data?

We collect your personal data in the following ways:

a. When you give it to us **directly**

For example, personal data that you give to us when you communicate with us by email, phone or letter, or sign up for one of our qualifications. Also, when you submit your details via our website (<https://www.nebosh.org.uk>).

b. When we obtain it **indirectly**

For example, your personal data is shared with us by our Learning Partners after you enrol for a course in relation to which we provide the relevant award.

c. When it is available **publicly**

Your personal data may be available to us from external publicly available sources. For example, depending on your privacy settings for social media services, we may access data from those accounts or services which could be used as part of our continuous improvement monitoring or investigation purposes

d. When you visit our **website** ([Cookies Policy](#))

When you visit our website, we automatically collect the following types of personal data:

- i. technical information, including the internet protocol (IP) address used to connect your device to the Internet, browser type and version, time zone setting, browser plug-in types and versions and operating systems and platforms;
- ii. information about your visit to our website, including the uniform resource locator (URL) clickstream to, through and from the website (including date and time), services you viewed or searched for, page response times, download errors, length of visits to certain pages, referral sources, page interaction information (such as scrolling and clicks) and methods used to browse away from the page.

In general, we may combine your personal data from these different sources set out in a-d above, for the purposes set out in this Notice.

## 2. What personal data do we use?

We may collect, store and otherwise process the following kinds of personal data:

- a. your name and contact details including postal address, telephone number, email address and emergency contact details;
- b. your date of birth and gender;
- c. information about your computer / mobile device and your visits to and use of this website, including, for example, your IP address and geographical location;
- d. unique learner identifiers / unique learner numbers;
- e. details of your qualifications/ experience;
- f. details of your organisation and the role you play there;

- g. secure online login information, such as usernames and passwords;
- h. your examination and/or assessment results / training records;
- i. your awards / certifications;
- j. opinions / assessments of your performance;
- k. details of courses / qualifications you offer, or you have taken;
- l. information about your conduct;
- m. CCTV images / footage (for your information, NEBOSH premises are monitored by CCTV cameras 24 hours a day, 7 days a week. Our policy is to retain CCTV images and footage for 30-40 days, unless still required thereafter (for example, in case of an ongoing investigation or legal proceedings). Outside normal office hours, our CCTV systems and alarm systems are monitored by a third-party service provider. CCTV information is never stored at third party premises);
- n. photographs;
- o. records of your feedback / complaints;
- p. identification documentation (for example, passports or driving licences);
- q. Violent Warning Markers (see section 10);

and/or any other personal data which we obtain in **Section 1**.

#### **Do we process special categories of data?**

The GDPR recognises certain categories of personal data as sensitive and therefore requiring more protection.

In certain situations, NEBOSH may collect and/or use these special categories of data (for example, information on learners' medical conditions so that we can make arrangements for access arrangements, reasonable adjustments and/or special considerations). We will only process these special categories of data when explicit consent has been obtained from you, and where the GDPR allows us to do so.

The special categories of data that we may need to process include:

- personal data revealing religious or philosophical beliefs;
- biometric data;
- data concerning health.

### **3. How and why will we use your personal data?**

Your personal data, however provided to us, will be used for the purposes specified in this Notice. In particular, we may use your personal data:

- a. to register you as a learner and allow you to sit examinations and assessments;
- b. to enrol you in / register you for a course;
- c. for examination administration purposes;
- d. to conduct examinations and assessments;
- e. to provide your organisation with NEBOSH accreditation;

- f. to issue examination results and certificates;
- g. to carry out any reviews or appeals;
- h. to otherwise provide you with services, products or information you have requested;
- i. to communicate as necessary with Learning Partners;
- j. to verify your identity;
- k. to provide further information about our work, services or activities (where necessary, only where you have provided your consent to receive such information);
- l. to answer your questions / requests and communicate with you in general;
- m. to manage relationships with our Learning Partners and other parties;
- n. to analyse and improve our work, services, activities, products or information (including our website), or for our internal records;
- o. to process your application for a job with us;
- p. to keep our facilities safe and secure;
- q. to investigate any allegations / instances of misconduct / malpractice / maladministration;
- r. to run / administer our activities, including our website, and ensure that content is presented in the most effective manner for you and for your device;
- s. to provide references / evidence of qualifications / examination and assessment results;
- t. to process your payments to us (please note that when you use our secure online payment function you will be directed to a specialist payment services provider (World Pay) which receives your financial information in order to process the transaction. We only provide your personal data to World Pay to the extent necessary for the purposes of processing your payment);
- u. to audit and/or administer our accounts;
- v. to consider and, where appropriate, action your feedback / complaints. To access our Complaints Policy, [click here](#);
- w. to satisfy legal obligations which are binding on us, for example in relation to regulatory, government and/or law enforcement bodies with whom we may work;
- x. for the prevention of fraud or misuse of services; and/or
- y. for the establishment, defence and/or enforcement of legal claims.

#### 4. Lawful basis for processing

The GDPR requires us to rely on one or more lawful bases to use your personal data. We consider the grounds listed below to be relevant:

- a. Where you have provided your **consent** for us to use your personal data in a certain way (for example, we may ask for your consent to collect special categories of your personal data so that you may sit an examination or

assessment with reasonable adjustments or access arrangements, or we may ask for your consent to send you our email newsletter).

- b. Where necessary so that we can **comply with a legal obligation** to which we are subject (for example, where we are obliged to share your personal data with regulatory bodies which govern our work and services, or to retain information about any misconduct / malpractice / maladministration as a condition of our accreditation).
- c. Where **necessary for the performance of a contract** to which you are a party or to take steps at your request prior to entering a contract (for example, to provide you with a certified award after sitting an examination, or to enrol you on the course which you have paid for).
- d. Where there is a **legitimate interest** in us doing so.

The GDPR allows us to collect and process your personal data if it is reasonably necessary to achieve our or others' legitimate interests (as long as that processing is fair, balanced and does not unduly impact your rights as an individual).

In broad terms, our "legitimate interests" means the interests of the running of NEBOSH as an Awarding Body and ensuring that certifications are granted to learners in line with our policies, procedures and regulatory requirements.

When we process your personal data to achieve such legitimate interests, we consider and balance any potential impact on you (both positive and negative), and on your rights under data protection laws. We will not use your personal data for activities where our interests are overridden by the impact on you, for example where use would be excessively intrusive (unless, for instance, we are otherwise required or permitted to by law).

## 5. Communications for marketing / fundraising

We may use your contact details to provide you with information about our work, events, services, products and/or activities which we consider may be of interest to you (for example, invitations to events, updates to qualifications and surveys about further events and products).

Where we do this via email, SMS or telephone (where you are registered with the Telephone Preference Service), we will not do so without your prior consent (unless allowed to do so via applicable law).

Where you have provided us with your consent previously but do not wish to be contacted by us about our work, events, services, products and/or activities in the future, please let us know by [contacting us](#), or by clicking the "unsubscribe" link at the bottom of our emails.

We also provide customers the opportunity to opt out of receiving further marketing communications at the point where personal data is requested at the 'Contact Us' stage of registration / enrolment: [contact us](#). Removal requests will be acted upon within 28 days.

## 6. How long do we keep your personal data?

In general, unless still required in connection with the purpose(s) for which it was collected and/or processed, we remove your personal data from our records six years after the date it was collected. However, if before that date (i) your personal data is no longer required in connection with such purpose(s); (ii) we are no longer lawfully entitled to process it; or (iii) you validly exercise your right of erasure (please see Section 13 below), we will remove it from our records at the relevant time.

NEBOSH has a legitimate interest to retain learner and Learning Partner information permanently in order to verify your qualification or successful units, and take reasonable steps to ensure that this data remains accurate however we cannot be responsible for the accuracy of contact details over the passage of time. We may also invite you to complete surveys that we use for research purposes, although a response is not mandatory. Surveys will be sent on completion of the qualification.

Data relating to Learning Partners and their employees will be retained permanently in malpractice cases (including those resulting in a Learning Partner receiving a sanction) our lawful basis for retaining this information is legitimate interest. Where any Learning Partner sanction results in a ban, this information is published and shared with accredited Learning Partners and relevant professional bodies.

If you request to receive no further contact from us, we may keep some basic information about you on our suppression list in order to comply with your request and avoid sending you unwanted materials in the future.

## 7. Will we share your personal data?

We do not sell or rent your personal data to third parties for marketing purposes. However, in general we may disclose your personal data to selected third parties in order to achieve the purposes set out in this Notice.

Those parties may include (but are not limited to):

- a. Learning Partners;
- b. examination venues;
- c. to prospective employers / other educational establishments (where we are asked for a reference or to prove qualifications);
- d. educational authorities such as the Department for Education;
- e. the Scottish Qualifications Authority (SQA Accreditation): the regulatory body governing NEBOSH;
- f. other educational establishments / prospective employers (for example if a reference is sought);
- g. third parties assisting us with employment services, such as recruiters;
- h. suppliers and sub-contractors for the performance of any contract we enter into with them, for example IT service providers: like Wired Marketing (for more information, please see their [privacy policy](#)) who deliver our monthly e-newsletters.;

- i. third parties who we instruct to monitor NEBOSH CCTV and alarm systems outside of office hours;
- j. other accredited Learning Partners / awarding bodies / relevant professional bodies (for example, in order to uphold an accreditation ban due to malpractice);
- k. parties assisting us with research to monitor the impact / effectiveness of our work, events, services and activities;
- l. professional service providers such as accountants and lawyers; and/or
- m. our payment services provider, Worldpay (for more information, please see their [privacy notice](#)).

Where we contract with third parties to process your personal data on our behalf, we will confirm that they are compliant with, and will remain compliant throughout the duration of any such contact with the GDPR and other applicable data protection law.

In particular, we reserve the right to disclose your personal data to third parties:

- in the event that we sell or buy any business or assets, in which case we may disclose your personal data to the prospective seller or buyer of such business or assets;
- if NEBOSH or substantially all of its assets are acquired by a third party, in which case personal data held by it about its customers will be one of the transferred assets;
- if we are under a duty to disclose or share your personal data in order to comply with any legal obligation, or in order to enforce or apply our [Terms of Use](#) and other agreements; or to protect the rights, property, or safety of NEBOSH, our customers, or others. This includes exchanging information with other companies and organisations for the purposes of fraud protection and credit risk reduction.

## **8. Security / storage of and access to your personal data**

NEBOSH is committed to keeping your personal data safe and secure and we have appropriate and proportionate security policies and organisational and technical measures in place to help protect your personal data.

Your personal data is only accessible by appropriately trained employees and contractors and stored on secure servers which have features to prevent unauthorised access.

## **9. International transfers of your personal data**

Given that we are a UK-based organisation, we will normally only transfer your personal data within the UK or within the European Economic Area (“**EEA**”), where all countries have the same level of data protection law as under the GDPR.

However, because we may sometimes use agencies and/or suppliers to process personal data on our behalf, it is possible that personal data we collect from you will

be transferred to and stored in a location outside the UK or EEA, for example the United States.

Please note that some countries outside the UK or EEA have a lower standard of protection for personal data, including lower security requirements and fewer rights for individuals. Where your personal data is transferred, stored and/or otherwise processed outside the UK or EEA in a country that does not offer an equivalent standard of protection to the UK or EEA, we will take all reasonable steps necessary to ensure that the recipient implements appropriate safeguards (such as by entering into standard contractual clauses which have been approved by the European Commission) designed to protect your personal data and to ensure that your personal data is treated securely and in accordance with this Notice. If you have any questions about transfers of your personal data, please contact us using the details in section 14 below.

Unfortunately, no transmission of your personal data over the Internet can be guaranteed to be 100% secure – however, once we have received your personal data, we will use strict procedures and security features to try and prevent unauthorised access.

## **10. Use of violent warning markers**

NEBOSH has a duty of care to all staff to protect them in the workplace. Violent warning markers are a means of identifying and recording individuals who pose, or could possibly pose a risk to employees. This information must comply with Data Protection Law.

The decision to put a marker on an individual's file must be fair and related to a specific incident rather than the general opinion of an employee. Prior to adding a marker on the individual's file, authorisation must be given by the Chief Executive and the decision must be reviewed regularly.

Areas to consider before a warning marker is recorded are:

- the nature of the threat;
- the degree of violence used or threatened;
- whether or not the incident indicates a credible risk to employees.

For the processing to be fair, the individual should be informed in writing why their behaviour was unacceptable and how it has led to the marker. The individual must be told the following:

- the nature of the threat or incident that has led to the marker;
- that their records show the marker;
- who NEBOSH will pass the information to;
- when NEBOSH will review the decision to add the marker.

If it is decided that informing the individual would create a higher risk, you must be able to show why informing the individual would be a substantial risk for further threatening behaviour.

Information regarding the marker will not be disclosed to third parties, unless there is a good reason for providing the information to other parties. This information can only be disclosed if authorisation is given from the Chief Executive.

The decision to disclose the marker should be made on a case-by-case basis and where there is a credible risk that an unlawful act, such as an assault will occur. This information will only be disclosed to an individual of a similar level in the other organisation.

Disclosure of this information should be recorded and when reviewed the other organisation should be informed if the marker has been removed

## 11. Your rights and how to exercise them

Where we rely on your consent to use your personal data, you have the right to withdraw that consent at any time. This includes the right to ask us to stop using your personal data for marketing, or to unsubscribe from our email list at any time. You also have the following rights:

- a. **Right of access** – you can write to us to ask for confirmation of what personal data we hold on you and to request a copy of that personal data. Provided we are satisfied that you are entitled to see the personal data requested and we have successfully confirmed your request, we will provide you with your personal data subject to any exemptions that apply. Please refer to our [Subject Access Request Form](#).
- b. **Right of erasure** – at your request we will delete your personal data from our records as far as we are required to do so. In many cases we would propose to suppress further communications with you, rather than delete it.
- c. **Right of rectification** – if you believe our records of your personal data are inaccurate, you have the right to ask for those records to be updated. You can also ask us to check the personal data we hold about you if you are unsure whether it is accurate/up-to-date.
- d. **Right to restrict processing** – you have the right to ask for processing of your personal data to be restricted if there is disagreement about its accuracy or legitimate usage.
- e. **Right to object** – you have the right to object to processing where we are (i) processing your personal data on the basis of our legitimate interests (see section 4 above); (ii) using your personal data for direct marketing; or (iii) using your information for statistical purposes.
- f. **Right to data portability** – to the extent required by the GDPR, where we are processing your personal data (that you have provided to us) either (i) by relying on your consent; or (ii) because such processing is necessary for the performance of a contract to which you are party, or to take steps at your request prior to entering into a contact, and in either case we are processing using automated means (ie with no human involvement), you may ask us to

provide the personal data to you – or another service provider – in a machine-readable format.

- g. **Rights related to automated decision-making** – you have the right not to be subject to a decision based solely on automated processing of your personal data (ie with no human involvement whatsoever) which produces legal or similarly significant effects on you, unless such a decision (i) is necessary to enter into / perform a contract between you and us / another organisation; (ii) is authorised by EU or member state law to which NEBOSH is subject (as long as that law offers you sufficient protection); or (iii) is based on your explicit consent.

Please note that some of these rights only apply in limited circumstances. For more information, we suggest that you contact us using the details in section 14 below.

Requests be sent using our online [contact us form](#), or posted to:

Subject Access Request  
NEBOSH  
5 Dominus Way  
Meridian Business Park  
Leicester LE19 1QW

**Please note:**

Examination and assessment scripts are exempt from Subject Access Requests. Our policy is consistent with the GDPR, under which awarding bodies are not legally obliged to provide access to examination scripts.

Subject Access Requests do not include re-prints of Unit certificates and parchments. To request re-prints of these documents please refer to our [Policy regarding candidate certificates including corrections and reissues](#).

You also have the right to make a complaint directly to the UK's data protection authority, the Information Commissioner's Office (ICO), at [www.ico.org.uk/make-a-complaint](http://www.ico.org.uk/make-a-complaint).

## 12. Changes to this Notice

We may update this Notice from time to time. We will notify you of significant changes by contacting you directly where reasonably possible for us to do so, and by placing an update notice on our website. This Notice was last updated 24 January 2022

## 13. Links and third parties

We link our website directly to other sites. This Notice **does not** cover external websites and **we are not responsible** for the privacy practices or content of those sites.

We encourage you to read the privacy policies of any external websites you visit via links on our website.

## 14. How to contact us

If you have any concerns, please contact the Head of Delivery and Operations who is our Data Protection Representative by using our online [contact us form](#), or writing to:

Data Protection Representative  
NEBOSH  
5 Dominus Way  
Meridian Business Park  
Leicester LE19 1QW

## 15. Document control

<b>Document reference:</b>	<b>CGM033</b>
<b>Business Unit:</b>	<b>Chief Executives</b>
<b>Area:</b>	<b>Chief Executives</b>
<b>Version:</b>	<b>v12</b>
<b>Effective from:</b>	<b>January 2022</b>
<b>Contact:</b>	<b>Data Protection Representative (Head of Delivery and Operations)</b>
<b>Owner:</b>	<b>Chief Executive</b>