

17 April 2024

IC-295677-C3P8

Request

You asked us:

"I'm interested in what legal basis the ICO use for the following processing:

- *Providing e-learning to staff which are not direct legal requirements of the ICO's legislation (e.g. Health & safety learning, gifts & hospitality)*
- *Maintaining a record of that learning at an individual level*
- *Creating reports of learning completion to ensure completion."*

"Please provide the information the ICO holds about its lawful basis for processing staff personal data for self directed e-learning courses and reporting on training completion. I'm particularly interested in courses that cover general public sector learning needs, for example money laundering, safeguarding, gifts and hospitality etc."

We have handled your request under the Freedom of Information Act 2000 (the FOIA).

Our response

We can confirm that we hold some information in scope of your request.

The ICO pro-actively publishes our staff privacy policy on our website. You can find version 3.1 of this policy at the following link:

<https://ico.org.uk/media/4027966/staff-privacy-notice-2024.pdf>

Section 4 identifies the lawful bases the ICO relies on for processing staff personal data. Section 3 identifies the staff personal data that the ICO processes, with 3.3 specifically listing information related to performance and training.

Section 10.8 further identifies processing using online learning platforms and Annex A links to the relevant data processors' privacy notices. On review, some of the relevant hyperlinks in Annex A no longer work correctly. We are in the process of updating our staff privacy policy to version 3.3, which is intended for publication on the website and will correct this issue with hyperlinks. Please find the Annex A data processors' privacy notices at the following links respectively:

Civil Service Learning <https://learn.civilservice.gov.uk/privacy>
 Learning Pool <https://learningpool.com/privacy-policy/>
 Brightwave (now part of Capita) <https://www.capita.com/privacy-notice>

As the our staff privacy policy is already available to you, technically it is withheld under section 21 of the FOIA. Section 21 exempts information which is reasonably accessible to the applicant through other means.

More specifically, our Record of Processing Activities (ROPA) lists the following lawful bases for processing ICO employees' education and training data:

Purpose of processing	Categories of personal data	Categories of recipients	Article 6 lawful basis	Legitimate Interest
Employment	Education & qualifications	Recruitment service providers, HR service providers.	6(1)(b) - contract	N/A
Employment	Training and work experience	Recruitment service providers, HR service providers.	6(1)(b) - contract	N/A
Employment	Personal Development Records	HR service providers, Solicitors, legal advisors and counsel.	6(1)(b) - contract	N/A
Business function	Training and work experience	HR service providers, training service providers.	6(1)(b) - contract	N/A
Business function	Personal Development Records	HR service providers, training service providers.	6(1)(b) - contract	N/A
Business function	Coaching records	N/A	6(1)(f) - legitimate interests	Staff learning and development
Academic qualifications and Apprenticeships	Training attendance, progress & assessment outcomes	Other public authorities / central government departments, training service providers, HR service providers.	Article 6(1)(b) - contract	N/A

We previously disclosed a copy of our ROPA under FOIA in May 2023, which can be found in our disclosure log at the following link:

<https://ico.org.uk/about-the-ico/our-information/disclosure-log/ic-232748-m0b4/>

This concludes our response to your request.

Next steps

You can ask us to review our response. Please let us know in writing if you want us to carry out a review. Please do so within 40 working days.

You can read a copy of our full [review procedure](#) on our website.

If we perform a review but you are still dissatisfied, you can complain to the ICO as regulator of the FOIA. This complaint will be handled just like a complaint made to the ICO about any other public authority.

You can [raise a complaint](#) through our website.

Your information

Our [privacy notice](#) explains what we do with the personal data you provide to us, and sets out [your rights](#). Our [Retention and Disposal Policy](#) details how long we keep information.

Yours sincerely



Information Access Team
Strategic Planning and Transformation
Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF
ico.org.uk twitter.com/iconews
Please consider the environment before printing this email
For information about what we do with personal data see our [privacy notice](#)