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# Data Protection Policy

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## **1. Policy statement**

Christie's Education Limited is committed to ensuring that it processes Personal Data only in a manner which respects the rights of individuals and in compliance with its legal obligations. Personal Data must be handled in accordance with the data-protection principles, as set out in the Data Protection Act 2018 (DPA) and the General Data Protection Regulation (GDPR) and must be protected from unlawful or unauthorised disclosures, loss, damage or destruction.

All processing of Personal Data by Christie's Education Limited must be in accordance with this policy. Failure to comply with data protection law and to provide appropriate protection for Personal Data may expose Christie's Education Limited to significant fines, payment of damages to affected individuals and damage to its reputation.

Applicants and students entrust their Personal Data to Christie's Education Limited for specified and lawful purposes and a failure to comply with the data protection law also breaches their trust.

Christie's Education Limited is not listed in Schedule 1 of the Freedom of Information Act 2000 as a body subject to the disclosure requirements of that regime. The Freedom of Information Act does not therefore apply to it.

## **2. Definition of data protection terms**

- 2.1** Data is information which is stored electronically, on a computer, or in certain paper-based filing systems.
- 2.2** Data Controllers are the people who or organisations which determine the purposes for which, and the manner in which, any Personal Data is processed. Christie's Education Limited is the data controller in respect of all Personal Data processed by it including Personal Data processed for educational and commercial purposes.
- 2.3** Data Subjects means identified or identifiable living individuals and in this policy refers primarily to applicants, current and former students of Christie's Education Limited.
- 2.4** Data Users are those employees, workers and staff seconded to Christie's Education Limited from a Group Company whose work involves processing Personal Data for Christie's Education Limited. Where Christie's Education Limited uses outsourced service providers to process personal data on its behalf (e.g. student management systems), that relationship will be governed by a data processing contract in accordance with the requirements of the DPA/GDPR.
- 2.5** Group Company means Christie's International plc. or any of its subsidiaries (as defined in section 1159 Companies Act 2006 as amended).
- 2.6** Information Commissioner/Supervisory Authority means the body empowered by the DPA/GDPR to police and enforce the relevant data protection legislation.
- 2.7** Personal Data means any information relating to Data Subjects. Personal Data can be factual (for example, a name, address or date of birth) or it can be an opinion about that person, their actions and behaviour or factors specific to their physical, physiological, genetic, mental, economic, cultural or social identity.
- 2.8** Processing covers everything we might be done to Personal Data from its creation to its destruction, including collection, recording, organisation, storage,

adaptation or alteration, retrieval, consultation, use, disclosure, blocking, erasure or destruction.

- 2.9** Sensitive Personal Data/special categories of Personal Data includes information about a person's racial or ethnic origin, political opinions, religious, philosophical or similar beliefs, genetic or biometric data, trade union membership, physical or mental health or condition, sexual orientation or sexual life. It also includes information about the commission or alleged commission of, any criminal offence or related proceedings the disposal of such proceedings or the sentence of any court in such proceedings.
- 2.10** This policy governs the use by Christie's Education Limited of Personal Data relating to current, past and prospective students. Personal Data, which may be held on paper or on a computer or other media (e.g. photograph and CCTV footage), is subject to certain legal safeguards specified in the DPA, GDPR and other regulations. The GDPR imposes more stringent requirements such as increased transparency, increased accountability, privacy by default and design (e.g. data minimisation and proportionality), a duty to report breaches, enhanced rights for individuals and increased fines.
- 2.11** This policy does not form part of any employee's contract of employment and may be amended at any time.
- 2.12** This policy has been approved by the board of Christie's Education Limited.
- 2.13** While Christie's Education Limited is the Data Controller, all Data Users are individually responsible for complying with the law and this policy. Failure to comply with this policy and/or with the legal requirements relating to Personal Data may result in disciplinary action by Christie's Education Limited or where relevant, by employers of Data Users seconded to Christie's Education Limited.
- 2.14** Breaches of this Data Protection Policy should be reported immediately to Fiona Guernaoui. Under the GDPR, it is necessary to report certain breaches to the Information Commissioner/Supervisory Authority and in some circumstances to the Data Subject and consequently it is important that reports are made to Fiona Guernaoui without delay.
- 2.15** Any Data User who may require support or information concerning data protection matters or who may wish to share concerns that this policy is not being complied with or that there are risks to the security of Personal Data should also contact Fiona Guernaoui.

### **3. Data protection principles**

Data Users must comply with the principles of data protection, which require that Personal Data is:

- 3.1** Processed fairly, lawfully and in a transparent manner.
- 3.2** Collected and processed for specified, explicit and limited purposes and not processed in any way that is incompatible with those purposes.
- 3.3** Adequate, relevant and limited to what is necessary for the purposes for which the data is being processed (data minimisation).

- 3.4** Accurate and, where necessary, kept up to date; all reasonable steps must be taken to ensure that Personal Data that are inaccurate, having regard to the purposes, are erased or rectified without delay.
- 3.5** Not kept in a form which permits identification of Data Subjects for longer than is necessary for the purpose.
- 3.6** Processed in accordance with Data Subjects' rights.
- 3.7** Processed in a manner that ensures appropriate security, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.
- 3.8** Not transferred to people or organisations situated in countries outside of the European Economic Area without adequate protection for the rights of data subjects.

#### **4. Fair and lawful processing**

- 4.1** The DPA and the GDPR are not intended to unreasonably restrict the processing of Personal Data, but to ensure that it is done fairly and without adversely affecting the rights of the Data Subject.
- 4.2** For Personal Data to be processed lawfully, it must be processed on the basis of one of the legal grounds prescribed by the DPA/GDPR. These include the Data Subject's consent to the processing, or processing necessary for the performance of a contract with the Data Subject, compliance with a legal obligation to which Christie's Education Limited is subject (e.g. reporting requirements to regulators), or for Christie's Education Limited's legitimate interest or the legitimate interests of the party to whom the data is disclosed, provided there is no unwarranted breach of the Data Subject's rights and freedoms.
- 4.3** Fairness of processing relates to informing Data Subjects about the extent of the processing of their Personal Data by Christie's Education Limited – see paragraphs 7 and 8 below for further information.

#### **5. Consent**

- 5.1** Where Personal Data is not necessary for contractual purposes (e.g. not necessary for providing courses) or in the absence of a legal obligation justifying processing, usually the consent of the Data Subject is required to justify processing. Consent can however be withdrawn at any time and if withdrawn, the processing should cease, unless another ground prescribed by the DPA or the GDPR can be relied on. Data Subjects should be informed of their right to withdraw consent.
- 5.2** The GDPR requires consent to be freely given, specific, informed and unambiguous indication of the Data Subject's wishes. It must be a statement or clear affirmative action which signifies agreement to the processing of Personal Data relating to the student.
- 5.3** Sensitive Personal Data usually requires the explicit consent of the Data Subject (i.e. specific, informed, written consent). When collecting Sensitive Personal Data (such as details of disability, physical or mental health or condition), clear information must be provided to Data Subjects to indicate why the information is

being sought (for example to assess what if any reasonable adjustments must be made and to implement those adjustments).

## **6. Personal Data collected by Christie's Education Limited**

- 6.1** In the course of Christie's Education Limited's business, in particular recruiting and enrolling students to courses and providing tuition, Christie's Education Limited may collect and process Personal Data relating to applicants, current and former students. This may include Personal Data it receives directly from those Data Subjects (for example, by means of completed application forms or by communicating with Christie's Education Limited by mail, email or on-line or otherwise) and data it receives from other sources (including, for example, other education institutions), together with Personal Data generated by Christie's Education Limited while the Data Subjects are enrolled as students (e.g. monitoring and assessing performance, recording attendance, assessing the effects of disability for the purposes of making reasonable adjustments, recording incidents of misconduct). The categories of Personal Data, the purposes of processing, the legal basis for processing and the categories of recipient are set out in more detail at Schedule 1 - Data processing activities.
- 6.2** Christie's Education Limited will process Personal Data for the specific purposes set out in Schedule 1 - Data processing activities.

## **7. Notifying Data Subjects – privacy notices**

- 7.1** To fulfil the transparency requirements of the DPA/GDPR, Data Subjects have a right to be given certain information at the time when their Personal Data is obtained, or soon after if the Personal Data is not obtained direct from Data Subjects, so that they are informed about how their Personal Data will be used and about their rights in relation to such Personal Data (privacy notices). Information provided to Data Subjects must in clear and plain language, and must be concise, transparent, intelligible and easily accessible. Christie's Education Limited provides this information through its Privacy Policy available at: [www.christies.edu/privacy-policy](http://www.christies.edu/privacy-policy)
- 7.2** If Christie's Education Limited receives or collects Personal Data about a Data Subject from other sources, it will direct the Data Subject to the Privacy Notice, as soon as possible after obtaining the data or at the time of the first communication with the Data Subject.

## **8. Adequate, relevant and non-excessive processing (proportionality)**

Christie's Education Limited should only collect such Personal Data as it reasonably needs for the purposes notified to Data Subjects concerned. Equally, Personal Data should be adequate e.g. sufficient information should be obtained to avoid confusing the identities of different Data Subjects and hence to avoid unlawful or unauthorised disclosures of Personal Data.

## **9. Accurate data**

Christie's Education Limited will ensure that Personal Data it holds is accurate and, where necessary, kept up to date. Personal Data should be checked for accuracy at the point of collection and at regular intervals afterwards. All reasonable steps should be taken to destroy or amend inaccurate or out-of-date data.

## **10. Timely processing**

Christie's Education Limited will ensure that it complies with the data retention requirements set out in the DPA/GDPR, in addition to any legal limitation periods set out in statute.

## **11. Processing in accordance with Data Subjects' rights**

All Personal Data should be processed in compliance with Data Subjects' rights. These are described in more detail in Schedule 2 of this policy.

## **12. Data protection by design and by default**

Christie's Education Limited will implement appropriate technical and organisational measures to ensure that all Personal Data is processed in accordance with the data protection principles outlined in paragraph 4. In particular, it will seek to ensure that safeguards are built into the systems for processing Personal Data (e.g. data minimisation, "pseudonymisation" (see below)) and all Data Users should comply with or apply those safeguards.

## **13. Data security**

- 13.1** Christie's Education Limited will take appropriate security measures against unlawful or unauthorised processing of Personal Data, and against the accidental loss of, or damage to, Personal Data, from collection to destruction.
- 13.2** Personal Data will only be transferred to a data processor (i.e. a company or person processing Personal Data not in its own right but on behalf of Christie's Education Limited providing) if it is subject to a written contract in which the data processor maintains the security requirements which apply to Christie's Education Limited and which otherwise complies with the GDPR.. This may include, for example, a company providing library services or arranging travel for trips forming part of the programme.
- 13.3** The level of security will be appropriate to risks inherent in the processing of the Personal Data, in particular the risks and consequences of accidental or unlawful processing or unlawful destruction, loss, alteration, unauthorised disclosure of or access to the Personal Data processed. Security measures may include the following:
  - 13.4** Pseudonymisation. Where appropriate, ensuring Personal Data is not attributable to individual persons without the use of additional information which is kept separate, secure and restricted (e.g. using student I.D numbers rather than names).
    - 13.4.1** Secure lockable desks and cupboards. Desks and cupboards should be kept locked if they hold confidential information of any kind.
    - 13.4.2** Methods of disposal. Paper documents should be shredded. Digital storage devices should be physically destroyed when they are no longer required.
    - 13.4.3** Equipment. Data Users must ensure that individual monitors do not show confidential information, such as sensitive Personal Data, to passers-by and that they switch off their computer screens when they are left unattended. Christie's Education Limited's student management system is password protected and Data Users will have allocated

accounts and passwords in order to restrict access to Personal Data to only those who need such access. Further, differing levels of access will be granted to Data Users, depending on the need for that Data User to have access.

#### **14. Transferring Personal Data to a country outside the EEA**

Christie's Education Limited will transfer data outside the EEA only if there is adequate protection for the rights of Data Subjects in accordance with the DPA/GDPR, for example, the country is included in a list of those regarded by the EU Commission as providing adequate protection or the transfer is subject to standard contractual clauses approved by the EU Commission. This is not an exhaustive list.

#### **15. Disclosure and sharing of personal information**

**15.1** Christie's Education Limited may also share Personal Data it holds with selected third parties for the purposes set out in the Schedule 1 - Data processing activities.

**15.2** Christie's Education Limited will not:

**15.2.1** usually disclose Personal Data in response to telephone enquiries unless the caller's identity can be verified as being that of the Data Subject;

**15.2.2** comply with requests for Personal Data from third parties (e.g. solicitors, government departments, insurance companies) unless the requester can demonstrate that he/she has a statutory power to obtain the data in question, is acting on the Data Subject's behalf or that an exemption applies to render the disclosure lawful; or

**15.2.3** disclose information to the police in the absence a relevant court order without clear written assurances that the Personal Data falls within the crime-prevention/detection exemption.

**15.3** Data Users should not be pressured into disclosing Personal Data to third parties and should refer requests to Fiona Guernaoui or seek advice if they are unsure whether or not it is appropriate to disclose information.

#### **16. Dealing with subject access requests**

Data Subjects may make a request for personal data which Christie's Education Limited holds about them. Data Users who receive a request should forward it to Fiona Guernaoui immediately as Christie's Education Limited has only one month to respond.

## Schedule 1 - Data processing activities

Purpose	Examples of personal data (please note that the list is not exhaustive)	Purpose
To provide the requested services to applicants, current and prospective students  (for example assessing eligibility for a course and/or scholarship, enrolment on a course, assessing fitness to study, delivering teaching)	<ul style="list-style-type: none"> <li>• name, title, and contact details (including email address, postal address, telephone numbers)</li> <li>• bank account details, payment card details, bank transfer receipt</li> <li>• prior academic achievements and qualifications</li> <li>• nature of the services including contractual terms</li> <li>• progress in studies (attendance, coursework, interim grades and awards, online module completion status) and final outcome</li> <li>• details of disabilities and health conditions</li> <li>• records of communications with Christie's Education Limited</li> <li>• any information relating to complaints or academic and other misconduct</li> </ul>	Performance of a contract
To evidence compliance with legal requirements, (for example, verifying identity, monitoring for the purposes of equal opportunities)	<ul style="list-style-type: none"> <li>• date of birth, identification documents (including photo) and the results of identification verification checks</li> <li>• details of visas or other evidence of right to study and ability to financially support oneself</li> <li>• information on race, ethnicity, religion/belief, and/or disability/immunisation records or other characteristics that must be monitored and/or reported to a regulator</li> <li>• any requirements relating to Christie's obligation to make reasonable adjustments to accommodate a disability or otherwise meet specific needs</li> <li>• any information relating to a dispute or legal proceeding</li> </ul>	Compliance with a legal obligation
To keep students, visitors, staff, and property on the premises secure	<ul style="list-style-type: none"> <li>• CCTV images</li> </ul>	Legitimate Interests

To provide details about upcoming courses and events	<ul style="list-style-type: none"> <li>name, email address and/or postal address</li> <li>marketing and communication preferences and/or any hard copy or digital sign up</li> </ul>	Legitimate Interests (for past students)  Consent (for individuals who have signed up online, at an event, by talking to a member of staff)
To monitor the performance of the website and online course platform and make the user experience better	<ul style="list-style-type: none"> <li>internet address of visitors to the website</li> <li>browser type and operating system</li> <li>the resources accessed on the website</li> <li>the data obtained from cookies, web logs and other similar technologies that monitor use of the online course platform or website and/or deliver more appropriate advertisements on or beyond the website</li> </ul>	Legitimate Interests
To monitor use of services, train staff and improve the student or website experience	<ul style="list-style-type: none"> <li>complaints, opinions, responses to surveys or market research</li> </ul>	Legitimate Interests

## Schedule 2 - Rights of Data Subjects

This schedule contains a brief explanation of the rights of Data Subjects under the GDPR and the DPA 2018.

### 1. Right of Access

Data Subjects have a right to gain access to certain Personal Data about them which Christie's Education Limited holds. It is not a right to documents per se, but only to a Data Subject's Personal Data contained in documents. There is no right to Personal Data relating to third parties.

Requests must be complied with without undue delay and in any event within one month of receipt of the request, extended by two months where necessary given the complexity of the requests. Data Subjects must be informed of any extension and the reasons for it within a month of receipt of the request. If the request is made electronically, the information shall be provided in a commonly used electronic form. If more than one copy of the Personal Data is requested, the Data Subject can be charged a reasonable fee based on the administrative costs incurred.

Where requests are manifestly unfounded or excessive, Christie's Education Limited is entitled either to refuse to comply with the request or to charge a reasonable fee based on the administrative costs incurred in dealing with the request and will notify Data

Subjects accordingly. Please discuss with the legal team before informing a Data Subject that Christie's Education Limited is refusing their request or charging a fee.

## **2. Right to Rectification**

Data Subjects may request that Christie's Education Limited rectify any inaccurate information concerning them. Christie's Education Limited must comply with such requests as soon as practicable and at latest within one month of receipt. In addition, Data Subjects have a right to have incomplete Personal Data concerning them completed.

## **3. Right to Erasure (to be forgotten)**

Data Subjects are entitled to have their Personal Data deleted if any one of the following applies:

- It is no longer needed for Christie's Education Limited purposes
- If the only legal ground for processing is the Data Subject's consent and that consent is withdrawn
- The Data Subject has exercised his/her right to object (see below) and there are no legitimate grounds for the processing
- The data in question has been processed unlawfully
- The data has to be erased for compliance with a legal obligation to which Christie's Education Limited is subject

There are legal exceptions to this right such as when processing is required for compliance with the law, reasons of public interest, research or statistics, and legal claims.<sup>4</sup>

## **4. Right to Restrict Processing**

Data Subjects can restrict processing in the limited circumstances outlined below and for a limited period. The effect of this right is that the Personal Data would continue to be held on record, but it could not otherwise be processed without the Data Subject's consent. The limited circumstances and time periods are:

- If the accuracy of the data is contested, for a period which enables Christie's Education Limited to verify the accuracy of the data
- If the processing is unlawful and the Data Subject opposes the erasure of the data and requests restriction of its use instead
- If Christie's Education no longer requires the data but the Data Subject requires the data for the establishment, exercise or defence of legal claims
- The Data Subject has exercised his/her right to object, until such time as Christie's Education Limited verifies whether there are legitimate grounds for processing which override the Data Subject's right to object.

Regardless of the exercise of this right by the Data Subject, Christie's Education Limited is entitled to process the data in question for purposes relating to legal claims, for the protection of the rights of other persons or for reasons of public interest.

If the Data Subject has obtained a restriction of processing, Christie's Education Limited shall inform the student when the restriction will be lifted.

## **5. Right to Object**

Where Christie's Education Limited processes data for the performance of a task carried out in the public interest or legitimate interests pursued by us or a third party, students may at any time object to such processing on grounds relating to their particular situation. In such circumstances, Christie's Education Limited shall stop processing data unless there are compelling legitimate grounds for the processing to continue or if the processing is required in connection with legal claims.

Data Subjects can object to the processing of their data for purposes of direct marketing. This is an absolute right and the processing for direct marketing purposes should cease on request.

When data is processed for research or statistical purposes, Data Subjects can object on grounds relating to their particular circumstances, unless the processing is required for reasons of public interest.

## **6. Right of Data Portability**

Data Subjects have a right to receive Personal Data in a structured, commonly-used, digital format and are entitled to transmit that data without hindrance to any other person if the processing of that data is carried out by automated means and is based on the students' consent or is processed out necessity because of the Data Subject's contract with Christie's Education Limited. Data Subjects may also request that Christie's Education Limited transfer their data directly to a third party. Data Subjects are responsible for ensuring that any third party contact details provided to Christie's Education Limited are correct. This right only applies to Personal Data which Data Subjects provided to Christie's Education Limited, in a structured digital format.

## **7. Other Rights**

Other rights of Data Subjects in relation to their Personal Data which arise under the GDPR consist of the right:

- a. To be provided with the information described in paragraph 8 of this policy.
- b. To request information about persons to whom their Personal Data has been disclosed.
- c. To withdraw consent to processing which is based on such consent. Withdrawing consent should be as easy as it is to give consent.
- d. To make a complaint to the Information Commissioner's Office.
- e. Not to be subject to decisions based solely on automated data processing, without human intervention, which significantly affect them.

## **8. Exercising rights**

Data Subjects who wish to exercise any of the above rights should contact Fiona Guernaoui by sending an email on [FGuernaoui@christies.com](mailto:FGuernaoui@christies.com) or a letter to Christie's Education 42 Portland Place, Marylebone, London, W1B 1NB or telephoning 44 (0)20 7389 2272.

Queries about this procedure, their rights described in this Schedule or this data protection policy generally they may contact Fiona Guernaoui by sending an email to [FGuernaoui@christies.com](mailto:FGuernaoui@christies.com) .

All information provided in response the exercise of Data Subjects' rights to will be provided without undue delay, in a concise, transparent, intelligible and clearly accessible form, using clear and plain language.

*Approved by the Board of Christie's Education Limited*