



## Information Policy

Date approved: 8 October 2013  
Approved by: Corporation  
Review date: September 2016  
Responsible Manager: Clerk to the Corporation  
Group Executive Lead: Group Director (HR and Organisational Development)  
Accessible to Clients/Students: Yes

### 1. Consultation

Consultation undertaken with:-

- Newcastle College: Yes/~~No~~
- Newcastle Sixth Form College: Yes/~~No~~
- West Lancashire College: Yes/~~No~~
- Intraining: Yes/~~No~~
- Rathbone Training: Yes/~~No~~
- Group Services: Yes/~~No~~

### 2. Applicability of Policy to Organisation

This policy applies to:-

- Newcastle College: Yes/~~No~~
- Newcastle Sixth Form College: Yes/~~No~~
- West Lancashire College: Yes/~~No~~
- Intraining: Yes/~~No~~
- Rathbone Training: Yes/~~No~~
- Group Services: Yes/~~No~~

### 3. Scope and Purpose of Policy

The aim of this policy is to set standards for processing data and responding to requests for information as required by relevant legislation such as the Data Protection Act, the Freedom of Information Act and the Environmental Information Regulations.

This policy applies to information about individuals as well as the NCG as an organisation. It governs requests made in any form for access to data recorded in any medium by any person including Learners, Customers and Employees.

### 4. Policy Statement

NCG will record personal data and corporate information in line with the relevant legislation and good practice. Newcastle College and its subsidiary companies

are Data Controllers as defined by the Data Protection Act and will observe the principles of this Act to ensure the confidentiality of personal data.

NCG will facilitate access to records, where this is required and permitted by relevant legislation, and will respond within 20 working days to written requests for information which include the name and address of the applicant and a description of the information requested. NCG will assist applicants, as necessary, to develop a suitable description of the information required.

NCG will provide reasonable support to ensure equality of opportunity and consider reasonable requests for the translation of information into foreign languages where the applicant's first language is not English.

NCG may charge for the provision of information in accord with statutory charging regimes.

The Clerk to the Corporation will receive queries regarding this policy. Any decision to refuse a request for corporate information is subject to consultation with the Clerk to the Corporation and will be monitored by the Corporation.

All members of staff are responsible for compliance with this policy and the linked procedures and are expected to consult guidance from the Information Commissioner's Office, as appropriate. NCG will take disciplinary action in response to breaches of this duty.

## **5. Linked Policies**

IT Acceptable Use Policy  
Financial Regulations

## **6. Linked Procedures**

Data Protection and Information Procedures  
Information Security Procedures

## **7. Equal Opportunities Statement**

The Equality Impact Assessment for the Policy and Procedure was updated on 19 September 2013.. The policy recognises the potential need for assistance to meet individual needs such as translation of information to other languages and the use of alternative formats.

## **8. Location and Access to the Policy**

The Information Policy is located as follows:

- NCG Intranet: Group Services: Group Policies and Procedures
- NCG Website: Media Centre: Guide to Information: Our policies & procedures

**9. Person Responsible for the Policy**

Clerk to the Corporation

**10. Variations to the Policy**

There are no variations to this policy



## **Data Protection & Information Procedures**

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## 1. Definitions

<b>Data Subject(s):</b>	people to whom data relates: all Employees, Learners, Customers and any Other Data Subject(s)
<b>Employee(s):</b>	all current, previous and potential members of staff
<b>Learner(s):</b>	all current, previous and potential Customers, Clients, Participants or Programme Participants
<b>Official Information:</b>	Information which relates to the organisation and its activities
<b>Other Data Subject(s) or Third Parties:</b>	Customers, sub-contractors, partners, suppliers, contacts, referees, friends or family members of Employee(s) and Learner(s)
<b>Personal Data:</b>	information which identifies a living individual (“a data subject”) and relates to them (either on its own or when combined with other information held or likely to be held by a data controller and provided held in an electronic or other relevant filing system).
<b>Processing:</b>	obtaining, viewing, copying, amending, adding, deleting, extracting, storing, disclosing or destroying information
<b>Sensitive Personal Data:</b>	information as to a Data Subject's racial or ethnic origin, political opinions, religious beliefs or beliefs of a similar nature, trade union membership, physical or mental health or condition, sexual life, offences or alleged offences, and information relating to any proceedings for offences committed or allegedly committed by the data subject, including the outcome of those proceedings

## 2. Introduction

These procedures:

- provide guidance on implementation of the NCG Information Policy
- are designed to ensure compliance with the Data Protection Act 1998 (the “DPA”), the Freedom of Information Act 2000 (the “FoIA”) and the Environmental Information Regulations (the “EIR”)
- apply to all managers, staff, Learners, Customers, associates, partners, sub-contractors and any other colleagues

The DPA regulates the use of personal data and provides the individual concerned with a right to access all information held by the organisation about them on computer and in paper form, subject to certain exclusions, and this may include information about Third Parties.

The FoIA requires Public Authorities (including NCG) to provide official information through a publication scheme and on request, subject to certain exemptions.

The EIR provide rights of access to a wide range of information related to the environment including information about the built environment, health and safety, the food chain as well as related policies and plans.

The DPA requires the Information Commissioner to be notified of each separate legal entity within NCG which acts as a data controller. Responsibility for maintaining these notifications rests with

- The Head of Contracts at Intraining for Intraining
- The Clerk to the Corporation for other parts of NCG

### **3. Personal Data and the Data Protection Act**

#### **3.1 Personal Data and Sensitive Personal Data**

Individual Employees, Learners, Customers and other data subjects are entitled to know what information is held about them, what it is used for and how to access the information.

NCG processes information about individuals to enable us to provide education, support and general advice services for our students and facilities to our clients, to promote NCG and its services, to publish college magazines, to maintain our own accounts and to support and manage our staff. Processing also includes the use of CCTV to maintain the security of the premises and for preventing and investigating crime.

Personal data is any information which identifies a living individual and relates to them either on its own or in combination with other information held or likely to be held by the NCG.

Personal data processed by NCG may include:

- personal details
- family details
- lifestyle and social circumstances
- financial details
- education and employment details
- student records
- visual images, personal appearance and behaviour
- information held in order to publish the college magazine
- goods or services provided

NCG uses personal data to, for example:

- employ and pay staff
- recruit Learners and customers and comply with contractual obligations and funding regulations
- provide a basis for monitoring business activity

Some personal data is 'sensitive'. Sensitive personal data processed by NCG may include:

- physical or mental health details
- racial or ethnic origin
- religious or other beliefs
- trade union membership
- offences and alleged offences
- criminal proceedings, outcomes and sentences

NCG uses sensitive personal data to, for example:

- process checks as required for work with children including young people
- implement absence procedures, sick pay, equal opportunities monitoring and action to promote equality
- manage payroll deductions and collective agreements
- maintain awareness of particular health needs – such information is only to be used to protect the health and safety of the individual, for example, in the event of a medical emergency

### **3.2 Data Protection Principles**

Under the DPA, personal data on paper, computer or other media must comply with the eight Data Protection Principles. In summary, these state personal data shall:

- Be obtained and processed fairly and lawfully;
- Be obtained for a specific and lawful purpose and shall not be processed in any manner incompatible with that purpose;
- Be adequate, relevant and not excessive for those purposes;
- Be accurate and kept up to date;
- Not be kept for longer than is necessary for that purpose;
- Be processed in accordance with the data subject's rights;
- Be kept safe from unauthorised access, accidental loss or destruction; and
- Not be transferred to a country outside the European Economic Area, unless that country has equivalent levels of protection for personal data.

All Employees are responsible for ensuring that the principles of the DPA are observed at all times and at all stages of the lifecycle of the data:

- Obtaining personal data
- Storage, security of personal data and retention
- Use of personal data; and
- Disposal of personal data

### 3.3 Conditions for Processing Personal Data

To comply with the first data protection principle, processing of personal data must be fair and lawful and subject to conditions.

Personal data may be processed if, for example:

- The data subject has given consent to the processing.
- The processing is necessary for
  - a) the performance of a contract to which the data subject is a party, or
  - b) the taking of steps at the request of the data subject with a view to entering into a contract
- The processing is necessary for compliance with any legal obligation to which the data controller is subject, other than an obligation imposed by contract.
- The processing is necessary in order to protect the vital interests of the data subject.
- The processing is necessary for the purposes of legitimate interests pursued by the data controller or by the third party or parties to whom the data are disclosed, except where the processing is unwarranted in any particular case by reason of prejudice to the rights and freedoms or legitimate interests of the data subject. (The approach must nevertheless satisfy all the Data Protection principles.)

Sensitive personal data may be processed if a further condition is met, for example:

- The data subject has given his explicit consent to the processing of the personal data.
- The processing is necessary for the purposes of exercising or performing any right or obligation which is conferred or imposed by law on the data controller in connection with employment.
- The processing is necessary
  - a) In order to protect the vital interests of the data subject or another person, in a case where
    - i. Consent cannot be given by or on behalf of the data subject, or
    - ii. The data controller cannot reasonably be expected to obtain the consent of the data subject, or
  - b) In order to protect the vital interests of another person, in a case where consent by or on behalf of the data subject has been unreasonably withheld
- The processing
  - a) is necessary for the purpose of, or in connection with, any legal proceedings (including prospective legal proceedings)
  - b) is necessary for the purpose of obtaining legal advice, or
  - c) is otherwise necessary for the purposes of establishing, exercising or defending legal rights.

NCG will notify Data Subjects of the main ways in which their personal data may be held and processed. Where the processing is for marketing purposes, the notification will highlight any opportunities to opt out. Data Subjects will be asked to confirm they have received this notification. Where NCG relies on the consent of the Data Subject, a record of this consent must be maintained; in the case of sensitive personal data such consent must be explicit.

If and when staff collect information about Learners, Customers or others, they must comply with the guidelines set out in these procedures and the data should not exceed the general information needs.

NCG will notify new employees that their personal data will be processed for employment purposes prior to the employment contract being signed.

Learners and customers will be notified about the processing of their personal data and any opt-outs prior to signing their Learning Agreement, Enrolment Form or alternative document specified in the relevant contract.

Information on a Learner's or Customer's physical or mental health, criminal record, sexual life, political or religious views, trade union membership, ethnicity or race, is sensitive and can only be collected and processed if the appropriate legal conditions are met.

Staff needing to collect sensitive information must ensure they have authorisation by NCG to do so. The only exception being if a non-authorised member of staff is satisfied that the processing of the data is necessary in the vital interests of the learner, customer, staff member, or others. This exception is only applicable in limited circumstances such as medical emergencies. The standard form for recording express consent is at Appendix 3.

The standard form for recording consent for images to be stored in media libraries and included in publications and publicity materials is at Appendix 4.

### **3.4 Ensuring Personal Data is Accurate and Up To Date**

Employee data is held for a relatively long time. Periodic checking of Employee data is therefore necessary to ensure that it is accurate and up to date. Group Finance/ Shared Services will normally check the accuracy of Employee data through a standard form of notification every two years.

All Employees are responsible for

- Checking that any personal data that they provide to NCG is accurate and up to date, including their current CV and details of next of kin;
- Informing NCG of any changes to information which they have previously supplied e.g. change of address;
- Checking any information which NCG shall make available from time to time and informing NCG of any errors or, where appropriate, following procedures for updating.

Learners and customers are responsible for:

- Checking that any personal data that they provide to NCG is accurate and up to date;

- Informing NCG of any changes to information which they have previously supplied e.g. change of address;
- Checking any information which NCG shall make available from time to time and informing NCG of any errors or, where appropriate, following procedures for updating.

NCG is responsible for compliance with the Data Protection Act and ensuring that personal data is accurate and up to date. NCG expects its employees, learners and customers to keep their personal data accurate and up to date by notifying changes promptly in accordance with their contract of employment or learning agreement.

### **3.5 Access to Personal Data by the Relevant Individual**

Individuals have the right to see any information that NCG holds about them. The Data Protection Act allows 40 calendar days for the response and the timescale set by NCG's Information Policy is 20 working days. If someone asks to see information that you hold about them, contact your local freedom of information practitioner as soon as possible.

The contacts are:

- The Head of Contracts at Intraining for requests made at Intraining
- The Clerk to the Corporation for requests made in other parts of NCG

The individual must provide evidence of identity and explain what information is required and, if possible, its location. The evidence of identity will be verified by comparison with information held. NCG provides a Subject Access Request Form to assist individuals with providing the details we need when a request is made. Use of the form is not mandatory: a subject access request should not be refused provided the required identification and location requirements are otherwise met.

NCG will respond to requests from Data Subjects for their personal data where the Data Controller is Newcastle College or one of its subsidiary companies. For some provision, the Data Controller is a separate organisation and we act as an agent under contract; in this situation the Data Subject must be referred to the appropriate Data Controller. This arises, for example, for Work Programme participants who must be referred to the Department for Work & Pensions.

Where the Data Controller is Newcastle College or one of its subsidiary companies, each Data Subject has the right to access their personal data held by NCG on computer or in structured and accessible manual files. This is subject to exemptions set out in the DPA which provide a balance with the rights of others. A statutory fee of £10 will normally be charged for each Subject Access Request, unless this is for data held for customers on DWP funded contracts, where this fee will be waived.

### **3.6 Disclosure of Personal Data to Third Parties**

NCG may from time to time communicate Employees', Learners' and Customers' personal data (including sensitive personal data) to Third Parties with an interest in such data. This may include communication between the Funder, the college and its subsidiary companies and affiliates.

For Employees this may include all data needed to generate offers, employment contracts, amendments to terms and conditions, process payroll, pension membership and issue information to all staff about the business. Third Parties may include and are not limited to other parts of NCG, the payroll provider, the pension provider, the pension administrator, the mailing house, and so forth.

For Learners and Customers this may include records of attendance, performance, demographic detail (including previous skills and experience) and behaviour. Third Parties may include employers, parents and legal guardians of Learners/Customers and government agencies. Notification provided to learners and customers will highlight any opportunity to opt-out of data being shared with third parties. Employees are required to check whether the individual has opted out of relevant information being shared. Employees are also required to check that there is a legal basis for sharing any sensitive personal data; this usually means the express consent of the individual.

Each legal entity is a separate data controller and, for the purposes of the Data Protection Act, disclosures within the group are the same as disclosures outside of the group.

Depending on the type of data being transferred and where the recipient is located, certain legal requirements may need to be in place. Staff must check the legal requirements in each particular situation before disclosing data to a third party. For example, where NCG discloses information to a third party who is processing that data on behalf of NCG, as a 'data processor' under the Data Protection Act, certain contractual clauses should be in place between NCG and the data processor.

### **3.7 Disclosure of Personal Data outside the EEA**

NCG may, from time to time, desire to transfer personal data to countries or territories outside of the European Economic Area in accordance with purposes made known to individual data subjects. If an individual wishes to raise an objection to the disclosure outside of the EEA then written notice should be given to the Clerk to the Corporation.

Personal data, even if it would otherwise constitute fair processing, must not, unless certain exemptions apply or protective measures taken, be disclosed or transferred outside the EEA to a country or territory which does not ensure an adequate level of protection for the rights and freedoms of data subjects.

## **4. Freedom of Information and Environmental Information**

### **4.1 Openness, Confidentiality and Security**

Staff who receive requests for information must act to maintain both:

- The legal right of members of the public to access certain information
- NCG's legitimate need for some information to remain confidential and for data security to be maintained at all times

### **4.2 Legal Requirements**

Any written request for information that includes the address of the person making the request (including email) falls within the scope of the FoIA, irrespective of

whether that person makes reference to the law. Any information held in a recorded format will fall within a request under the Freedom of Information Act including internal NCG communications and information held on NCG's behalf.

The person making the request has the right to be told whether the information is held and to receive the information (where possible in the manner requested) within 20 working days unless a legal exemption applies. Exemptions include information relating to investigations, court records, trade secrets, national interest, law enforcement, and disclosures on individuals that would contravene the DPA. The legal rules concerning exemptions are complex and, when it is necessary to apply these, this should only be done by members of the Group Executive, the Clerk to the Corporation or the Head of Contracts at Intraining.

NCG must publish certain information, has adopted the Model Publication Scheme for Public Sector Organisations and provides a Guide to Information. Charges for paper copies of information provided under the scheme are the estimated costs of copying and postage.

Charges will not be made for information to meet ad hoc requests. However, the information may be exempt from disclosure if the cost of determining whether the information is held and locating, retrieving and extracting the information is greater than the appropriate limit set by fees regulations.

Any datasets held electronically and provided in response to specific requests or under the publication scheme must be provided in an electronic and commercially reusable format.

### **4.3 Data Security Requirements**

All members of staff are responsible for ensuring that any data they hold is kept securely and that personal data is not disclosed in any way to an unauthorised third party (without the written consent of the Data Subject).

All members of staff are responsible for complying with all funding organisations' data and security measures, as amended from time to time.

Staff should not disclose any knowledge of NCG's business including accounts, interventions, rates, systems and procedures with anyone unless authorised to do so in writing by their Line Manager. Staff should also be aware of their environment when discussing business openly, whether on college or company premises or offsite.

Should any member of staff commit a breach of data security or become aware of another member of staff to who has breached data security, that member of staff has a responsibility to report the breach in the first instance to the helpdesk via email at [helpdesk@ncgrp.co.uk](mailto:helpdesk@ncgrp.co.uk) or via telephone on 0191 200 4700. The helpdesk will immediately inform the Director of Infrastructure and Business Technology.

#### **4.4 Handling Requests for Information**

Many requests for information are handled as a matter of routine by staff across the organisation. This includes requests for published documents such as prospectuses and leaflets.

If you receive a non-routine request for information, contact your local freedom of information practitioner as soon as possible.

Requests made under the Freedom of Information Act must be made in writing and provide a name and address (postal or email).

However, the law permits requests for environmental information to be made verbally. Environmental information includes information about air, water, soil, land, flora and fauna, energy, noise, waste and emissions. Environmental information also includes information about decisions, policies and activities that affect the environment. Staff should make a note of the request and the name and address (postal or email) of the person making the request to enable a written response to be made.

Forward any such requests to:

- The Head of Contracts at Intraining for requests made at Intraining
- The Clerk to the Corporation for requests made in other parts of NCG

Sometimes requests are received from the media or from members of the public for information that is not normally provided.

Only nominated spokespersons are authorised to speak to the media (local and national press, local and national radio and television etc). If approached by the media for any details concerning the organisation on no account should any data be disclosed – the enquirer should be referred to the Director of Public Affairs or, in the absence of the Director of Public Affairs, to the Head of Communications. Employees who notice any adverse comment concerning NCG, its divisions, subsidiary companies or its products or services, are asked to draw this to the attention of their line manager or senior manager.

Internal information requested by members of the public must be screened for exemption from disclosure before it is released by one of the freedom of information practitioners. Staff must not directly refuse any written requests for such information and must not delete records to avoid disclosure.

If the disclosure of official data is refused, a formal refusal notice explaining the reasons for the decision will be issued. The Head of Contracts at Intraining will consult the Clerk to the Corporation about any refusal notices issued by Intraining. The Clerk will report the issuing of any refusal notices by NCG to the Corporation.

#### **5. Retention and Disposal of Records**

NCG keeps different types of information for differing lengths of time, depending on legal and operational requirements. Personal data should only be retained for as long as is necessary for NCG to achieve its purposes and comply with its obligations.

Employees have a responsibility to comply with the requirements for retention of records detailed in the Financial Regulations. Employees at Intraining also have a responsibility to comply with Intraining procedures for the retention of records and archiving. Employees should inform IT via the helpdesk of any specific timeframe that particular data is required to be held.

Employees must ensure that information, both personal and commercial, is disposed of carefully through destruction, shredding or confidential waste collection.

## **6. Awareness and Compliance**

Compliance with these procedures is the responsibility of all Employees, Learners and Customers.

Employees must complete the mandatory training module within one month of joining NCG and then every two years.

Where Employees supervise Learners undertaking work which involves the processing of personal information, they must ensure that those Learners are aware of the Data Protection Principles, in particular the requirement to obtain the Data Subject's consent where appropriate.

Any deliberate or reckless breach of these procedures may lead to disciplinary action, and where appropriate legal proceedings. Unauthorised disclosure may be considered gross misconduct in some cases.

## **7. Queries about the Data Protection & Information Procedures**

Members of staff should seek advice if they are uncertain about how to carry out these procedures. Advice is available from:

- The Head of Contracts at Intraining for processes at Intraining
- The Clerk to the Corporation for processes in other parts of NCG

## **8. Complaints**

Any individual who wishes to make a complaint concerning the operation of these procedures in any part of NCG including Intraining should raise the matter with the Clerk to the Corporation.

## Appendix 1

### Contact Details

Joanne Askin  
Head of Contracts  
The Intraining Group Limited  
Second Floor  
722 Prince of Wales Road, Darnall  
Sheffield, S9 4EU

Telephone: 0114 289 8424

Email: [joanne.askin@intraining.co.uk](mailto:joanne.askin@intraining.co.uk)

Mark Sacco  
Clerk to the Corporation  
NCG  
Rye Hill Campus, Scotswood Road  
Newcastle, NE4 7SA

Telephone: 0191 200 4300

Email: [mark.sacco@ncgrp.co.uk](mailto:mark.sacco@ncgrp.co.uk)



**Subject Access Request Form**

Details of the person requesting information

Full name: .....

Address: .....

.....

.....

Telephone no: .....

Fax no: .....

E-mail: .....

Mobile no: .....

**If you wish to see only certain specific document(s), for example a particular examination report, a specific department file, etc, please describe below:**

**If you would like a more general search, please note that we will normally automatically search the following sections for personal data:**  
  
MIS, Finance, Human Resources and any programme area in which you have studied or worked, as applicable. Please state below any other sections/departments that you have been in contact with which you would like to be searched for relevant data.

**Declaration**

I,..... certify that the information given on this application form to NCG is true. I understand that it is necessary for NCG to confirm my identity and it may be necessary to obtain more detailed information in order to locate the correct information.

**Signed:** ..... **Date:** .....

The following must accompany this application:

- Evidence of identity, e.g. photocopy of driving licence or birth certification
- A fee of £10 (cheques made payable as explained below)

Please note that NCG reserves the right to obscure or suppress information that relates to third parties (under the terms of Section 7 of the Data Protection Act (1998)).

**Requests to Intraining**

Please make the cheque for £10 payable to: The Intraining Group

Please return the completed form and accompanying items to:  
The Head of Contracts, The Intraining Group, Second Floor, 722 Prince of Wales Road, Darnall, Sheffield S9 4EU.

**Requests to other parts of NCG**

Please make the cheque for £10 payable to: Newcastle College

Please return the completed form and accompanying items to:  
The Clerk to the Corporation, NCG, Rye Hill Campus, Scotswood Road, Newcastle upon Tyne NE4 7SA

-----  
**Office Use Only:**

Date request received: .....

Date fee received: .....

Notes: .....

Date completed: .....

Confirmed (signature):



**Consent Form**

Name: .....

Address: .....  
.....  
.....  
.....

Contact number: .....

E-mail address: .....

I hereby consent for my personal data including sensitive personal data to be:

- processed by NCG
- disclosed to third parties  
(delete as applicable)

for the following purposes

- (A) .....
- (B) .....
- (C) .....
- (D) .....
- (E) .....

Signed: ..... Date: .....



## Approval Form: photo; quote; film

If the participant is a 'vulnerable person', their involvement must be discussed in advance with:

- The Director of Learner Services (for Newcastle College); or
- The Disability Team Co-ordinator (for Newcastle Sixth Form College)
- The Learning and Support Manager (for West Lancashire College); or
- The Safeguarding and Customer Service Manager (for Intraining)
- The Director of Operations for the country (for Rathbone Training)

### Section A – to be completed at the outset by the participant

Name:

Address:

Telephone number:

E-mail:

Mobile:

Name of Course/Programme:

Year: 1 2 3

Are you an employee, learner, customer, parent/guardian or other? (Please state):

Quote (if relevant):

I confirm that NCG and its subsidiary companies are permitted to use photos, quotes and film footage of myself in ANY/ALL publicity material (The organisation comprises Newcastle College, Newcastle Sixth Form College, West Lancashire College, Intraining and Rathbone). I understand that I have no interest in the copyright, or any moral rights in any of the above, and shall not be contacted again for permission of usage. I understand that the choice of what is used is solely up to NCG and that when issued/printed it may be used as seen fit in prospectuses, press releases and other publicity materials. I understand it may not be possible for NCG to cease use of the material if permission is withdrawn. If photos &/or quotes are sent to the media, I understand that they may use these as and when they think it is appropriate and I understand that I have no interest in this. I am 16 years of age or over.

Signed: ..... Date: .....

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### Section B - for NCG internal use

Date of shoot/quote:

Location:

Description of model for identification:

Photographer/Operative/Marketing Dept rep: