

## Data Protection Policy

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## **1. Scope and Purpose**

### **Introduction**

The 1998 Data Protection Act regulates how organisations may use personal data and protects the rights of individuals with regard to the use of their personal data. The Act establishes 8 principles that apply to the use of personal data. These require that personal data shall be:

- Processed fairly and lawfully and shall not be processed unless certain conditions are met
- Processed for specified and lawful purposes and not further processed in a manner that is incompatible with that purpose
- Adequate, relevant and not excessive
- Accurate and where necessary kept up to date
- Kept for no longer than necessary
- Processed in accordance with data subjects' rights
- Kept secure, with adequate security precautions in place to prevent the loss, destruction or unauthorised disclosure of the information;
- Not transferred to countries outside the European Economic Area (EEA) without adequate protection in place.

The use of personal data is also governed by other statutory and common law requirements, including the laws of confidence and defamation.

Wiltshire College collects and processes personal information belonging to applicants, students, employees, governors, contractors and others.

Maintaining the security and integrity of the personal information it collects, and ensuring its effective use for the intended purposes, is critical to College success.

This policy ensures that personal information is managed by the College in order to comply with legislation and in the best interests of data subjects.

### **Status of the Policy**

This policy applies to all staff of the college including permanent, fixed term and temporary staff as well as Governors, any third party representatives, agency workers, volunteers, interns, agents and sponsors engaged with the college.

This policy does not form part of the formal contract of employment, but it is a condition of employment that employees will abide by the rules and policies made by Wiltshire College. Any failure to follow the policy can therefore result in disciplinary proceedings.

Any member of staff or any student who considers that the policy has not been followed in respect of personal data about themselves should raise the matter with the designated data controller initially.

If the matter is not resolved it should be raised as a formal grievance.

## 2. Accountability

The Director of MIS is responsible for ensuring the Policy is implemented, regularly reviewed and updated.

### Notification of Data Held and Processed

All staff, students and other users are entitled to:

- know what information the College holds and processes about them and why
- know how to gain access to it
- know how to keep it up to date
- know what the College is doing to comply with its obligation under the 1998 Act.

### Responsibilities of Staff/Students

All members of staff are responsible for:

- checking that any information that they provide to Wiltshire College in connection with their employment/enrolment is accurate and up to date
- informing the College of any changes to information which they have provided, eg change of address
- checking the information that the College will send out from time to time, giving details of information kept and processes
- informing the College of any errors or changes. Wiltshire College cannot be held responsible for any errors unless the student or staff member has informed the College of them.

If, as part of their responsibilities, staff collect information about other people, (ie about students' course work, opinions about ability, references to other academic institutions, or details of personal circumstances), they must comply with the guidelines for staff, which are at Appendix 1.

## 3. Process/Procedure

### Data Security

All members of staff are responsible for ensuring that:

- any personal data which they hold is kept securely
- personal information is not disclosed, accidentally or otherwise, either orally or in writing or otherwise to any unauthorised third party.

**Staff should note that unauthorised disclosure will usually be a disciplinary matter, and may be considered gross misconduct in some cases.**

Personal information should be

- kept secure, preferably in a locked filing cabinet or
- in a locked drawer or

- be password protected (if it is computerised).

## **Rights to Access Information**

Staff, students and other individuals have the right to access any personal data that is being kept about them by Wiltshire College either on computer or in certain files. Any person who wishes to exercise this right should complete the College 'Access to Information' form, found at Appendix 2. Staff should forward this to the Assistant Principal - Human Resources and students should pass it to their Course Tutor.

**Wiltshire College will make a charge of £10 on each occasion that a student or other user requests access.**

Wiltshire College aims to comply with the requests for access to personal information as quickly as possible, but will ensure that it is provided within 21 days unless there is good reason for delay. In such cases, the reason for delay will be explained in writing to the person making the request.

## **4. Implementation**

### **Publication of Wiltshire College Information**

Information that is already in the public domain is exempt from the 1998 Act. It is College policy to make as much information public as possible and, in particular, the following information will be available to the public for inspection:

- names and contact of Wiltshire College governors
- register of interests of Wiltshire College governors and senior staff
- lists of key staff
- photographs of key staff

Any individual who has good reason for wishing details in these lists or categories to remain confidential should contact the Director of Management Information Services.

### **Organisations and others to which to the College may provide data**

The College may provide data relating to students to organisations including, but not limited to, the Department for Education, the Funding Councils (including but not limited to the Skills Funding Agency, Education Funding Agency, European Social Fund and the Higher Education Funding Council), Local Authorities, Awarding Organisations, auditors and, for those receiving benefits, the Department for Work and Pensions. It may also be the case that personal information is provided to such organisations through agencies acting on their behalf.

### **Subject Consent**

In many cases, Wiltshire College can only process personal data with the consent of the individual. In some cases, if the data is sensitive, **express consent** must be obtained. Agreement to the College processing some specified classes of personal data is a condition of acceptance of a student onto any course, and a condition of employment for staff. This includes information about previous criminal convictions.

Some jobs or courses will bring the applicants into contact with children, including young people between the ages of 16 and 18. Wiltshire College has a duty under the Children Act and other enactments to ensure that staff are suitable for the job and students for the courses offered. The College also has a duty of care to all staff and students and must therefore make sure that employees and those who use the College facilities do not pose a threat or danger to other users.

The College will also ask for information about particular health needs such as allergies to particular forms of medication or any conditions such as asthma or diabetes. The College will only use the information in the protection of the health and safety of the individual but will need consent to process in the event of a medical emergency.

Therefore, all prospective staff and students will be asked to sign a 'Consent to Process' form, regarding particular types of information when an offer of employment or a course place is made. A refusal to sign such a form can result in the offer being withdrawn.

The College will divulge information on staff and students without consent if required to do so by law.

### **Processing Sensitive Information**

Sometimes it is necessary to process information about a person's health, criminal convictions, race, sexual orientation, gender re-assignment, religion, marriage / civil partnership, pregnancy / maternity, gender, disability and family details. This may be to ensure the College is a safe place for everyone, or to operate other Wiltshire College policies, such as the sick pay policy or equal opportunities policy.

Because this information is considered sensitive, and it is recognised that the processing of it may cause particular concern or distress to individuals, staff and students will be asked to give express consent for the College to do this. Offers of employment or course places may be withdrawn if an individual refuses to consent to this, without good reason. More information about this is available from the Assistant Principal - Human Resources (employment offers) or Head of Department (course place offers).

### **The Data Controller and the Designated Data Controller/s**

Wiltshire College as a corporate body is the data controller under the Act, and the Board is therefore ultimately responsible for implementation. However, the designated data controllers will deal with day-to-day matters.

**Wiltshire College has a number of designated data controllers. They are:**

<b>Title</b>	<b>Area of Responsibility</b>
Assistant Principal - Human Resources	Personal information about employees
Director of Management Information Services	Course / registration / examination details
Director of Finance	Financial Information

Student Support and Tutorial Managers	Admission and academic records for Students
Director of Estates	Health & safety records
Director of ICT Services	Use of College ICT facilities

## Examination Marks

Students will be entitled to information about their grades and marks for both coursework and examinations. However, this may take longer than other information to provide. Wiltshire College may withhold references in the event that the full course fees have not been paid, or all books and equipment returned to the College.

Guidance for students will be published in the Student Handbook and published on the College intranet.

## Retention of Data

Because of storage problems, information about students cannot be kept indefinitely, unless there are specific requests to do so. In general paper records will be kept for a maximum of six years after they leave the College. This will include:

- admissions and enrolment records
- academic achievements, including grades and marks for coursework

The exception to this is where the condition of funding is that documents be kept for a longer period.

ESF (European Social Fund) documentation should be retained until at least **31 December 2022** for academic years from 2006/7 to 2013/14 and until at least **31<sup>st</sup> December 2030** for academic year 14/15 onwards - unless advised otherwise by the ESF Managing Authority

For clarification this covers all Adult Skills Funded provision as well as specific ESF projects

Wiltshire College will keep some forms of information for longer than others up to a maximum of ten years this will include:

- personal references
- Higher Education information
- conduct/disciplinary records

All other personal information not included above will be destroyed within 3 years of the course ending and the student leaving the College.

The College will need to keep information about staff for longer periods of time. In general, all information will be kept for three years after a member of staff leaves Wiltshire College. Some information however will be kept for much longer. This will include information necessary in respect of pensions, taxation, potential or current disputes or litigation regarding the employment, and information required for job references. A full list of information with retention times is available from the Director of Human Resources.

<b>Title</b>	<b>Area of Responsibility</b>
Assistant Principal - Human Resources	Personal information about employees
Director of Management Information Services	Course / registration / examination details
Vice Principal (Curriculum & Quality)	Admission and academic records for students
Director of Estates	Health & safety records
Director of ICT Services	Use of College ICT facilities
Director of Student Services & Marketing	Student financial support, Student union, counselling services, additional learning support

## **Conclusion**

Compliance with the 1998 Act is the responsibility of all members of Wiltshire College. Any deliberate breach of the data protection policy may lead to disciplinary action being taken, or access to College facilities being withdrawn, or even a criminal prosecution. Any questions or concerns about the interpretation or operation of this policy should be taken up with one of the Designated Data Controllers.

## **5. Associated Documents**

Appendix 1: Staff Guidelines for Data Protection

Appendix 2: Standard Request Form for Access to Personal Data

## **6. Equality Impact Assessment**

An Equality Impact Assessment has been carried out.

## APPENDIX 1 TO THE DATA PROTECTION POLICY

### Staff Guidelines for Data Protection

1. All staff will process data about students on a regular basis, when marking registers, marking or grading coursework or examination papers, writing reports or references, or as part of a pastoral or academic supervisory role. Wiltshire College will ensure, through registration procedures, that all students give their consent to this sort of processing, and are notified of the categories of processing, as required by the 1998 Act. The information that staff deal with on a day-to-day basis will be standard and will cover categories such as:
  - general personal details such as name and address
  - details about class attendance, course work marks and grades and associated comments
  - notes of personal supervision, including matters about behaviour and discipline.
2. Information about a student's age, disability, gender reassignment, marriage/civil partnership, pregnancy/maternity, race, religion/belief, sex and sexual orientation and trade union membership is sensitive and can only be collected and processed with the student's consent. If members of staff need to record this information, they should use the Wiltshire College standard form; e.g. recording information about dietary needs, for religious or health reasons prior to taking students on a field trip; recording information that a student is pregnant, as part of pastoral duties.
3. All staff have a duty to make sure that that they comply with the data protection principles, which are set out in the Wiltshire College Data Protection Policy as published in the Staff Handbook and on the College intranet. In particular, staff must ensure that tutorial records and other personal and sensitive student information be retained in the student's personal folder and that these records are:
  - accurate;
  - up-to-date;
  - fair;
  - kept securely and in accordance with College policy.
4. The College will designate staff in each area as 'authorised staff'. These members of staff are the only staff authorised to hold or process data that is:
  - not standard data; or
  - sensitive data.

The only exception to this will be if a non-authorised staff member is satisfied that the processing is urgent and necessary:

- in the best interests of the student or staff member, or a third person, or Wiltshire College;

**AND**

- he or she has either informed the authorised person of this, or has been unable to do so and processing is urgent and necessary in all the circumstances.

This should only happen in very limited circumstances, e.g. a student is injured and unconscious, but in need of medical attention, and a staff tutor tells the hospital that the student is pregnant or of a particular faith or belief system which warrants certain medical treatment.

5. Authorised staff will be responsible for ensuring that all data is kept securely. Staff should not disclose their computer password(s) to others.
6. Staff must not disclose personal data to any student unless for normal academic or pastoral purposes except with the authorisation or agreement of the Vice Principal, or in line with the College policy.
7. Staff shall not disclose personal data to any other staff member except with the authorisation or agreement of the Assistant Principal - Human Resources, or in line with College policy.
8. Staff shall not disclose personal data to third parties without a signed release from the data subject expressly permitting the data to be shared with the third party.
9. Similar data requested by multiple data subjects should be sent individually to each data subject, under no circumstances should emails with multiple recipients be used.
10. Before processing any personal data, all staff should consider the checklist.

#### **Staff Checklist for Recording Data**

- **Do you really need to record the information?**
- **Is the information 'standard' or is it 'sensitive'?**
- **If it is sensitive, do you have the data subject's express consent?**
- **Has the student been told that this type of data will be processed?**
- **Are you authorised to collect/store/process the data?**
- **If yes, have you checked with the data subject that the data is accurate?**
- **Are you sure that the data is secure?**
- **If you do not have the data subject's consent to process, are you satisfied that it is in the best interests of the student or the staff member to collect and retain the data?**
- **Have you reported the fact of data collection to the authorised person within the required time?**

**APPENDIX 2 TO THE DATA PROTECTION POLICY**

**Standard Request Form for Access to Personal Data**

I, \_\_\_\_\_ (insert name)

wish to have access to EITHER

(delete as appropriate)

**1. All the data that Wiltshire College currently has about me, either as part of an automated system or part of a relevant filing system; OR**

**2. Data that Wiltshire College has about me in the following categories**

Academic marks or course work details

Academic or employment references

Disciplinary records

Disability

Political or trade union information

Religion/belief

Sexual Orientation

Marriage/Civil Partnership

Gender Reassignment

Race, ethnicity or nationality

Pregnancy/maternity

Sex

Any statements of opinion about my abilities or performance

Personal details including name, address date of birth, pay etc.

Other Information

(Please tick as appropriate)

I understand that I will have to pay an initial fee of £10.00.

Signed \_\_\_\_\_

Dated \_\_\_\_\_

**PLEASE SEND THIS FORM, along with a cheque for £10 made payable to 'Wiltshire College', to:**

**The Director of Management Information Services Wiltshire College College Road  
Trowbridge BA14 0ES**

**OR hand the form with the £10 fee to the main College Reception**

**Wiltshire College will respond to the information requested within 21 days of receiving the initial £10 fee and the completed form.**

**Date Received ..... Actioned By .....**

**Response Date ..... Signature .....**

Clause for inclusion on Enrolment & Full Time Application Forms

**We need you to sign the form overleaf to confirm that you have read and agree to the following consent to process data statement, otherwise we cannot offer you a course place and may withdraw any offer already made.**

I agree to Wiltshire College processing personal data contained in this form, or other data which the College may obtain from me or other people, whilst I am a student. I agree to the processing of such data for any purposes connected with my studies or my health and safety whilst on the College premises or for any other legitimate reason.

Signed \_\_\_\_\_ (student/parent/guardian or representative)

Name \_\_\_\_\_

Date \_\_\_\_\_

## 6. Equality Impact Assessment

It is intended that this policy is fair to all. Where any part could potentially lead to unequal outcomes, the policy then justifies why this is a proportionate means of achieving a legitimate aim.