

DATA PROTECTION POLICY

This Policy is produced in accordance with the Requirements of the Data Protection Act 1998

Data Controller

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Introduction

The College needs to keep certain information about employees, students and other users to allow it to monitor performance, achievements, and health and safety, for example. It is also necessary to process information so that staff can be recruited and paid, courses organised and legal obligations to funding bodies and government complied with. To comply with the law, information must be used fairly, stored safely and not disclosed to any other person unlawfully.

Principles of Data Protection

There are eight principles that all “data controllers” must observe. Data must:-

- Be obtained and processed fairly and lawfully and shall not be processed unless certain conditions are met.
- Be obtained for a specified 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.
- Not be transferred to a country outside the European Economic Area, unless that country has equivalent levels of protection for personal data.

The College and all staff or others who process or use any personal information must ensure that they follow these principles at all times. In order to ensure that this happens, the College has developed this Data Protection Policy.

Status of the Policy

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 the College from time to time. Any failure to follow the policy can therefore result in disciplinary proceedings.

Any member of staff who considers that the policy has not been followed in respect of personal data about themselves should raise the matter with the Data Controller initially. If the matter is not resolved it should be raised as a formal grievance.

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 obligations under the 1998 Act.

Appendix 2 summarises the information held by the college on staff and students. Appendix 3 is the form to be completed by staff or students to access their own data.

Responsibilities of Staff

All staff are responsible for:

- Checking that any information that they provide to the College in connection with their employment is accurate and up to date.
- Informing the College of any changes to information, which they have provided. i.e. changes of address
- Informing the College of any errors or changes. The College cannot be held responsible for any errors unless the staff member has informed the College of them.

If and when, as part of their responsibilities, staff collect information about other people, (e.g. 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 (Appendix 1).

Data Security

All staff are responsible for ensuring that:

- Any personal data which they hold is kept securely.
- Personal information is not disclosed either orally or in writing or accidentally 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 in a locked filing cabinet; or
- in a locked drawer; or
- if it is computerised, be password protected; or
- kept only on disk which is itself secure.

Student Obligations

Students must ensure that all personal data provided to the College is accurate and up to date. They must ensure that changes of address or other changes are notified to their tutor or the CIS office.

Rights to Access Information

Staff, students and other users of the College have the right to access any personal data that is being kept about them either on computer or in certain files. Any person who wishes to exercise this right should complete the college "Access to Information" form (Appendix 3) and hand it to their tutor or line manager or directly to the Data Controller.

There is a charge of £10 to cover administrative costs, but this charge may be waived. The College aims to comply with 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.

Publication of College Information

Information that is already in the public domain is exempt from the 1998 Act. It is the 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 of College governors
- List of all staff
- Photographs of staff and students
- Information on examination results and student destinations

The Colleges internal phone list will not be a public document.

Any individual who has good reason for wishing details in these lists or categories to remain confidential should contact the Data Controller.

Subject Consent

In many cases, the 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. The 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, for example.

Therefore, all prospective staff will be asked to sign a Consent To Process form and students will be asked to sign a declaration, 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.

Processing Sensitive Information

Sometimes it is necessary to process information about a person's health, criminal convictions, race and gender and family details. This may be to ensure the College is a safe place for everyone, or to operate other 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.

The Data Controller

The College as a body corporate is the Data Controller under the Act, and the Corporation is therefore ultimately responsible for implementation. However, there is a designated Data Controller dealing with day to day matters.

Examination Marks

Students will be entitled to information about their marks for both coursework and examinations. However, this may take longer than other information to provide. The College may withhold certificates, accreditation or references in the event that all books and equipment have not been returned to the College or all monies owed to the college have not been paid.

Retention of Data

The college will keep some forms of information for longer than others. Because of storage problems, information about students cannot be kept indefinitely. In general, student files will be kept for a maximum of 6 years after they leave college. This will include

- name and address
- academic achievements
- copies of any reference written
- copies of job/course application forms

After 6 years such information is scanned and kept on disk, so in practice basic student data is available indefinitely.

The college will also need to keep information about staff for longer periods of time. In general, all information will be kept for 10 years after a member of staff leaves the college. Some information 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.

CCTV

The monitoring, recording, holding and processing of images of distinguishable individuals constitutes personal data as defined by the Data Protection Act (1998). The use of Closed Circuit Television (CCTV) at Birkenhead Sixth Form College is fully compliant with the requirements of the Data Protection Act (1998), with related legislation and with the CCTV Code of Practice published by the Office of the Information Commissioner.

Conclusion

Compliance with the 1998 Act is the responsibility of all members of the 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 would be taken up with the data controllers.

Appendix 1

Staff Guidelines for Data Protection

All staff will process data about students on a regular basis, when marking registers or College work, writing reports or references, or as part of a pastoral or other role. The 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
- Coursework marks, grades and associated comments
- Pastoral notes, including matters about behaviour and discipline

Information about a student's physical or mental health, sexual life, political or religious views, trade union membership, ethnicity or race is sensitive and can only be collected and processed with the students' explicit written consent. Examples:

- keeping of sick notes
- recording information about dietary needs, for religious or health reasons, while organising for students to take part in off-site activity
- recording information that a student is pregnant, as part of pastoral duties.

Disclosure of such information without consent is permitted only in "life or death" circumstances, e.g., if a student is unconscious, a tutor can tell medical staff that the student is pregnant or a Jehovah's Witness.

Sensitive information must be protected with a **higher level of security**. It is recommended that sensitive records are kept separately in a locked drawer or filing cabinet, or in a password-protected computer file. If you (or one of your students) are holding, or intending to hold, sensitive personal information which is outside standard College processing, e.g., for a research project, you should notify the appropriate designated Data Controller immediately.

All staff have a duty to make sure that they comply with the data protection principles, as set out in the Data Protection Policy. In particular, staff must ensure that records are:

- accurate
- up-to-date
- fair
- kept and disposed of safely

Staff must not disclose personal data to any other student, parent or other person not in employment at the college without authorisation or agreement from the Data Controller, or in line with College policy. Staff shall not disclose personal data to any other staff member except with the authorisation or agreement of the designated Data Controller, or in line with College policy.

The Act requires data to be kept securely in relation to both unauthorised access and loss. All staff have duty to maintain data security, in particular by not leaving data accessible in an unlocked office or filing cabinet. Computer screens should not be placed where they could be easily seen by unauthorised people. Computers should be locked when left unattended. (Contact the IT Helpdesk for guidance about this, if necessary.)

Electronic transfer of personal data cannot be considered secure. Using email or fax to transmit

personal data should be treated with extreme caution. This is particularly important when sending confidential documents, such as references, to third parties outside college.

Before processing any personal data, all staff should consider the checklist below.

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?

Appendix 2

Personal Data held by College

The following information is held by the college on students:

- Personal details: this includes name, date of birth, address, qualifications, next of kin (and places of work, if relevant), telephone numbers plus a photograph.
- Details concerning health – for instance whether they are diabetic, suffer from asthma etc. Details of any disabilities which might have an impact on your academic study e.g. dyslexia.
- Details about academic performance, expected and actual results, references and attendance.
- A copy of the Learner's Agreement.
- Copies of any other related agreements – e.g. use of IT, permission to attend trips.
- Details of any meetings held with family/and or external agencies.
- Details of any change of course taken.
- A copy of any Leavers' Form and, if required, Early Leavers' Form.
- Details of any certificates/assessments held concerning academic progress, e.g. reports, referrals.
- Personal details required for examination entries and any other communications with examination boards.
- Details of any disciplinary meetings held with members of staff.

The following information is held by the college on staff:

- Personal details: name, address, date of birth, qualifications, next of kin.
- Details of physical and/or mental health: details about specific conditions individuals may suffer from, such as asthma or diabetes; information about sickness absences and any medical reports we may have received.
- Details about work performance, including notes of observation sessions, appraisals, and staff development.
- Personal information: details about start date, pension and pay details, any current disciplinary or grievance matters, any deductions from salary or any loans.
- Details about any criminal record.
- References produced by the college before September 2002 are confidential, but from 1st September 2002, they are open.

Appendix 3

Access to Information

I _____ wish to have access to

1. All the data that the College currently has about me, either as part of an automated system or part of a relevant filing system; or
2. Data that the College has about me as a student in the following categories:
 - Personal details: this includes name, date of birth, address, qualifications, next of kin (and places of work, if relevant), telephone numbers plus a photograph.
 - Details concerning health – for instance whether they are diabetic, suffer from asthma etc. Details of any disabilities which might have an impact on your academic study e.g. dyslexia.
 - Details about academic performance, expected and actual results, references and attendance.
 - A copy of the Learner's Agreement.
 - Copies of any other related agreements – e.g. use of IT, permission to attend trips.
 - Details of any meetings held with family/and or external agencies.
 - Details of any change of course taken.
 - A copy of any Leavers' Form and, if required, Early Leavers' Form.
 - Details of any certificates/assessments held concerning academic progress, e.g. reports, referrals.
 - Personal details required for examination entries and any other communications with examination boards.
 - Details of any disciplinary meetings held with members of staff.
3. Data that the College has about me as a member of staff in the following categories:
 - Personal details: name, address, date of birth, qualifications, next of kin.
 - Details of physical and/or mental health: details about specific conditions individuals may suffer from, such as asthma or diabetes; information about sickness absences and any medical reports we may have received.
 - Details about work performance, including notes of observation sessions, appraisals, and staff development.
 - Personal information: details about start date, pension and pay details, any current disciplinary or grievance matters, any deductions from salary or any loans.
 - Details about any criminal record.
 - References produced by the college before September 2002 are confidential, but from 1st September 2002, they are open.

[Please tick as appropriate]

Signed: _____

Date: _____