

CANTERBURY COLLEGE POLICY

DATA PROTECTION POLICY

EFFECTIVE DATE: 27 November 2008

LAST REVIEWED: October 2008

REVIEWED BY: Clerk to the Corporation

NEXT REVIEW: 'as required'

POLICY LEAD(s): Computing Support Manager / Director of Student Support Services

Copies of policies may be obtained via the College's web site. Hard copies may be obtained via the Clerk to the Corporation. Administration fees may be applied for provision of more than one hard copy. Any fee will be confirmed prior to dispatch of copies and may be waived at the College's discretion.

DATA PROTECTION POLICY

POLICY STATEMENT

WHAT IS DATA PROTECTION?

Canterbury College needs to keep information about its employees and students in order to monitor performance and achievements and for other reasons such as health and safety, staff recruitment and legal obligations to Government. To do this the College must comply with the Data Protection Principles which are set out in the Data Protection Act 1998. These in effect protect the privacy of individual people by laying down strict rules as to what information can be collected and what use may be made of this information

SUMMARY OF THE EIGHT DATA PROTECTION PRINCIPLES

- 1 Personal data shall be processed fairly and lawfully in accordance with specific conditions particularly in the case of 'sensitive' personal data
- 2 Personal data shall be obtained only for one or more specified and lawful purpose and shall not be processed in any manner incompatible with that purpose
- 3 Personal data shall be adequate, relevant and not excessive for the purposes it is collected
- 4 Personal data shall be adequate and where necessary kept up to date
- 5 Personal data processed for any purpose shall not be kept for longer than necessary for that purpose or purposes
- 6 Personal data shall be processed in accordance with the data subject's rights under this Act
- 7 Measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss, destruction and damage to it
- 8 Personal data shall not be transferred to a country outside the European Economic Area unless that country has equivalent levels of protection for personal data
- 9 The Data Protection Policy will be consistent and complementary to all other college policies and in particular the current Equality and Diversity policies and Health and Safety policies.

WHAT DOES DATA PROTECTION ENTITLE YOU TO?

All students and staff are entitled to:

- Know what information Canterbury 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

Canterbury College will therefore provide on a regular basis all staff and students with a standard form of notification stating all the types of information the College holds and processes about them and the reasons for which it is processed.

Appendix 1 lists all the information the College holds about students (Student Data)

Appendix 2 lists all the information the College holds about staff (Staff Data)

IF YOU ARE A STUDENT

- You must ensure that all personal data given to Canterbury College is accurate and up to date
- You must ensure that change of address etc are notified to the College Registry as soon as possible

IF YOU ARE A MEMBER OF STAFF

- You must check any information you provide to the College in connection with employment is accurate and up to date
- You are responsible for informing the College of any changes to the information you have provided
- You must check the information the College sends out from time to time which gives details of information kept and processed about staff
- You must notify the College of any errors or changes. Canterbury College cannot be held responsible for any errors unless the staff member has informed them

See Appendix 3: Staff Guidelines for Data Protection

DATA SECURITY

- All staff are responsible for ensuring that any personal data which they hold is kept securely in locked filing cabinets, locked drawers or if computerised be password protected
- All staff should ensure that personal information is not disclosed either orally or in writing, accidentally or otherwise to any unauthorised third party and that unauthorised disclosure be a disciplinary matter

RIGHTS TO ACCESS INFORMATION

- Staff and students have the right to access any personal data held about them either in paper or computer files

See Appendix 4: Standard Request Form for Access to Data

- Any person wishing to access this information should complete a form and pass this to the Registry Manager. There will be a charge of £10
- Information will be provided within 21 days unless there is good reason otherwise. Any delays in this will be explained to the person in writing

PUBLICATION OF CANTERBURY COLLEGE INFORMATION

Information that is already in the public domain is exempt from 1998 Act. It is the policy of Canterbury College to make as much information public as possible such as:

- Names of Canterbury College Governors
- List of staff and photographs of key staff
- Any individual who has good reason for any information to remain confidential should contact the College's designated Data Controller who is the Finance and Reporting Manager

GIVING YOUR CONSENT

- In many cases Canterbury 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
- Acceptance of processing is a condition of employment for staff
- Signing of the Learning Agreement document constitutes acceptance of processing for students

RETENTION OF DATA

Canterbury College will keep information for varying lengths of time (subject to statutory requirements). Because of storage problems some information cannot be held indefinitely.

See Appendix 5: Retention of Personal Data

CONCLUSION

Compliance with the Data Protection Act is the responsibility of all members of Canterbury College. Any deliberate breach may lead to disciplinary action. Any questions or concerns should be addressed to the designated Data Controller, the Finance and Reporting Manager

STUDENT DATA

This notice is served as part of the requirements of the Data Protection Act 1998. It sets out the types of Personal Data that Canterbury College currently holds about you.

The College keeps information on the following categories:

- Personal details such as name and address, date of birth, existing qualifications and next of kin
- Health details, any specific condition and any additional support requirements
- Details about academic performance, expected and actual results, references, attendance records, work experience. Progress reports, On Course support
- Details about courses applied and enrolled for, fees paid and outstanding, awarding body registration
- Learning Resource Centre items on loan

STAFF DATA

This notice is served as part of the requirements of the Data Protection Act 1998. It sets out the types of Personal Data that Canterbury College currently holds about you.

The College keeps information on the following categories:

- Personal details such as names, addresses, date of birth, qualifications, next of kin
- Health/sickness records, accident reports
- Membership of Trade Unions
- Your letter of application
- References
- Your CV
- Appraisal records/probation reports
- Training records
- Pay, tax and pension details, bonus, TPI/SSPI
- Any current grievance or poor performance records
- Learning Resource Centre loans

STAFF GUIDELINES FOR DATA PROTECTION

- 1 All staff will process data about students during their course and Canterbury College will ensure through registration procedures that all students give consent to this processing. In particular this applies to sensitive data such as physical or mental health, race, ethnicity, political and religious views
- 2 All staff have a duty to comply with the Data Protection Principles which are set out in this policy and in particular staff must ensure that records are:
 - Accurate
 - Up to date
 - Fair
 - Kept and disposed of safely and in accordance with the policy
- 3 Canterbury College will authorise designated staff in each area to hold and process data that is not Standard Data or Sensitive Data. The only exception to this will be if a non-authorized staff member is satisfied that the processing of the data is necessary in the best interests of the student or staff member or a third person or the College *and* that he or she has informed the authorised person of this, or has been unable to do so and processing is urgent and necessary eg a student is injured and a tutor needs to tell the hospital that the student is pregnant
- 4 Authorised staff will be responsible for ensuring all data is kept securely
- 5 Staff must not disclose personal data to any student or other staff member unless for normal academic or pastoral purposes unless agreed by the designated Data Controller or in line with the College's policy.
- 6 Before processing any personal data all staff should consider the checklist below

STAFF CHECKLIST FOR RECORDING DATA

- Do you really need to record the data?
- Is the information standard or 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 and store this data? If yes have you checked with subject that the data is accurate?
- Are you sure 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 staff member to collect and retain the data?
- Have you reported the fact of data collection to the authorised person within the required time?

REQUEST FORM FOR ACCESS TO DATA

I wish to have access to Data that Canterbury College has about me.

Please tick box:

Personal details, Name, Address, Date of Birth

Academic marks or course work records

Disciplinary records

Health/Medical matters

Political, Religious or Trade Union information

Any statements of opinion about my abilities or performance

Academic or Employment References

Other

I understand that I will have to pay a charge of £10.

Signed Date.....

GUIDELINES FOR RETENTION OF PERSONAL DATA

Types of Data	Retention Period	Reason
Financial Documentation including: <ul style="list-style-type: none"> • Budget details • Transactions of income and expenditure • Details of debtors • Details of staff expenses • Audit Reports 	Minimum of six financial years	
Staff Records	Full records to be maintained for a minimum of ten years from the date of the employee leaving the College. Then a summary record including date employed from, date left, post(s) held, rate of remuneration, member of pension scheme should be held for an indefinite period	
Legal Documentation including: <ul style="list-style-type: none"> • All court cases • Employment tribunals • Minor Claims for damages 	Full records to be maintained for a minimum of ten years	
Student Records – central data eg: <ul style="list-style-type: none"> • Registers • Learning Agreements • Achievement data • Examination Results 	Full records to be maintained for five years following the final year of attendance	
Student Records – academic	Records to be retained for a minimum of three years following the final year of attendance. Then a summary report and reference including exam results for a further two years	
Work Based Learning Records	Full records to be retained for six years	

Disclosure of Information to Third Parties - Data Protection Act 1998

There are two issues to consider regarding disclosure of student information to third parties: firstly, the type of information being disclosed; secondly, to whom it is disclosed. As regards the type of information, **sensitive data** covers:

- *race/ethnic origin*
- *political beliefs*
- *religious/other beliefs*
- *trade union membership*
- *sexual life*
- *physical or mental health or condition*
- *the commission or alleged commission by the person of an offence*
- *any proceedings for any offence committed*

This data can be released with explicit consent of the individual except in cases of medical emergency or police involvement.

Sensitive data will not be disclosed without consent unless there is a legal obligation from a Government agency to do so.

All students will be required to sign a Learning Agreement that includes a statement relating to processing and sharing of their data with legitimate third party organizations (eg funding bodies).

The College policy is not to disclose sensitive information to other third parties. If staff are unsure they should contact their Director.

All other data needs no explicit consent to process as long as:

- *disclosure protects the vital interests of the data subject*
- *disclosure is for any third party to pursue their legitimate interests. However, this must be balanced against the rights and freedoms of the data subject*

Staff must not disclose any learner data (including to parents or employers (in the case of fee paying employers general information concerning the attendance of their employees may be communicated but the terms of data sharing should form part of the learning agreement prior to commencement)) without the explicit consent of the learner in question.

Disclosure of Information to Third Parties - Data Protection Act 1998

Frequently Asked Questions

Can I give out information about students to third parties?

This is possible where you feel that it is in the interest of the student **but** you should ask the student's permission first unless the issue involves the law, a government agency (see below) or a medical emergency. **Never** give identifiable data to the media. If in doubt, seek advice from the Designated Data Controller, and see below regarding **sensitive data**.

Can I give out information regarding grades, attendance or disciplinary matters, or simply whether the student is enrolled at Canterbury College?

Again, you should first ask the student's permission. If in doubt, seek advice from the Designated Data Controller, and see below regarding **sensitive data**.

Can I give out information to a student's parents, guardians, sponsors or employers?

Ideally, you should first ask the student's permission, particularly if you are aware of any reasons why the student would not want information disclosed. The Act does allow disclosure of information in the best interests of the student, but take care at all times. If in doubt, seek advice from the Designated Data Controller, and see below regarding **sensitive data**.

Does the age of the student make a difference?

No. Whether or not the student is under 18 has no effect on any aspect of the Data Protection Act 1998.

What is meant by 'government agencies'?

Relevant government agencies include the Inland Revenue, Benefits Agency, Child Support Agency, Contributions Agency, Department of Social Security and the Police. If in doubt, seek advice from the Designated Data Controller.

Are students' references confidential?

Students have a right to see anything the Canterbury College holds about them on file, including references.

What is meant by 'sensitive data'?

Sensitive data covers the following issues:

- *race / ethnic origin / political beliefs / religious or other beliefs*
- *trade union membership*
- *sexual life*
- *physical or mental health or condition*
- *the commission or alleged commission by the person of an offence, or any proceedings for any offence committed*

This data must **never** be disclosed to anyone except with the **explicit consent** of the individual except in cases of medical emergency or issues involving the law or government agencies. If in doubt, seek advice from the Designated Data Controller.