

BROOKSBY MELTON COLLEGE

DATA PROTECTION POLICY



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Introduction

Brooksby Melton College (“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. To do this, the College must comply with the Data Protection Principles, which are set out in the Data Protection Act 1998 (the 1998 Act). In summary these state that personal data shall: -

- 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 an implicit condition of employment that employees will abide by the rules and policies made by the College from time to time. Any failure to follow this policy on Data Protection could 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 Protection Officer 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.

The College will therefore provide all staff and students and other relevant users with a standard form of notification. This will state the types of data the College holds and processes about them, and the reasons for which it is processed. This will be done annually.

Responsibilities of Staff

- 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. ie changes of address
- Checking the information that the College will send out from time to time, giving details of information kept and processed about staff.
- 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 as detailed in 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

- no longer than required
- 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.

Staff should request a lockable drawer or cabinet if one is not available in their work area.

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, etc are notified to the student registration office/other person as appropriate.

Students who use the College computer facilities may, from time to time, process personal data. If they do they must notify the Data Protection Officer. Any student who requires further clarification about this should contact the Data Protection Officer.

Rights to Access Information

Staff, students and other users of the College have the right to access any personal data that are being kept about them either on computer or in certain files. Any person who wishes to exercise this right should do so in writing by completing the college "Access to Information " form (Appendix 2) and returning it to the Data Protection Officer.

The College will make no charge for the first occasion that access is requested or for current serving members of staff or enrolled students, but may make a charge of £10 per each subsequent request at its discretion.

The College aims to comply with requests for access to personal information as quickly as possible, but will ensure that it is provided within 40 days of receipt of all the information required to process the request and any required fee.

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 and Register of interests of Governing Body members and senior staff with significant financial responsibilities (for inspection during office hours only)
- Information on examination results

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 Protection Officer.

Subject Consent and Processing Sensitive Information

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, a person's health, race and ethnicity, gender and family details.

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 has safeguarding policies in place for both children and vulnerable adults.

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 and students will be asked to sign a Consent To Process form Appendix 3, regarding particular types of information when an offer of employment or a course place is made. A refusal to sign such a form may result in the offer being withdrawn.

The Data Controller and the Designated Data Protection Officer

The College as a body corporate is the Data Controller under the Act, and the board is therefore ultimately responsible for implementation. The College's **Data Protection Officer – Mhairi Massey, Head of ICT** is responsible for 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 the full course fees have not been paid, or all books and equipment returned to the College.

Retention of Data

Personal data must not be kept longer than required. The College will keep some forms of information for longer than others. Because of storage problems, information about students cannot be kept indefinitely, unless there are specific requests to do so. A list is attached of the archiving guidelines and retention times employed by the College.

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 should be taken up with the College Data Protection Officer.

Appendices

- 1 Staff Guidelines for Data Protection (including checklist for recording data)
- 2 Standard Request for Access to Data
- 3 Standard Form for Consent to process sensitive data
- 4 Standard Form for Notification of Personal Data held by the College
- 5 Guidelines for Archiving
- 6 Model Contract Clauses

Appendix 1 to the Data Protection Policy : Staff Guidelines for Data Protection

Staff Guidelines for Data Protection

1. 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 academic supervisory 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 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 discipline.

2. Information about a student's physical or mental health; sexual life; political or religious views; trade union membership or ethnicity or race is sensitive and can only be collected and processed with the student's consent. If staff need to record this information, they should use the College standard form.

Examples : 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 personal duties.

3. All staff have a duty to make sure that they comply with the data protection principles, which are set out in the College Data Protection Policy. In particular, staff must ensure that records are:
 - accurate;
 - up-to-date;
 - fair;
 - kept and disposed of safely, and in accordance with the College policy.
4. The College will designate staff in each area as 'authorised staff'. These are the only staff authorised to hold or process data that are :
 - not standard data; or
 - sensitive data

The only exception to this will be if a non-authorised 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
- 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.

Example : 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 a Jehovah's witness.

5. Authorised staff will be responsible for ensuring that all data is kept securely.
6. Staff must not disclose personal data to any student, unless for normal academic or pastoral purposes, without authorisation or agreement from the Data Protection Officer, 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 Data Protection Officer, or in line with College policy.
8. 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 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 Data

Standard Request Form for Access to Data

I, (insert name) wish to have access to either (*delete as appropriate*): -

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 in the following categories: -

- Initial enquiries relating to the admissions process
- Academic marks or course work details
- Student support services (e.g. childcare details, additional learning support, etc.)
- Academic or employment references
- Disciplinary records
- Health and medical matters
- Political, religious or trade union information
- Any statements of opinion about my abilities or performance
- Personal details including name, address, date of birth etc.
- Other information: *please list below ...*

3

I understand that I will have to pay a fee of £_____ and provide proof of identity.
(*Fee of £10 per request payable for second and subsequent requests for the same category(ies) of information within a twelve month period. No fee payable for current staff and students*).

Signed _____

Dated _____

Appendix 3 to Data Protection Policy : Standard Form for Express Consent to Process Sensitive Data

Standard Form For Consent To Process Sensitive Data

I _____ (*insert name*) give my consent to Brooksby Melton College recording and processing information about me in the following categories:

1. **Race and ethnic origin**
2. **Membership of a trade union**
3. **Physical or mental health or medical condition**
4. **Criminal records**

The information will be used for the following purpose (*delete as appropriate*)

- **Administering sick pay and sick leave schemes;**
- **Managing the absence control policy**
- **Checking suitability and fitness to work at the College**
- **Checking suitability and fitness for course places**
- **Administering the College and statutory maternity leave and pay schemes**
- **Managing and maintaining a safe College environment**
- **Managing duties and obligations under the Disability Discrimination Act**

I understand that this information will be used only for the purpose set out in the statement above, and my consent is conditional upon the College complying with their obligations under the Data Protection Act 1998.

Signed _____

Dated _____

Appendix 4 to Data Protection Policy: Standard Form for Notification of Personal Data

Standard Form for Notification of Personal Data held by the College

This notice is served as part of the requirement of the Data Protection Act 1998. It sets out the types of personal data that this College currently holds about you, and gives details of that data.

When you receive this form you should

- **Check that the information included about you is correct**
- **Tell us if there are any errors or if any of the data is incomplete**
- **Ask to see any of the information if you want further details**

We cannot provide all the data on this form, but you do have the right to access most of the information we have about you.

We currently hold information in the following categories:

- 1. Personal details: this includes, name, address, qualifications; next of kin**
(Insert details of this information for the data subject to check)
- 2. Details of physical and/or mental health: this includes details about specific conditions individuals may suffer from, such as asthma or diabetes: information about pregnancy, if appropriate, information about sickness absences and any medical reports we may have received.**
(Insert details of this information for the data subject to check)
- 3. Membership/non membership of trade unions**
(Insert details of this information for the data subject to check)
- 4. Details about student academic performance and expected results, references and recommendations and attendance.**
(Insert details of this information for the data subject to check)
- 5. Details about student course fees, course registration, library and other equipment on loan.**
(Insert details of this information for the data subject to check)
- 6. Details about employees work performance, including notes of supervision sessions, appraisals, and training assessment.**
(Insert details of this information for the data subject to check)
- 7. Personnel information. This includes details about start date; pension and pay details; your next of kin; any current disciplinary or grievance matters; any deductions from salary or any loans.**
(Insert details of this information for the data subject to check)

8. Details about any criminal record

(Insert details of this information for the data subject to check)

9. Other categories

(Insert details of this information for the data subject to check)

Signed on behalf of the College _____

Dated _____

Appendix 5 to Data Protection Policy : Retention of College Records - Guidelines for Archiving

The following is a list of College records to be maintained and retained for the periods stated.

Record	To be Maintained by	Period of Retention	Location of Records
Customer Comments, College Surveys	Marketing Manager	5 Years	Archive Room
Financial Records (all records including invoices, receipts as well as copies of ledgers and accounts - electronic and hardcopy)	Head of Finance	7 Years	Archive Room
Minutes of the Board of the Corporation and its committees	Clerk to the Corporation	Historical records never be disposed of	Office
Agenda, papers and other records of the Board of the Corporation	Clerk to the Corporation	10 Years	Office
Internal and External Audit Records	Deputy Principal	7 Years	Office
Tenders and Time-expired Contracts	Head of Finance	7 Years	Archive Room
Employers Liability Certificate	Head of Finance	20 Years	Office
Data Protection Registration	IT Coordinator	10 Years	Office
Student MIS Records (all records - electronic and hardcopy)	Performance & Standards Manager	7 Years	Archive Room
Exam and Assessment Records + correspondence with examination bodies	Performance & Standards Manager	5 Years	Archive Room

Record	To be Maintained by	Period of Retention	Location of Records
Software Licences and Hardware Registers	IT Coordinator	5 Years	Office
Confidential Student Counselling Records	Learner Services Manager	2 Years	Office
Internal Quality Audit Files	Deputy Principal	5 Years	Archive Room
Document Control Records	Deputy Principal	5 Years	Archive Room
Staff Professional Development Records and Files	Head of Organisational Development	Duration of individual's employment, then archived for 6 years	Office
Accident Register	Facilities Manager	7 Years	Office
Health and Safety Records (including risk assessment, audits, PAT testing records, tests and inspection records)	Facilities Manager	10 Years	Archive Room
Staff Personal Files	Head of Organisational Development	Duration of individual's employment, then archived for 6 years	Office / Archive Room
Recruitment Files	Head of Organisational Development	6 months from the date of decision	Office
Student Files	Course Teams	5 Years	Archive Room
Course Files	Course Teams	5 Years	Office
Student Examination Scripts	Course Teams	5 Years	Office
Library Statistics	Learning Resources Manager	5 Years	Office
Staff Timetables	Timetabling Officer	2 Years	Office

Record	To be Maintained by	Period of Retention	Location of Records
Student Services: - <ul style="list-style-type: none"> • Student Counselling • Advice and Guidance • Education Maintenance Allowance (EMA) • Access Fund • Childcare 	Learner Services Manager	Duration of student's enrolment with the College, then archived for 3 years	Office / Archive Room
Payroll Data	Head of Organisational Development	Duration of individual's employment, then archived for 6 years	Office / Archive Room
Line Manager's Staff Files and records relating to staff (e.g. PDR, staff development, file notes)	Head of Organisational Development	Duration of individual's employment, then archived for 6 years	Office / Archive Room

Access to the College Archive Rooms is managed and controlled by the Estates Supervisor.

The following may allow staff in their sector (or area of responsibility) access to the Archive Rooms, but are responsible for ensuring that records are correctly and appropriately stored and the security of the Archive Rooms is not compromised.

Head of Organisational Development
 Head of Finance
 Head of ICT
 Facilities Manager

Appendix 6 to the Data Protection Policy : Model Contract Clauses

Model Clauses

A. Model Contract Clauses

18. Data Protection Act 1998

In order to ensure that the Corporation complies with the provisions of data protection legislation for the time being in force, you must ensure that all information held by the Corporation, which relates to the Corporation itself or any of the Corporation's employees, or any of the Corporation's customers or their employees, to which you have access:

- i. is treated with the utmost confidentiality at all times and
- ii. that all reasonable steps are taken to prevent the unauthorised deletion, accidental loss, deliberate loss, misuse or disclosure of such information.

For the purposes of this clause, information held by the Corporation relates to both information held on a computer system or on a paper-based filing system.

Should you fail to comply with obligations of this clause, whether deliberately or accidentally you may be subject to the Corporation's Disciplinary Procedure.

The Corporation also holds information relating to you which is subject to the Data Protection Act 1998. By signing this Statement you consent to the Company processing, both manually and by electronic means, your personal and sensitive personal data for the purpose of the administration and management of your employment and/or the Corporation business. This may include information held by the Corporation as to

- your physical or mental health,
- the commission or alleged commission of any offence by you and any proceedings for such an offence (including the outcome or sentence in such proceedings),
- your political opinions, ethnicity, religious or similar beliefs sexual life
- your membership of a trade union.
- Matters relating to pregnancy and maternity leave
- Matters of discipline
- Pensionable pay and contributions
- Age and years of service
- Qualifications

Some examples of items of sensitive personal data are SSP self-certification forms and medical reports.

The Corporation will treat all personal/sensitive personal data as confidential and will not use or process it other than for legitimate purposes. The Corporation will ensure that the information is accurate, kept up-to-date and not kept for longer than is necessary. Measures will also be taken to safeguard against

unauthorised or unlawful processing and accidental loss or destruction or damage to the data.

Subject to certain exceptions, you are entitled to access your personal/sensitive personal data held by the Corporation. The Corporation may charge you a fee (subject to the statutory maximum) for supplying you with that data.

B. Model Clause for use in Application Forms, Student Agreement or Offers

Data Protection Act 1998

The College collects information about all staff and students for various administrative, academic and health and safety reasons.

Because of the Data Protection Act 1998, the College needs your consent before we can do this. Since we cannot operate the College effectively without processing information about you, we need you to sign the following consent to process clause.

If you do not do so, we will be unable to offer you a course place, and may withdraw any offer already made.

If you require any further information about this, please contact The College's Data Protection Officer

CONSENT TO PROCESS

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

Signed by the student (or their guardian or representative if under 18)

.....

Dated