

NORTH WEST REGIONAL COLLEGE

DATA PROTECTION POLICY

January 2010

DATA PROTECTION POLICY

1 POLICY STATEMENT

This is a statement of the Data Protection Policy adopted by North West Regional College.

The College is committed to promoting equality of opportunity and good relations in accordance with Section 75 of the Northern Ireland Act 1998. This policy should be interpreted in a manner consistent with the aforementioned legislation;

The North West Regional College will consider producing this policy in alternative formats on request e.g. Braille, Large Print, Computer Disk, Audio Cassette etc and/or alternative language.

The College needs to collect certain types of information about people with which it deals in order to operate. This includes information relating to current, past or prospective employees, suppliers, clients, customers and others with whom it communicates. In addition it may be required by law to collect and use certain types of information of this kind to comply with the needs of government departments for business and other data. This personal information must be dealt with properly however it is collected recorded and used, whether on paper in a computer or recorded on other material. There are safeguards to ensure this proper use through the Data Protection Act 1998.

The North West Regional College regards lawful and correct treatment of personal information as very important to successful operation and to maintaining the confidence of those with whom it deals. The organisation treats personal information lawfully and correctly. To this end the North West Regional College fully endorses and adheres to the principles of data protection as enumerated in the Data Protection Act 1998. This College will, through appropriate management, adopt the strict application of criteria and control, observe fully conditions regarding the fair collection and use of information.

It will:

- meet its legal obligations to specify the purposes for which information is used;
- collect and process appropriate information only to the extent that it is needed to fulfil operational needs or comply with any legal requirements;
- ensure the quality of information used;
- apply strict checks to determine the length of time information is held;
- ensure that the rights of people about whom information is held can be fully exercised under the Act;
- take appropriate technical and organisation security measures to safeguard personal information;
- ensure that personal information is not transferred abroad without suitable safeguards.

In addition the College will ensure that:

- there is someone with specific responsibility for data protection in the organisation;
- everyone managing and handling personal information understands that they are contractually responsible for following good data protection practice;
- everyone managing and handling personal information is appropriately trained to do so and that they are appropriately supervised;
- anybody wanting to make enquiries about handling personal information knows what to do;
- queries about handling personal information are promptly and courteously dealt with;
- methods of handling personal information are clearly described;
- a regular review and audit is made of the way personal information is managed and that methods of handling personal information are regularly assessed and evaluated.

Any enquiries on data protection issues should be addressed to;

**The Data Protection Officer
Ms Jean Browne
North West Regional College
78-80 Strand Road
Londonderry
BT48 7AL**

2 STATUS OF THE POLICY

It is a condition of employment that employees will abide by the rules and policies made by the College. 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 Protection Officer initially. If the matter is not resolved it should be raised as a formal grievance.

The policy was approved by the SMT on _____
It will be reviewed every two years.

3 DEFINITIONS

Data Protection Act 1998 – The UK legislation that provides a framework for responsible behaviour by those using personal information.

Data Protection Officer – The person(s) responsible for ensuring that the college follows its Data Protection Policy and complies with the Data Protection Act 1998 is Ms Jean Browne.

Data Subject/Service User – The individual whose personal information is being held or processed by NWRC (e.g. a client, an employee, a supporter).

'Explicit' Consent – is a freely given, specific and informed agreement by a *data subject* to the *processing of personal information* about her/him. Explicit consent is needed for processing *sensitive data*.

Notification – Notify the Information Commissioner about the data processing activities of NWRC as certain activities may be exempt from notification.

Information Commissioner – The UK Information Commissioner responsible for implementing and overseeing the Data Protection Act 1998.

Processing – means collection, amending and handling, storing or disclosing personal information.

Personal Information – Information about living individuals that enables them to be identified – e.g. name and address. It does not apply to information about companies and agencies but applies to named persons or employees within the NWRC.

Sensitive Data – means data about:

- racial or ethnic origin;
- political opinions;
- religious or similar beliefs;
- trade union membership;
- physical or mental health;
- sexual life;
- criminal record;
- criminal proceedings relating to a data subject's offences.

4 NWRC POLICY (Procedure for Implementation)

4.1 DATA PROTECTION ACT 1998, PRINCIPLES

The Data Protection Act 1998 gives individuals the right to access their personal data.

The following principles are contained within the Data Protection Act.

- The information to be contained in personal data shall be obtained, and personal data shall be processed, fairly and lawfully.
- Personal data shall be held only for one or more specified and lawful purposes.
- Personal data held for any purpose or purposes shall not be used or disclosed in any manner incompatible with that purpose or those purposes.
- Personal data held for any purpose or purposes shall be adequate, relevant and not excessive in relation to that purpose or those purposes.

- Personal data shall be accurate and, where necessary, kept up to date.
- Personal data held for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.
- An individual shall be entitled:
 - at reasonable intervals and without undue delay or expense;
 - to be informed by any Data User whether he holds personal data of which that individual is the subject;
 - to have access to any such data held by a Data User; and where appropriate, to have such data corrected or erased.
 - appropriate security measures shall be taken against unauthorised access to, or alteration, disclosure or destruction of, personal data and against loss or destruction of personal data.

To this end NWRC will adhere to the Principles of Data Protection, as detailed in the Data Protection Act 1998.

For further guidance and more information see www.dataprotection.gov.uk

4.2 NOTIFICATION OF DATA HELD

The College shall notify all staff and students and other relevant data subjects of the types of data held and processed by the College concerning them, and the reasons for which it is processed. The information which is currently held by the College and the purposes for which it is processed are set out in the Data Protection Register entry. When processing for a new or different purpose is introduced the individuals affected by that change will be informed and the Data Protection Register entry will be amended.

4.3 RESPONSIBILITIES

4.3.1 *College Responsibilities*

North West Regional College collects information about students for various administrative, academic and health and safety reasons. The Data Protection Act 1998 states we should obtain consent to do this and since we cannot manage attendance and progression within the College without this we ask for permission to collect this information by signing the appropriate box on the enrolment form. The information collected will be made available only to those authorised to access it within the organisation. Information on students' progression may be sent to a sponsor if there is one and if requested by them, for example a company funding your fees. Other information is sent to the Department for Employment and Learning (DEL) and other government bodies for statistical purposes. We also request information on a contact that can be used for emergencies. All students should ensure that this contact is aware that they have been nominated to this role. If

as part of a course a student needs to go to a country outside the European Economic Area we will ask permission where it is necessary to send information about students to another organisation.

If you have any questions regarding the collection and use of personal data you can consult with the Data Protection Officer.

4.3.2 *Staff Responsibilities*

All staff shall:

- ensure that all personal information which they provide to the College in connection with their employment is accurate and up-to-date;
- inform the College of any changes to information, for example, changes of address;
- check the information which the College may make available from time to time, in written or automated form, and inform the College of any errors or, where appropriate, follow procedures for up-dating entries on computer forms.
- The College shall not be held responsible for errors of which it has not been informed.

When staff hold or process information about students, colleagues or other data subjects (for example, students' course work, pastoral files, references to other academic institutions, or details of personal circumstances), they should comply with the Data Protection Principles as outlined in Section 4.1.

Staff shall ensure that:

- all personal information is kept securely;
- personal information is not disclosed either orally or in writing; accidentally or otherwise to any unauthorised third party.

Unauthorised disclosure may be a disciplinary matter.

When staff supervise students doing work which involves the processing of personal information, they must ensure that those students are aware of the Data Protection Principles, in particular, the requirement to obtain the data subject's consent where appropriate.

4.3.3 *Student Responsibilities*

All students shall:

- ensure that all personal information which they provide to the College is accurate and up-to-date;

- inform the College of any changes to that information, for example, changes of address;
- check the information which the College may make available from time to time, in written or automated form, and inform the College of any errors or, where appropriate, follow procedures for updating entries on computer forms.

The College shall not be held responsible for errors of which it has not been informed.

4.4 DISCLOSURE

There are circumstances where the law allows NWRC to disclose data (including sensitive data) without the data subject's consent.

These are:

- carrying out a legal duty or as authorised by the Secretary of State;
- protecting vital interests of a Data Subject or other person;
- the Data Subject has already made the information public;
- conducting any legal proceedings, obtaining legal advice or defending any legal rights;
- monitoring for equal opportunities purposes – i.e. race, disability or religion;

The NWRC regards the lawful and correct treatment of personal information as very important to successful working, and to maintaining the confidence of those with whom we deal. The NWRC intends to ensure that personal information is treated lawfully and correctly.

NWRC will, through appropriate management, strict application of criteria and controls:

- observe fully conditions regarding the fair collection and use of information,
- meet its legal obligations to specify the purposes for which information is used,
- collect and process appropriate information, and only to the extent that it is needed to fulfil its operational needs or to comply with any legal requirements,
- ensure the quality of information used,
- ensure that the rights of people about whom information is held, can be fully exercised under the Act;

These include:

- the right to be informed that processing is being undertaken;
 - the right of access to one's personal information;
 - the right to prevent processing in certain circumstances; and
 - the right to correct, rectify, block or erase information which is regarded as wrong information.
- take appropriate technical and organisational security measures to safeguard personal information;
 - ensure that personal information is not transferred abroad without suitable safeguards;
 - treat people justly and fairly whatever their age, religion, disability, gender, sexual orientation or ethnicity when dealing with requests for information and set out clear procedures for responding to requests for information.

4.5 SUBJECT CONSENT

In some cases, such as the handling of sensitive data, the College is entitled to process personal data only with the consent of the individual. Agreement to the College processing some specified classes of personal data is a condition of acceptance of a student on to any course, and a condition of employment for staff.

4.6 DATA STORAGE

Information and records relating to staff and students will be stored securely and will only be accessible to authorised staff.

Information will be stored for only as long as it is needed or required statute and will be disposed of appropriately.

It is NWRC's responsibility to ensure all personal and college data is non-recoverable from any computer system previously used within the organisation which has been passed on/sold to a third party.

4.7 RIGHTS TO ACCESS INFORMATION

Staff, students and other data subjects in the College have the right to access any personal data that is being kept about them either on computer or in structured and accessible manual files. Any person may exercise this right by submitting a request in writing to the Data Protection Officer.

The College will reserve the right to make a charge of £10 for each official Subject Access Request under the Act.

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 unless there is good reason for delay. In such cases, the reason for the

delay will be explained in writing by the Data Protection Officer to the data subject making the request.

4.8 RETENTION OF DATA

The College will keep different types of information for differing lengths of time, depending on legal, academic and operational requirements. These are described in the College's Records Management Policy.

4.9 ASSESSMENT MARKS

Students shall be entitled to information about their marks for assessments, however this may take longer than other information to provide.

4.10 DATA ACCESS AND ACCURACY

All Data Subjects have the right to access the information NWRC holds about them.

In addition, NWRC will ensure that:

- it has a Data Protection Officer with specific responsibility for ensuring compliance with Data Protection;
- everyone processing personal information understands that they are responsible for following good data protection practice;
- everyone processing personal information is appropriately trained to do so;
- everyone processing personal information is appropriately supervised;
- it deals promptly and courteously with any enquiries about handling personal information;
- it will regularly review and audit the ways it holds, manages and uses personal information;
- it regularly assesses and evaluates its methods and performance in relation to handling personal information;
- all staff are aware that a breach of the rules and procedures identified in this policy may lead to disciplinary action being taken against them.

4.11 COMPLIANCE

Compliance with the Act is the responsibility of all students and members of staff. Any breach of this Policy may lead to disciplinary, and where appropriate, legal proceedings. Any questions or concerns about the interpretation or operation of this policy should be taken up with the Data Protection Officer.

Any individual, who considers that the policy has not been followed in respect of personal data about him or herself, should raise the matter with the Data Protection Officer initially. If the matter is not resolved it should be referred to the staff grievance or student complaints procedure.

4.12 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.

4.12.1 *Subject Consent*

In many cases, the College can only process personal data with the consent of the individual. 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.

4.13 COMPLAINTS PROCEDURE

Individuals concerned about any aspect of the management of personal data at the College are able to raise their concerns with the Data Protection Officer.

4.14 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 designated Data Protection Officer.