

ada



National
College for
Digital
Skills

**DATA PROTECTION
POLICY
B.1**

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DATA PROTECTION POLICY

1 PURPOSE

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

2 AIMS

2.1 The aims of the policy include the following:

- To explain how data is held and processed
- To explain the responsibilities of staff under the Data Protection Act
- To explain the principles of data security
- To explain student obligations
- To provide information relevant to the rights of access to information
- To state how and what information will be published
- To explain the process of data collection to ensure subject consent is obtained
- To provide information on the processing of sensitive information
- To provide details on the college's data controllers for both staff and student issues
- To state the position in respect of student assessment results
- To provide information on the retention of data.

3 INTRODUCTION

3.1 Ada College needs to keep certain information about its 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 collected and used fairly, stored safely and not disclosed to any other person unlawfully. To do this, Ada 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 to be kept 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.

3.2 Ada 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 its Data Protection Policy.

4 STATUS OF THE POLICY

4.1 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 Ada College from time to time. Any failures to follow the policy can therefore result in disciplinary proceedings, including dismissal.

4.2 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 designated data controller initially. If the matter is not resolved it should be raised as a formal grievance.

5 NOTIFICATION OF DATA HELD AND PROCESSED

5.1 All staff, students and other users are entitled to:

- know what information Ada 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.

5.2 Ada College will therefore provide all new staff with a standard form of notification. This will state all the types of data the College holds and processes about them, and the reasons for which it is processed.

6 RESPONSIBILITIES OF STAFF

6.1 All staff are responsible for:

- checking that any information that they provide to Ada College in connection with their employment is accurate and up to date
- informing, and providing supporting evidence to Ada College of any changes to information, which they have provided. e.g. changes of name/address

- checking the information that Ada College will send out from time to time, giving details of information kept and processed about them
- informing Ada 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.

6.2 If and when, as part of their responsibilities, staff collect information about other people, (i.e. 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 set out in appendix 1.

7 DATA SECURITY

7.1 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.

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

7.3 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 kept securely.

8 STUDENT OBLIGATIONS

8.1 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.

8.2 Students who use Ada College computer facilities may, from time to time, process personal data. If they do they must notify the data controller. Any student who requires further clarification about this should contact the IT Manager

9 RIGHTS TO ACCESS INFORMATION

9.1 Staff, students and other users of Ada 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 contact the designated data controller.

9.2 In order to gain access, an individual may wish to receive notification of the information currently being held. This request should be made in writing to the designated data controller. Ada College may make a charge of £10 on each occasion that access is requested, although the College has discretion to waive this.

9.3 Ada 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 delay will be explained in writing to the data subject making the request.

10 PUBLICATION OF ADA COLLEGE INFORMATION

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

- name and contacts of Ada College Governors
- list of staff
- photographs of key staff.

10.2 The Ada College internal phone list will not be a public document.

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

11 SUBJECT CONSENT

11.1 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 Ada 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 may include information about previous criminal convictions.

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

11.3 Ada College may also ask for information about particular health needs, such as allergies to particular forms of medication, or any conditions such as asthma or diabetes. Ada 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.

- 11.4 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.

12 PROCESSING SENSITIVE INFORMATION

- 12.1 Sometimes it is necessary to process information about a person's health/disability, criminal convictions, race, gender, religion, sexual orientation, transgender and family details. Sometimes it is necessary to process information about a person's health/disability, criminal convictions, race, gender, religion, sexual orientation, transgender and family details.
- 12.2 This may be to ensure Ada College is a safe place for everyone, or to operate other Ada 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 designated data controller.

13 THE DATA CONTROLLER AND THE DESIGNATED DATA CONTROLLER

- 13.1 Ada 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.
- 13.2 Ada College has two designated data controllers. They are the Dean and the Vice Principal in respect of employment issues and student issues.

14 EXAMINATION MARKS

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

15 RETENTION OF DATA

- 15.1 Ada 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. In general information

about students will be kept for a maximum of five years after they leave Ada College. This will include:

- name and address
- academic achievements, including marks for coursework and
- copies of any reference written.

15.2 All other information, including any information about health, race or disciplinary matters will be destroyed within three years of the course ending and the student leaving Ada College

15.3 Ada College will need to keep information about staff for longer periods of time. In general, all information will be kept for six years after a member of staff leaves the 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 data controller.

16 CONCLUSION

16.1 Compliance with the 1998 Act is the responsibility of all members of Ada College. Any deliberate breach of the Data Protection Policy may lead to disciplinary action being taken, or access to the College facilities being withdrawn, or even a criminal prosecution. Any question or concerns about the interpretation or operation of this policy should be taken up with the designated data controller.

APPENDIX 1

STAFF GUIDELINES FOR DATA PROTECTION

- 1 All staff will process data about students on a regular basis, when marking registers, or Ada College work, writing reports or references, or as part of a pastoral or academic supervisory role. Ada 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 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 students consent. If staff need to record this information, they should use the Ada 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 they comply with the data protection principles, which are set out in the Ada College Data Protection Policy. In particular, staff must ensure that records are:
 - accurate
 - up-to-date
 - fair
 - kept and disposed of safely.

- 4 Ada College will designate staff in each area as 'authorised staff'. These 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-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 Ada 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. For 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 controller, or in line with Ada College policy.

- 7 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 Ada 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 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?

GUIDELINES FOR RETENTION OF PERSONAL DATA

Type of Data	Suggested Retention Period	Reason
Personnel files including training records and notes of disciplinary and grievance hearings	6 years from the end of employment	References and potential litigation
Application forms/interview notes	At least 6 months from the date of the interviews.	Time limits on litigation
Facts relating to redundancies where less than 20 redundancies	3 years from the date of redundancy	As above
Facts relating to redundancies where 20 or more redundancies	12 years from date of redundancies	Limitation Act 1980
Income Tax and NI returns, including correspondence with tax office	At least 3 years after the end of the financial year to which the records relate	Income Tax (Employment) Regulations 1993
Statutory Maternity Pay records and calculations	As Above	Statutory Maternity Pay (General) Regulations 1986
Wages and salary records	As Above	Statutory Sick Pay (General) Regulations 1982
Wages and salary records	6 years	Taxes Management Act 1970 Accident books, and records and reports of accidents 3 years after the date of the last entry
Accident books, and records and reports of accidents	3 years after the date of the last entry	RIDDOR 1985
Health records	During employment	Management of Health and Safety at Work Regulations
Health records where reason for termination of	3 years	Limitation period for personal injury claims

employment is connected with health, including stress related illness.		
Medical Records kept by reason of the Control of Substances Hazardous to Health Regulations 1994	40 years	COSHHR 1994
Student records, including academic achievements, and conduct	At least 6 years from the date the student leaves Ada College, in case of litigation for negligence. At least 10 years for personal and academic references, with the agreement of the student.	Limitation period for negligence

VERSION	AUTHOR	DATE	CHANGES
V1	Joe Nutt	2.12.16	First draft