



DATA PROTECTION POLICY

(To be reviewed Dec 2016)

Introduction

The 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, 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 the 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 failures 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 designated 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.

The College will therefore provide all staff and students and other relevant users with a standard form of notification. This will state all the types of data the College holds about them, and the reasons for which it is processed. The College will try to do this at least once every year for students and every 2 years for staff.

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, 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, which are at 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 kept securely

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 Designated Data Controller. Any student who requires further clarification about this should contact the IT Co-ordinator.

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. Students should give this form to their Head of Hall who will pass it on to the Designated Data Controller. Staff should give the form to the Personnel Manager.

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 using the standard form attached.

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 to the data subject making the request.

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 and contacts of College governors
- List of staff and qualification gained.
- Photographs of key staff and governors.
- Name, previous school, qualifications gained and destinations of students.

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

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. More information about this is available from the Designated Data Controller.

The Data Controller and the Designated Data Controller(s)

The College as a body corporate is the data controller under the Act, and the Governing Body is therefore ultimately responsible for implementation. However, the designated data controller, will deal 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 the full course fees have not been paid, or all books and equipment returned to the College.

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, unless there are specific requests to do so. In general information about students will be kept for a minimum of 10 years after they leave College. This will include:

- Name and address
- Academic achievements, including marks for coursework and
- Copies of any reference written.

All other information, including any information about health and disciplinary matters will be destroyed after a minimum of 6 years of the course ending and the student leaving the College. The College Management will be consulted before any information is destroyed.

The College will 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 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 Designated Data Controller.

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 controller.



Notification of Personal Data Held by Loreto College

This notice is served as part of the requirements of the Data Protection Act 1998. It sets out the types of personal data that Loreto 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
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.
3. Membership/non membership of trade unions
4. Details about employees work performance, including notes of observation sessions, appraisals, and training assessment.
5. 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.
6. Details about any criminal record

Signed on behalf of Loreto College: _____

Date: _____

Consent to Process Sensitive Data

I [name] give my consent to Loreto College recording and processing information about me in the following categories:

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

The information will be used for the following purposes:

- **Administering sick pay and sick leave schemes;**
- **Managing the absence control policy**
- **Checking suitability and fitness to work at the College**
- **Administration of pay and payroll functions**
- **Administering the College statutory maternity leave and pay schemes**
- **Managing and maintaining a safe College environment**
- **Managing duties and obligations under the Disability Discrimination Act**
- **Providing statistical information for EFA and DfE**

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

The particular information is to be recorded and processed has been shown to me

on _____ and I confirm that it is correct.

Signed: _____

Dated: _____