



DATA PROTECTION POLICY

Introduction

King Edward VI College needs to keep certain information about its students, employees and other users to allow the college monitor performance. 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. King Edward VI College must comply with the Data Protection Principles which are set out in the Data Protection Act 1998. 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 EEC, 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 **relevant** data controller initially (**see p4**). If the matter is not resolved it should be raised as a formal grievance. If a member of staff is aware an individual has not followed this Policy then this should be reported to the **relevant** data controller for further action.

Notification of Data Held and Processed

All students, staff and other users are entitled to

- Know what information King Edward VI 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 King Edward VI College is doing to comply with its obligations under the 1998 Act.

King Edward VI 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 and processes about them, and the reasons for which it is processed. The College will try to do this at least once every three years.

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 i.e. change 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 members have informed the College of them.

If and when, as part of their responsibilities, staff collect information about other people, (i.e. about students coursework, 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.

Staff & Student Assignments

Staff co-ordinating the curriculum should ensure that assignments and exercises set will not contravene the requirements of the Data Protections regulations.

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

For access to student files, requests should be made to the MIS Officer or Office Manager who will check the validity of the request.

For staff files the request should be made to the Personnel Officer who will check the validity of the request.

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 **Office Manager** who will update the central file.

Rights to Access Information

Students, staff and other users of the College have the right to access any personal data that is being kept about them either on computer **or on file**. Any person who wishes to exercise this right should complete the college "Access to Information" form and give it to the MIS Officer or Personnel Officer, as appropriate.

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 will make a charge of £10 on each occasion that access is requested, although the College has discretion to waive this.

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

Publication of King Edward VI 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 The College governors
- List of senior staff
- Photographs of staff

The College 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 **relevant 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, **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.

All application, enrolment forms and other forms containing sensitive information will contain a formal statement advising that the data will be processed. Signature will indicate acceptance for this to occur.

Processing Sensitive Information

Sometimes it is necessary to process information about a person's health, criminal convictions, race and gender and family details. As 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 advised on forms that the information will be processed in accordance with the regulations and will sign the form to give consent. Offers of employment or course places may be withdrawn if an individual refuses to consent to this,

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without good reason. More information about this is available from the **relevant** 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 Full Board is therefore ultimately responsible for implementation. However, the designated data controllers will deal with day to day matters.

King Edward VI College has 6 designated data controllers. They are:

Personnel Officer – Staff data
Assistant Principal (Finance) – Staff data
Assistant Principal (MIS) – Student data
Office manager – other data
MIS Officer – Student data
Examination Officer – Student data

Examination Marks

Students will be entitled to information about their marks for both coursework and examination. 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. In general information about students will be kept for a maximum of *7 years* after they leave Isle College. This will include

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

All other information, including any information about health, race or disciplinary matters will be destroyed within *7 years* of the course ending and the student leaving the College.

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.

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 Isle College facilities being withdrawn, or even criminal prosecution. Any questions or concerns about the interpretation or operation of this policy should be taken up with the Principal.

Guidelines for Retention of Personal Data

Type of Data	Retention Period	Reason
Personnel files including training records and notes of disciplinary and grievance hearings.	10 years from the end of employment	References and potential litigation
Application forms/interview notes (staff)	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	6 years after the end of the financial year to which the records relate	Income Tax (Employment) Regulations 1993
Statutory Maternity Pay records and calculations	6 years after end of financial year to which records relate.	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	RIDDOR 1985/1999
Health records (staff)	During employment	Management of Health and Safety at Work Regulations
Health records where reason for termination of employment is connected with health, including stress related illness.	10 years after termination	Limitation period for personal injury claims & pension health queries
Medical Records kept by reason of the Control of Substances Hazardous to Health Regulations 1994	40 years	COSHHR 1994
Health Records (students) Student records, including academic achievements, and conduct.	7 years from the date the student leaves King Edward VI College, in case of litigation for negligence	Limitation period for negligence
Student applications enquiries	2 years	Future courses

Staff Guidelines for Data Protection

1. Staff must not disclose personal data to any student, unless for normal academic or pastoral purposes, without authorisation or agreement from the Principal, in line with College policy.
2. Staff shall not disclose personal data to any other staff member except with the authorisation or agreement of the Principal, in line with College policy.
3. 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 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 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?

STAFF GUIDANCE TO THE DATA PROTECTION ACT 1998

Appendix 3

1. Processing Data

All staff will process data about students on a regular basis when marking registers, tracking progress, undertaking College work, writing reports or references, or as part of a pastoral or academic supervisory role. The College will ensure that all students give their consent to this sort of processing and are notified of 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, punctuality, course work marks, grades and comments
- ◆ Notes of personal supervision, including matters about behaviour and discipline.

Staff must ensure that records they keep are accurate, up-to-date and fair. They must inform the Personnel Officer whenever they set up data systems on students.

2. Sensitive Data

Information about a student's physical or mental health, ethnicity or race is sensitive and will only be collected and processed with the students' express consent. Teachers and tutors will be informed of any physical condition that they should be aware of, but they must ensure that the information is kept confidential and only used when absolutely necessary. E.g. recording information about dietary needs for religious or health reasons prior to taking students on a field trip, or recording information that a student is pregnant.

3. Authorised Staff

Only authorised staff may hold or process student data that is sensitive or non-standard. The college has designated the following as 'authorised Staff':

- ◆ Staff dealing directly with admissions/guidance
- ◆ Personnel Staff
- ◆ MIS Staff
- ◆ Finance Staff
- ◆ Tutors, teachers and members of the SMT, in relation to data concerning their tutees or where there is a legitimate requirement for the 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 third person, or the College; and
- ◆ He or she has either informed the relevant, authorised member of staff of this, or has been unable to do so and processing is urgent and necessary in all the circumstances.

This should only happen in limited circumstances. For example, a student is injured, unconscious and in need of medical attention.

4. Security

Care should be taken to ensure that data is kept securely. When accessing electronic data, adequate precautions must be taken to ensure that data cannot be viewed or accessed by others. This can be achieved by carefully positioning the monitor so that information on the screen is not visible, logging off the computer after use, and storing data on the College network. The College permits teaching staff to take registers, personal files, lists of marks and students' work from the College premises. However, this information must be kept securely. Files of staff and student data on home computers should have adequate password protection.

5. Confidentiality of References

If a reference is written for a member of staff or a student, you should be aware that they may have the right to see the reference once it has been received by the third party. **For this reason you should ensure that all references are correct, are not damaging and do not contain defamatory comments.**

6. Police requests for information

You are able to provide information about staff or students to the police if, by withholding it, you would be standing in the way of a criminal investigation. However you should seek guidance from the Principal before releasing any information, as there are measures that must be taken to ensure compliance with the Act.

STUDENT REQUEST FOR ACCESS TO DATA

The following request relates to data that the College has as part of an automated system or part of a relevant filing system.

Name:

I wish to have access to data that King Edward VI College has about me in the following categories:

- Academic marks of course work details
 - Open references received by the college
 - Disciplinary records
 - Health & medical matters
 - Political and religious information
 - Any statements of opinion about my abilities or performance
 - Personal details including name, address, date of birth etc
 - Other information.
Please specify:
-

I enclose a fee of £10.00
And understand that the College must supply the information within 40 days of receipt of this request.

Signed:
Dated:
Address:
.....
.....

This form should be sent to the Office Manager.



FOR OFFICIAL USE ONLY
Date received

Fee Paid Valid Request Actioned & date

STAFF REQUEST FOR ACCESS TO DATA

The following request relates to data that the College has as part of an automated system or part of a relevant filing system.

Name:

I wish to have access to data that King Edward VI College has about me in the following categories:

- "Open" references received by the college
 - Disciplinary records
 - Health & medical matters
 - Political and religious information
 - Any statements of opinion about my abilities or performance
 - Personal details including name, address, date of birth etc
 - Other information.
Please specify:
-

I enclose a fee of £10.00
And understand that the College must supply the information within 40 days of receipt of this request.

Signed:

Dated:

This form should be sent to Head of Human Resources.

FOR OFFICIAL USE ONLY

Date received

Fee Paid Valid Request Actioned & date