

DATA PROTECTION POLICY AND GUIDELINES

Policy Statement

The College is committed in all its actions to comply with the Data Protection Act 1998 (DPA) regulations and its amendments, and will put in place responsibilities and processes that underpin this commitment.

1 Introduction

The DPA regulations regulate the way in which certain information is held. Burnley College considers that many of the principles in the Act represent good practice. The College needs to collect and use personal data about staff, students and other users to allow it to monitor performance, achievements, and for health and safety reasons. This policy gives useful information about the type of information that the College keeps and the purposes for which it keeps them. Data relates to hard copy and that held by computer.

2 Records – Staffing

Burnley College believes that the following list of records and their use are consistent with the employment relationship and principles of the DPA. The information will be held for our management and administrative use only, but there may be occasions when we need to disclose some information we hold to a relevant third party especially where we are legally obliged to do so (for example the Inland Revenue). We may also transfer information to another organisation, but this would be connected with an employee's career or due to the management of the employment relationship; for example to our external provider of payroll services so that staff may be paid.

Examples of information the College is responsible for:

- Information gathered about a member of staff and any references obtained during recruitment
- Details of terms of employment
- Payroll, tax and National Insurance information
- Performance related information
- Details of grade and job duties
- Health records
- Absence records, including holidays and self certification forms
- Details of disciplinary investigations and proceedings
- Training records
- Contact name and addresses
- Any other information provided to the College in connection with employment
- Information relating to a member of staff's health in relation to health and safety, reasonable adjustments under the Disability Discrimination Act and personnel records and administration. Specialist agencies such as our occupational health providers will also keep data related to health and this will be kept in line with the principles of the Data Protection Act and Medical Records Act
- Any data in connection with the requirement to undertake a criminal records/disclosure and barring service check to enable the College to assess an employee's suitability for employment (see Rehabilitation of Offenders Policy).

Members of Staff are responsible for:

- Ensuring 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 provide, for example, change of address
- If as part of their job, members of staff collect information about other living people, they must comply with this Data Protection Policy and Guidelines
- Ensuring that personal data is not disclosed either orally or in writing or accidentally or otherwise to any unauthorised third party

3 **Records – Students**

Burnley College believes that the following list of records and their use are consistent with the student relationship and principles of the DPA.

The information will be held for our management, administrative and marketing use, together with disclosure of some of the information we hold to relevant third parties where we are obliged to do so (for example, the Skills Funding Agency). When using student data for marketing purposes, prior consent is sought.

Data will also be transferred to other organisations where necessary (for example internal and external auditors).

Examples:

- Basic personal information gathered about a student (name, address, gender, DOB)
- Sensitive information gathered about a student (Ethnicity, Disability, Learning Difficulties)
- Student photograph
- Details of a student's programme of learning
- Examination details relating to a student (entries and results)
- Attendance details for a student
- Student discipline records
- Information relating to school/career history and future destinations of students on completion of their courses?
- Case studies highlighting successful students
- Any data in connection with the requirement to undertake a criminal records check to enable the College to assess a student's suitability for recruitment onto a particular course

Students are responsible for:

- Ensuring that information they provide to the College in connection with their study is accurate and up to date
- Informing the College of any changes to information, which they provide, for example, change of address.

4 **Location**

Our members of staff and students are all located in the Burnley area, but from time to time the College may transfer some or all information to any of its establishments for operational reasons. Likewise, information/records may also need to be transferred to UCLAN or any agency that provides funding to the College.

5 **Reports**

Data may be used from time to time for organisational reporting, for example, to monitor employment trends, provide headcount, recruitment, absence and turnover statistics with regard to staffing matters. Alternatively, reports on progression destinations, retention, attendance and achievements are likely to be reported for student matters.

6 **Confidentiality**

Burnley College requires all members of staff to comply with the Data Protection Act in relation to the information it holds. Failure to maintain confidentiality eg unauthorised, inappropriate or excessive disclosure of or obtaining information about individuals, will be regarded as serious misconduct and will be dealt with in accordance with the College's disciplinary policy and procedure. Where a member of staff has specific responsibility for the management of personal sensitive data they will be given additional guidance on their obligations. However, members of staff **must** ask if they are unsure.

The College operates a whistle blowing policy which gives effect to our wish that no member of staff should feel reluctant for fear of management's response, to give information about any wrongdoings within the College.

7 **Staff and Students' Rights**

Members of staff and students have rights under the DPA Act. In particular, they have the right of access to personal data held about them by the College and the right to have inaccurate personal data corrected.

However, staff and students must note that there are a number of circumstances where the College does not have to comply with a request for access to personal data, these include:

- Where disclosure of information refers to another individual who can be identified from that information
- References given in confidence by the College for education, training or employment purposes
- References relating to the appointment of staff which are given in confidence

8 **Data Protection Responsibility**

The persons with overall responsibility for compliance as the Data Controller for matters relating to the Data Protection Act are the Director of Corporate Services and the MIS Manager.

Day to day guidance and queries should be addressed through:

Staffing matters: Director of Corporate Services

Student matters: MIS Manager

9 **Making an Enquiry**

To obtain a copy of information held about you, to which the Data Protection Act applies, a College 'Access to Information' form must be completed and sent to the Designated Data Controller. The College will comply with the request within 21 days of receiving the form unless there is good reason for the delay. In such cases, the reason will be explained in writing to the person making the request. A nominal fee of £10.00 will be charged, unless documentation to be provided is excessive, in which case the College would charge accordingly.

All enquiries about access to information should be addressed to the:

The Designated Data Controller

Burnley College

Princess Way

BURNLEY

Lancs

BB12 0AN

10 **Associated Documents**

- Records Management Policy
- Freedom of Information
- Rehabilitation of Offenders Policy

Owner: Director of Corporate Services
Last revised: March 2013
On College website: March 2013

DP7

SUBJECT ACCESS REQUEST FORM

PURSUANT TO s.7 DATA PROTECTION ACT 1998

<p>1. Details of the person requesting information</p> <p>Full name</p> <p>Address</p> <p>.....</p> <p>Telephone () Fax No ()</p> <p>E-mail</p> <p>Student Number or Staff Payroll Number*</p> <p>School/Department of study/employment*</p> <p>Dates of study/employment* From To</p>
<p>2. Are you the Data Subject?</p> <p>YES If you are the Data Subject, please supply evidence of your identity eg Smart ID card, photocard driving licence, passport (or photocopy) and, if necessary, a stamped addressed envelope for returning the document (please go to question 5).</p> <p>NO Are you acting on behalf of the Data Subject with their written authority? If so, that authority must be enclosed (please complete questions 3 and 4).</p>
<p>3. Details of the Data Subject (if different to 1)</p> <p>Full name</p> <p>Address</p> <p>.....</p> <p>Telephone () Fax No ()</p> <p>E-mail</p> <p>Student Number or Staff Payroll Number*</p> <p>School/Department of study/employment*</p> <p>Dates of study/employment* From To</p>
<p>4. Please describe your relationship with the Data Subject that leads you to make this request for information on their behalf:</p> <p>.....</p> <p>.....</p>
<p>5. If you wish to see only certain specific document(s), for example, a particular examination report, a specific departmental file etc please describe these below.</p> <p>.....</p> <p>.....</p> <p>.....</p>

* If applicable

Please note that the College reserves the right to obscure or suppress information that relates to other third parties (under the terms of Section 7 of the Data Protection Act 1998).

6. If you would like a more general search please note that the College will normally search the following sections for personal data:
For students:
 Information contained within student records.
For staff:
 Human Resources or any departmental records in which the data subject has worked.

Please specify below the Division or Department where you have worked or studied.

Declaration
 I certify that the information given on this application form to Burnley College is true. I understand that it is necessary for the College to confirm my/Data Subject's identity and it may be necessary to obtain more detailed information in order to locate the correct information.
 Signed: Date:

Please return the completed form to:
 The Designated Data Controller
 Burnley College
 Princess Way
 BURNLEY
 Lancs
 BB12 0AN

Documents which must accompany this application are:

- Evidence of your identity
- Evidence of the data subject's identity (if different from above)
- Evidence of the data subject's consent to disclosure to a third party (if required as indicated above)
- A fee of £10.00 (cheques to be made payable to Burnley College)
- A stamped addressed envelope for return of proof of identity/authority documents, if required.

OFFICE USE ONLY	Date request received: Date completed: Notes:	OFFICE USE ONLY
------------------------	--	------------------------