



Working Together

Data Protection Policy

May 2010



**INVESTORS
IN PEOPLE**

1.0 Introduction

- 1.1 Borders College recognises that information systems, both electronic and manual, their associated processing tools and services and the information they contain now pervade teaching, learning and administration and are of vital importance to the efficient functioning of the organisation.
- 1.2 The College is committed to ensuring that the processing of personal data is only undertaken in the legitimate operation of the College's business. The College will ensure that the eight principles on which the Data Protection Act 1998 (the Act) is based are made known to and observed by all staff members.

2.0 Scope

- 2.1 Embedded within the Act are eight Data Protection Principles which must be followed. These eight Principles provide that: -
- 2.1.1 Personal data shall be processed fairly and lawfully. Schedule 2 of the Act provides that certain conditions must be met e.g.
- (i) the data subject has given consent
 - (ii) the processing is necessary.
- 2.1.2 Personal data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or purposes.
- 2.1.3 Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.
- 2.1.4 Personal data shall be accurate and, where necessary kept up to date.
- 2.1.5 Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for those purposes.
- 2.1.6 Personal data shall be processed in accordance with the rights of data subjects under the 1998 Act.

2.1.7 Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction, or damage to personal data.

2.1.8 Personal data shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and Freedoms of data subjects in relation to the processing of personal data.

2.2 This policy covers all data coming under the provisions of the Act and all persons recording, accessing or using that data in any way.

3.0 Key Principles

3.1 The key principles that the College will use in meeting its obligations to Data Protection are: -

3.1.1 Designated Data Controller and Data Protection Officer

- a) The College as a body corporate is the data controller under the Act and whilst the Board of Management is therefore ultimately responsible the College has designated that the Vice Principal – Quality and Innovation will act in the capacity of Data Protection Officer.
- b) The College endeavours at all times to maintain data in secure conditions and processes and discloses information in terms of its notification to the Data Protection Commissioner.

3.1.2 Data Subjects

All staff members, students and other individuals are entitled to know: -

- (i) what information the College holds and processes about them and why;
- (ii) how to gain access to it;
- (iii) how to keep it up to date; and
- (iv) what the College is doing to comply with its obligations under the 1998 Act.

The College through this Policy and the issue of further guidance when appropriate will ensure that staff students and other data subjects are notified of the above as appropriate.

3.1.3 Access to information

- a) Staff members, students and other individuals have a right to a copy of the personal information the College holds about them either in electronic or manual form. The College may make a charge not exceeding £10 for the provision of this information.
- b) The College will comply with requests for access to personal information as quickly as possible, but will ensure that it is provided within 30 days unless there is good reason for delay. In the event of there being a delay, the delay will be explained in writing to the data subject making the request.
- c) Parents or guardians of students aged over 16 do not have the right of access to information and will not be given access to data relating to the student unless the student has given written consent for the release of information

3.1.4 Objections to Data Processing

Staff, students and other individuals have a right to object to data processing that causes damage or distress. Any objection to processing must be made in writing.

3.1.5 Accuracy of Data

- a) Staff members are responsible for: -
 - (i) checking that the information they provide to the College in connection with their employment is accurate and up to date; and
 - (ii) informing the College of any changes to the information they have provided.
- b) Students are responsible for: -
 - (i) ensuring that all personal data provided to the College is accurate and up to date;
 - (ii) notifying the College of any alterations to their address or personal details as provided on the enrolment form.
- c) The College cannot be held responsible for any errors unless the member of staff or student has advised the College accordingly.

3.1.6 Processing of Data

- a) Staff who, as part of their responsibilities, collect data about other people must comply with the College's guidelines.
- b) Staff must ensure that any personal data is held securely and that information is not disclosed either orally or in writing or accidentally or otherwise to any third party.
- c) Students using the College's computer facilities may, on occasion, process personal data as part of their studies. If they do so they must notify their tutor

3.1.7 Sensitive Data

In certain circumstances, the College may only process personal data with the consent of the individual. Some data is considered in terms of the Act as sensitive, for example information about a person's health, racial or ethnic origin, criminal convictions or trade union membership. The information may be processed to ensure the College is a safe place for everyone or in legitimate operation of other procedures, such as sick pay and in the monitoring of equal opportunities.

3.1.8 Assessment Data and Examination Results

- a) Assessment grading and examination results will not be published on notice boards where a student can be identified by name; however lists, using discreet individual SQA or other examining body reference may be used.
- b) Results will not be divulged over the telephone unless there is prior written agreement to do so.

3.1.9 Retention of Data

- a) The College will keep some forms of information for longer than others. In general, electronic information about students will be kept centrally by the Student Records Department for a maximum of 6 years after they leave the College. All other information including any information about health, race or disciplinary matters will be destroyed within 2 years of the course ending and the student leaving the College.
- b) The College will need to keep information about staff for longer periods of time. 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.
- c) In certain circumstances, for example to comply with European funding requirements, the College may require to keep data for longer periods than noted above.

3.1.10 Compliance

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 Vice Principal – Quality and Innovation).

3.1.11 Overriding Legislation

Where other legislation, for example the Adult Support and Protection Act 2007, requires the release of data otherwise restricted under the Data Protection Act and that legislation overrides the Data Protection Act, then the College will comply with the overriding legislation. An account of all such instances will be maintained. Further, where there is a conflict in legislative requirements, the College will seek legal counsel before making a decision whether or not to release data and will maintain a record of that decision.

4.0 Responsibilities

- 4.1 The Board of Management is responsible for agreeing the Policy.
- 4.2 The Vice Principal – Quality and Innovation is responsible for the implementation of this Policy.
- 4.3 Departmental managers are responsible for the application of the Policy.
- 4.4 All staff members are responsible for complying with the principles of the Policy.

5.0 Related Documents

- 5.1 Data Protection Act 1998
- 5.2 Disciplinary Procedures

6.0 Review

- 6.1 This policy will be reviewed every 3 years or more regularly where dictated by legislative changes.



Rapid Equality Impact Assessment Tool

The rapid impact assessment tool requires you to consider the impact your proposal will have on people. Defined below are the types of proposals that require impact assessment, the type of groups the proposal may impact upon and what is meant by an impact.

Definitions

“Proposal” means any policy, procedure, strategy, guide or publicity material created to support the business of Borders College.

“Groups” means a subset of our staff, students or other College stakeholders defined by:

- race,
- disability
- sexuality
- faith
- employment
- income
- gender,
- transgender
- religion
- age
- health

“Impacts” means an effect on:

- employment
- race relations
- lifestyle
- finances
- safety
- ability to access our education services
- ability to complete studies successfully
- discrimination against any Group
- working conditions

Rapid Impact Assessment

What Impacts may there be from this Proposal on any Group's ability to use the College services?

Policy: Data Protection

Positive Impacts (Groups affected)	Negative Impacts (Groups affected)
n/a	n/a
Actions taken to alleviate any negative Impacts: n/a	
Recommendations: n/a	

From the outcome of the Rapid Impact Assessment have negative impacts been identified for race or other equality groups?

Has a full Equalities Impact Assessment been recommended?

Yes

No

Reason for recommendation:

Manager's Signature: _____ Date: 14/5/10

Status: Agreed by the JCC
Dated: May 2010
Author: Director of Finance and Resources
Review Date: May 2013
Equality Impact Assessed: May 2010