

If you require this policy in an alternative format please contact the Management Office, in the first instance, on (01205) 365701 extension 3217.



# STAFF RELATED POLICY: DATA PROTECTION

## INTRODUCTION

It is necessary for Boston College to keep certain information about its employees, learners and others 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 of 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, Boston College has developed this Data Protection Policy.

## STATUS OF THE POLICY

This policy does form part of the formal contract of employment, and it is a condition of employment that employees will abide by the rules and policies made by Boston 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, learners 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, learners 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 two 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, 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. Boston 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, (ie, about learners 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 included in the attached appendix.

### **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.

Personal data and data covered by the Data Protection Act should not be transported off the College's premises unless it is in an encrypted form or specific permission has been granted by one of the College's Data Protection Officers.

## **LEARNER OBLIGATIONS**

Learners 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 their personal tutor or course co-ordinator as appropriate.

Learners who use the College's computer facilities may from time to time, process personal data. If they do they must notify their personal tutor or course co-ordinator as appropriate. Any learner who requires further clarification about this should contact the data controller by making an appointment via Learner Services.

## **RIGHTS TO ACCESS INFORMATION**

Staff, learners 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 which is attached as an appendix.

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 referred to above.

The College will make the charge of £10.00 on each occasion that access is requested.

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 a 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's 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 College governors.
- List of staff
- Photographs of key staff
- Examinations results.

The College's 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 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's 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 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 learners 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 available from the **Designated data controller or Learner Services**.

## **THE DATA CONTROLLER AND THE DESIGNATED DATA CONTROLLER/S**

Boston College as a body corporate is the data controller under the Act, and the Corporation is therefore ultimately responsible for implementation. However, the designated data controllers will deal with day to day matters.

This College has three designated data controllers. They are: -

Senior Personnel Manager  
ICT Manager  
MIS and Administration Manager

## **EXAMINATION MARKS**

Learners 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 learners cannot be kept indefinitely, unless there are specific requests to do so. In general information about learners will be kept for a maximum of 6 years after they leave the 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, race or disciplinary matters will be destroyed within 6 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 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 controllers.

<b>JANET HEMMANT, DIRECTOR OF CORPORATE SERVICES</b>	
<b>DATE</b>	<b>13 MARCH 2013</b>

**SUBJECT ACCESS REQUEST FORM**



**DATA PROTECTION ACT 1998 – SUBJECT ACCESS REQUEST**

Please provide the following details about yourself: -

Full name: .....

Address: .....

.....

Tel No. .... Fax No. ....

E-mail: ..... Mobile: .....

**FEE**

A fee of **£10.00** (*the current statutory maximum*) is payable for each application for information. Please enclose a cheque or postal order made payable to Boston College.

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- 1.
2. Are you requesting information about yourself?

If so, you are the data subject and documentary evidence of your identity is required, ie. Driving licence, birth certificate (or photocopy) and a stamped addressed envelope for returning the document. (*Please go to 3 below*).

If not, please supply the written consent of the data subject and supply their details as follows:

Full name: .....

Address: .....

.....

Tel No. .... Fax No. ....

E-mail: ..... Mobile: .....

3. Please briefly explain why you are requesting this information rather than the data subject.

.....  
.....

4. Please describe the information you seek together with any other relevant information to help us identify the information you require.

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.....

**ALL APPLICANTS MUST COMPLETE THIS SECTION** (*Please note that any attempt to mislead may result in prosecution*).

I, ..... confirm that the information given on this application form to Boston College is true, and I understand that Boston College may need more information to confirm my identity/that of the data subject and to locate the information that I am requesting.

Signature: ..... Date: .....

Please return the completed form to the Data Protection Officer, MIS Department, Boston College, Skirbeck Road, Boston, Lincs, PE21 6JF along with the following: -

- a. Evidence of your identity(ies)
- b. Evidence of the data subject's identity (if different from (a))
- c. The fee of £10.00 (cheque to be made payable to Boston College)
- d. Stamped addressed envelope for return of proof of identity/authority document.

Whilst Boston College must respond to your request for information within 21 days, please note this time period does not begin to run until all of the above have been received.

**Please note: If the data subject provides Boston College with all the information necessary for the College to comply with their request, the College must comply with it.**



## Boston College Equality Impact Assessment Template: Policies

**1. What is the name of the policy**

*Data Protection*

**2. What is the aim of the policy?**

*The main objective of the Policy is to ensure that the college meets its statutory requirements and obligations under the Act. The duties outlined in the policy apply to all members of staff*

**3. Who does the policy impact on? (Staff, learners, partners etc.)**

*All staff, students and members of the public*

**4. Who implements the policy?**

*All staff have a statutory requirement to implement this policy, however the overarching responsibility is with the VP Corporate Services with the data protection requests being processed by the IT Manager and Funding & Registry Data Manager.*

**5. What information is currently available on the impact of this policy?**

*(This could include data that is routinely collected for this policy and/or minutes from management or team meetings. It could also include conversations with students and/or staff who have used this policy in their day to day role).*

*It is a statutory requirement for the College to comply with the Data Protection Policy, and there is no evidence to suggest that any particular groups are either adversely or positively affected by its existence or details. On average the College deals with 4 requests per year, however, in the last year we have only had 1 request. Staff should be aware of the Data Protection Policy and who to contact for further information. A staff development session on Data Protection took place approximately 3 years ago, and was open to all managers. Managers were then tasked with feeding back to their teams. As it has been a few years since this happened a discussion needs to take place with staff development to see if this course could be repeated.*

**6. Do you need more information before you can make an assessment about this policy?**

*(If yes, please put down what information you need and identify in the action plan, how you intend to collect it)*

*No*

**7. Do you have any examples that show this policy is having a positive impact on any of the equality characteristics shown in Table.1?**

*The policy applies to all in equal measure and is there to ensure individual rights and freedoms are met across the board. I have looked through the requests we have received in the last year and analysed them using the equality characteristics to see if there are any concerns. The findings from this will be reported to the VP Corporate Services on an annual basis. The format for reporting this is still to be confirmed.*

Boston College Equality Impact Assessment Template: Policies

8. Are there any concerns that this policy could have a negative impact on any of the equality characteristics shown in Table.1?

**Table. 1**

Category	No	Yes	Please supply any additional comments
Race		√	We have a large number of learners whose first language is not English so need to consider their understanding of the policy as it is currently published in English.
Disability		√	We have a number of learners with complex needs so need to consider communication of the policy
Gender	√		
Gender re-assignment	√		
Age	√		
Sexual orientation	√		
Religion/belief	√		
Pregnancy/maternity	√		
Marriage/Civil Partnership	√		
Socio-economic	√		
Rurality	√		

Actions are to be taken as a result of the Equality Impact Assessment			
Action Required <i>(clearly state where within existing management structures these actions will be performance monitored)</i>	Person responsible	Comp date	Review details - impact and outcome
Ask the teaching staff who work with learners whose first language is not English, if the learning agreement is best method of communicating this policy to them and if they understand the content of the policy and why we have it	Fiona Davis	Dec 2013	If the learners don't understand the policy need to review alternative method of communicating it.
Ask the teaching staff who work with learners with complex learning need, if the learning agreement is best method of communicating this policy to them. Do the learners and families understand why we have the policy and what the content means to them.	Fiona Davis	Dec 2013	If the learners don't understand the policy need to review alternative method of communicating it.

Boston College Equality Impact Assessment Template: Policies

Undertake a process to raise awareness, limitations and understanding off the policy for both staff and learners – this could include raising it at HR Strategy Group, or Teaching & Learning Forum to gauge awareness within the College	Fiona Davis	Aug 2013	All learners to receive a learning agreement covering the use of personal data. A staff development session on Data Protection has been run previously for all staff. This needs to be repeated.
Undertake producing report showing the number of data protection requests and any breaches of data protection	Fiona Davis	Sep 2013	Discuss best method for reporting requirements with VP Corporate.
Signed: Fiona Davis	Position: Funding & Registry Data Manager		Date: 14/02/2013