



DATA PROTECTION POLICY

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Data Protection Policy

Introduction

Coleg Llandrillo needs to hold certain information about its employees, students, partner businesses and stakeholders in order to monitor student enrolment, retention and attainment, maintain staff records and provide performance reporting. To comply with the Data Protection Act 1998, information must be collected and used fairly, stored safely and not disclosed to any other person unlawfully. The Data Protection Act principles state that personal data must be:

- fairly and lawfully processed
- processed for limited purposes
- adequate, relevant and not excessive
- accurate
- not be kept longer than necessary
- processed in accordance with the data subject's rights
- secure
- not be transferred to countries without adequate protection

Coleg Llandrillo and those who process or use any personal information must ensure that they follow these principles at all times. In order to ensure that this happens, Coleg Llandrillo has developed the Data Protection Policy.

Notification of Data held and processed

All staff, students and other users are entitled to:

- know what information Coleg Llandrillo holds and processes about them and why.
- know how to gain access to information held about it.
- know what Coleg Llandrillo is doing to comply with its obligations under the 1998 Act.

Rights to Access Information

Staff, students and other users of Coleg Llandrillo have the right to access any personal data held on either computer or paper files. Any person who wishes to exercise this right should complete the College's "Request Form for Access to Data" which is available from the Data Protection Officer.

Coleg Llandrillo will make a charge of £10.00 to cover administration costs in processing the data request and aims to respond to requests for access to personal information within 21 days.

Subject Consent

In many cases, Coleg Llandrillo can only process personal data with the consent of the individual and where the data is sensitive, express consent must be obtained (see below). Agreement to Coleg Llandrillo processing student data is subject to a signed declaration on the College's enrolment form and is also a condition of employment for staff including information about previous criminal convictions.

Some College positions or courses will bring staff or students into contact with children, including young people between the ages of 14 and 18. Coleg Llandrillo has a duty under the Children Act and other enactments to ensure suitability of this contact. Coleg Llandrillo also has a duty of care to all staff and students and must therefore make sure employees and those who use Coleg Llandrillo's facilities do not pose a threat or danger to other users.

Staff

Status of the Policy in relation to Coleg Llandrillo employees

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 Coleg Llandrillo from time to time.

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 College's Data Protection Officer.

Responsibilities of Staff

All Staff are responsible for:

- checking that any information they provide to Coleg Llandrillo in connection with their employment is accurate and up-to-date.
- informing Coleg Llandrillo of any changes to that information, eg. changes of address.

If and when, as part of their responsibilities, staff collect information about other people, (i.e. about students' course work, opinions, 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 on students 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 may lead to disciplinary action being taken.

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

Students

Student obligations

Students must ensure that all personal data provided to Coleg Llandrillo is accurate and up to date. They must ensure that changes of address, etc. are notified using the “Change of Address Form” which is available from the College Reception. This will enable the College to update its Management Information System.

Publication of Coleg Llandrillo Information

Information that is already in the public domain is exempt from the 1998 Act. It is Coleg Llandrillo’s policy to make as much information public as possible. Access to public information is to be made available under the Freedom of Information Act 2000.

The Data Controller and the Designated Data Controller/s

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

Coleg Llandrillo’s designated data controller is:

Name	Phone Number
Sam Child	01492 546666 Extension 217
Supported by Kath Coughlin	01492 546666 extension 325

Examination Marks

Students will be entitled to information about their marks for both coursework and examinations. Coleg Llandrillo 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 Coleg Llandrillo.

Retention of Data

Coleg Llandrillo 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 maximum of 10 years after they leave Coleg Llandrillo. This will include:

- Names and addresses
- Academic achievements, including certificates

All other information, including any information about health, race or disciplinary matters will be destroyed within 3 years of the course ending and the student leaving Coleg Llandrillo.

Coleg Llandrillo 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. A full list of information with retention times is available from the data controller.

Conclusion

Compliance with the 1998 Act is the responsibility of all members of Coleg Llandrillo. Any deliberate breach of the data protection policy may lead to disciplinary action being taken, access to Coleg Llandrillo facilities being withdrawn, or even a criminal prosecution.

APPENDIX 1 TO THE DATA PROTECTION POLICY

Staff Guidelines for Data Protection

1. All staff will process data about students on a regular basis, when marking registers, Coleg Llandrillo work, writing reports or references, or as part of pastoral or academic supervisory role. Coleg Llandrillo will ensure through registration procedures, that all students give their consent to this sort of processing, and are notified of the categories of processing, as required by 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, coursework marks and grades and associated comments
 - Notes of personal supervision, including matters about behaviour and discipline
2. Information about a student's physical or mental health; sexual life; political or religious view; trade union membership or ethnicity or race is sensitive and can only be collected and processed with the student's consent. Consent is obtained on the processing of ethnicity data at enrolment. However, if staff need to record any other information, they should seek the student's written consent e.g. recording information about dietary needs, for religious or health reasons prior to taking students on a field trip; recording information that a student is pregnant, as part of pastoral duties.
3. All staff have a duty to make sure that they comply with the data protection principles, which are set out in the Coleg Llandrillo Data Protection Policy. In particular, staff must ensure that records are:
 - Accurate
 - Up-to-date
 - Fair
 - Kept and disposed of safely, and in accordance with the Coleg Llandrillo policy
4. Should a member of the teaching staff consider it necessary to collect sensitive data or be asked to process this data, they should refer to their Head of Programme Area in the first instance.

The only exception to this will be if the staff member is satisfied that the processing of the data is necessary:

- In the best interests of the student or staff member, or a third person or Coleg Llandrillo
- He or she has either informed the authorised person of this, or has been unable to do so and processing is urgent and necessary in all the circumstances.

This should only happen in very limited circumstances. e.g. a student is injured and unconscious, but in need of medical attention, and a staff tutor tells the hospital that the student is pregnant or a Jehovah's Witness.

5. The Head of Programme will be responsible for ensuring that all data is kept securely.
6. Staff must not disclose personal data to any student, unless for normal academic purposes, without authorisation or agreement from the data controller, or in line with the Coleg Llandrillo policy – Guidelines for Staff on Disclosure of information about student/staff to Third Parties.
7. Staff shall not disclose personal data to any other staff member except with the authorisation or agreement of the designated data controller, or in line with the Coleg Llandrillo policy - Guidelines for Staff on Disclosure of information about student/staff to Third Parties.
8. 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 express consent?
- Has the student been told that this type of data will be processed?
- Are you authorised to collect/store/process the data?
- Are you sure that the data is secure?
- If yes, have you checked with the data subject that the data is accurate?
- If not, do you 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 – Head of Registry.