



Document control

Version	Date	Author(s)	Notes on Revisions
1.0	2008	Lesley Taylor	Original
1.1	June 2008	Dan Hallam	Update following practical use
1.2	November 2013	Dan Hallam	Update following ESF guidance
1.3	April 2016	Dan Hallam	Update following ESF guidance
1.4	March 2017	Dan Hallam	Appendix 2: Updated with link to online shop.

1. PURPOSE AND SCOPE

1.1 This policy applies to all staff and students and covers the possession, processing and use of personal information, including electronic images.

2. DEFINITIONS

2.1 Data refers to recorded information about an individual that is stored either on paper or electronically on a computer system.

2.2 Data or information about the College or information about groups of people from which individuals cannot be identified is covered by the Freedom of Information Policy.

3. DUTIES OF THE COLLEGE

3.1 South Devon College needs to keep certain information about its employees, students and other users of the College’s facilities to allow it, for example, to monitor performance, achievements and health and safety. It is also necessary to process information so that staff can be recruited and paid, courses organised, students recruited as well as to ensure compliance with legal obligations and the requirements of funding bodies. To comply with the law on data protection, information must be collected and used fairly, stored safely and not disclosed to any other person unlawfully.

4. STATUTORY FRAMEWORK/PRINCIPLES

4.1 The College will comply with the Data Protection Principles which are set out in the Data Protection Act 1998. In summary these state that personal data shall:

4.1.1 be obtained and processed fairly and lawfully and shall not be processed unless certain conditions are met

4.1.2 be obtained for a specified and lawful purpose and shall not be processed in any manner incompatible with that purpose

- 4.1.3 be adequate, relevant and not excessive for those purposes
 - 4.1.4 be accurate and kept up to date
 - 4.1.5 not be kept for longer than is necessary for that purpose
 - 4.1.6 be processed in accordance with the data subject's rights
 - 4.1.7 be kept safe from unauthorised access, accidental loss or destruction
 - 4.1.8 not be transferred to a country outside the European Union, unless that country has equivalent levels of protection for personal data.
- 4.2 Those processing personal information must ensure that these principles are followed at all times.

5. POLICY IMPLEMENTATION

5.1 Status of the Policy

5.2 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 failure to follow the policy can therefore result in disciplinary action.

5.3 In addition, failure to comply with the Data Protection Act 1998 may result in prosecution.

5.4 Any member of staff who considers that the policy has not been followed in respect of personal data about themselves should initially raise the matter with their line manager. If the matter is not resolved it should be raised as a formal grievance.

5.5 Notification of Data Held and Processed

5.6 All staff, students and other users are entitled to know:

5.6.1 what information the College holds and processes about them and why

5.6.2 how to gain access to it

5.6.3 how to keep it up to date

5.6.4 what the College is doing to comply with its obligations under the Data Protection Act 1998.

5.7 Through the use of HR Select, staff are able to access some of the information the College holds about them. Students will have access to their (LEAP), which details some of the information that is held about them.

5.8 Responsibilities of Staff

5.9 All staff are responsible for:

- 5.9.1 checking that any information that they provide to the College in connection with their employment is accurate and up to date
 - 5.9.2 informing the College of any changes to information which they have provided, for example, change of address
 - 5.9.3 checking the information that the College holds on HR Select
 - 5.9.4 informing the College of any errors or changes. The College cannot be held responsible for any errors unless the staff member has informed the College of them.
- 5.10 If and when, as part of their responsibilities, staff collect information about other people, (for example about students course work, opinions about ability, references, details of personal circumstances), they must comply with the guidelines for staff, which are set out in Appendix 1 to this document.

5.11 All staff are responsible for ensuring that:

- 5.11.1 any personal data which they hold is kept securely
- 5.11.2 personal information is not disclosed either orally or in writing or accidentally or otherwise to any unauthorised third party (exceptions include the police or doctors/hospitals in an emergency)
- 5.11.3 they must comply with the Data Loss Policy
- 5.11.4 unauthorised disclosure will usually be a disciplinary matter, and may, in some cases be considered gross misconduct. Failure to comply with the Data Protection Act 1998 may result in prosecution.

5.12 Personal information should be:

- 5.12.1 kept in a locked filing cabinet or drawer or secure room
- 5.12.2 password protected if it is computerised
- 5.12.3 kept on portable computer storage devices only if these are kept securely and in accordance with the Data Loss Policy.

5.13 Student Obligations

- 5.14 Students must ensure that all personal data provided to the College is accurate and up to date. They must ensure that changes of address, mobile phone numbers etc are notified using LEAP.
- 5.15 Students who use the College computer facilities must do so in accordance with the log in script displayed on screen and the IT Policy.

5.16 Rights to Access Information

5.17 Staff, students and other users of the College have, as data subjects, the right to access any personal data that is being kept about them. Any person wishing to exercise this right should complete the College 'Application for Personal Data Release' form and hand it in to the Assistant Principal Systems, Information and Learning Resources.

5.18 South Devon College makes a charge of £10 on each occasion that access is requested, although the College has discretion to waive this.

5.19 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.

5.20 Publication of College Information

5.21 Personal information that is already in the public domain is exempt from the Data Protection Act 1998. The following information will be available for public inspection:

5.21.1 Names of College Governors and Register of Interest of Governing Body members and senior staff with significant financial responsibilities (for inspection during normal office hours only)

5.21.2 List of key staff

5.21.3 Photographs of key staff and Governors

5.22 The College internal phone list will not be a public document.

5.23 Any individual who has good reason for wishing details in these lists or categories to remain confidential should contact the Data Controller.

5.24 Personal information may be released where requested under the Freedom of Information Act and is appropriate for release.

5.25 Subject Consent

5.26 In many cases, the College can only process personal data with the consent of the individual. In some cases, if the data is sensitive, explicit agreement 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 convictions.

5.27 Some courses or jobs will bring the applicant into contact with children including young people between the ages of 16 and 18. The College has a duty of care under the Children Act and other legislation 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 others.

- 5.28 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 this information in the protection of the health and safety of the individual, but will need consent to process, for example, in the event of a medical emergency.
- 5.29 All prospective staff and students will be asked to sign a 'Consent to Process' form (Learning Agreement in the case of students), 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.

5.30 Processing Sensitive Information

- 5.31 Sometimes it is necessary to process information about a person's health, criminal convictions, race, gender and family details. This may be to ensure the College is a safe place for everyone, to operate other College 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 students 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 is available from the Assistant Principal - Systems, Information and Learning Resources.

5.32 Sharing personal information

- 5.33 The College will share personal information with funding bodies, exam awarding bodies and other such organisations as necessary to process the student's education journey as per 5.25. However, opportunities will be presented to restrict how this information might be used outside of the standard processing.
- 5.34 Where a student is under the age of 18 years old, or under the age of 25 years with a Learning Difficulty Assessment (LDA) or Education, Health and Care Plan (EHCP) as at the 31 August in which they start their course, we will share their information with parents/guardians and other third parties such where the College believes it is in the student's best interests to do so.
- 5.35 Where a request for sharing information is received from a parent\guardian living at a different address to the student then permission will be sought from the student to share.
- 5.36 In exceptional circumstances where the student is potentially put at risk by releasing their information it will not be supplied.
- 5.37 The College will also share information where it is obliged by law to do so. Where a request is from the police, appendix 8.4 should be used to process the request.

5.38 Publication of images

- 5.39 Moving or still images can be considered to be personal information. Where they are captured during the normal College operations they may be used in the College's promotional publication including but not limited to press releases, the College website and prospectus, internal and external literature and advertising.
- 5.40 Staff or students should inform the College Marketing Team if they do not want their image(s) to be used in promotional material.

5.41 The Data Controller and the Designated Data Controller

- 5.42 Under the Data Protection Act 1998 the College as a Further Education Corporation is the data controller, and thus the Governing Body is ultimately responsible for implementation. However, there are designated Data Controllers dealing with day to day matters. The first point of contact for enquirers is:

Assistant Principal Systems, Information and Learning Resources, tel 01803540576, email: dan.hallam@southdevon.ac.uk

5.43 Examination Marks

- 5.44 Students will be entitled to information about their marks for both coursework and examinations in accordance with section 5.16. However, this may take longer than other information to provide.

5.45 Retention of Data

- 5.46 The College 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.
- 5.47 The post 16 funding agencies use enrolment information for European Social Funds projects. These may be specific projects that funding is received directly by the College or match funding projects in which the funding is indirectly received.
- 5.48 Other European funds have been used for capital projects and enrolment information related to these projects will also be included in the retention periods below.
- 5.49 To comply with European Social Fund requirements student information relating to the submission of records through the Individualised Learner Record file, predominantly paper enrolment forms and EBS records will be retained according to the published ESF guidance.
- 5.50 Specifically, enrolment information during the period of 2000 to 2006 will be retained until at least 1/2/2021; and enrolment information relating to the period 2007 to 2013 will be retained until at least the end of 31 December 2022 or unless otherwise advised by the ESF Managing Authority; and enrolment information relating to the period 2014 to 2020 will be retained until at least the end of 31 December 2030 or unless otherwise advised by the ESF Managing Authority.

5.51 Disposal of Data

5.52 When personal data is no longer required, or has passed its retention date, paper records will be shredded. If there is a significant amount of material which cannot be dealt with by normal shredding machines, this will be placed in red plastic sacks, available from the Property Services section, and a request made to the Property Services section for collection.

5.53 Computerised records must be permanently deleted, with particular care taken that 'hidden' data cannot be recovered. The IT Helpdesk can advise of permanent deletion of computerised records.

5.54 Complaints

5.55 Complaints about the policy or the handling of personal information should be raised through the College Complaints Procedure in the first instance. Complainants should then contact the Information Commissioner if the complaint is not resolved.

5.56 Conclusion

5.57 Compliance with Data Protection legislation 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.

5.58 Any questions or concerns about the interpretation or operation of this policy should be taken up with the Assistant Principal - Systems, Information and Learning Resources.

6. RELATED POLICIES AND FURTHER GUIDANCE

- 6.1 Freedom of Information Act
- 6.2 IT Security & Internet Usage Policy (including Data Loss Policy)
- 6.3 Contract of Employment
- 6.4 CCTV (& Body Worn Camera) Policy

7. STATEMENT OF THE COLLEGE'S APPROACH TO THE ENVIRONMENT AND TO SUSTAINABILITY

7.1 The College affirms its commitment to integrate sustainable and eco-friendly policies and practices into all its activities by operating in a manner that promotes energy and materials conservation and waste reduction. We also commit to encouraging others with whom we do business to analyse, reduce and manage their own environmental impacts and risks where possible.

8. PREVENT DUTY STATEMENT

8.1 South Devon College and South Devon High School are fully committed to safeguarding and promoting the welfare of all learners. We recognise that safeguarding against radicalisation and extremism is no different from safeguarding against any other vulnerability. All our staff, learners and

services are expected to uphold and promote the fundamental principles of British values, including democracy, the rule of law, individual liberty and mutual respect, and tolerance of those with different faiths and beliefs.

This statement reinforces our expectation that staff are fully engaged in being vigilant about radicalisation and extremism; that they overcome any professional disbelief that such issues will happen here and ensure that they work alongside each other, professional bodies and external agencies to ensure that our learners are safe from harm.

9. MONITORING OF POLICY

- 9.1 The Policy will be monitored via the College’s ILT Committee and the Senior Management Team.

Actions	Date
Signed off - [HR]	
Signed off - [UCU/Unison]	
Signed off - [Clerk to Governors]	13/03/17
Signed off - [SMT/ Principalship]	13/03/17
Approved - [Resources Committee]	13/03/17
Next Review due	February 2019

10. APPENDICES

- 10.1 Staff Guidelines for Data Protection
- 10.2 Application for Personal Data Release
- 10.3 Application for Personal Data Release to a Third Party
- 10.4 Police Request for Disclosure of Personal Data

SOUTH DEVON COLLEGE

Appendix 1: Staff Guidelines for Data Protection

1. Staff will process data about students on a regular basis, when marking registers, or College work, writing reports or references or as part of a pastoral or academic supervisory role. The College will ensure, through registration procedures (declarations on application/enrolment forms and Learning Agreements), that all students give their consent to this sort of processing and are notified of the categories of processing as required by the Data Protection Act 1998. The information that staff deal with on a day-to-day basis will be 'standard' and will cover categories such as:
 - 1.1. general personal details such as names and addresses
 - 1.2. details about class attendance, course work marks and grades and associated comments
 - 1.3. notes of personal supervision, including matters about behaviour and discipline.
 - 1.4. Where the functionality and capacity exists, this information should be stored on existing College systems such as EBS and should not be held on ad-hoc spreadsheets or databases.
2. Information about a student's physical or mental health; sexual life, political or religious views; trade union membership or ethnicity or race is sensitive and can only be collected and processed with the student's consent. If staff need to record this information, they should discuss their needs with the Assistant Principal - Systems, Information and Learning Resources.
 - 2.1. Examples: 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 tutorial support.
3. All staff have a duty to make sure that they comply with the data protection principles, which are set out in the Data Protection Policy. In particular staff must ensure that records are:
 - 3.1. accurate
 - 3.2. up-to-date
 - 3.3. fair
 - 3.4. not duplicated on other systems
 - 3.5. kept and disposed of safely, and in accordance with the College policy.
4. Staff must not disclose personal data to any student, unless for normal academic or pastoral purposes, without authorisation or agreement from the data controller, or in line with College policy.
5. Before processing any personal data, all staff should consider the checklist.
6. Staff Checklist for Recording Data
 - 6.1. Do you really need to record the information?
 - 6.2. Is the information 'standard' or is it 'sensitive'?
 - 6.3. If it is sensitive, have you discussed this with the Assistant Principal - Systems, Information and Learning Resources?
 - 6.4. Has the student been told that this type of data will be processed?
 - 6.5. Are you authorised to collect/store/process the data?
 - 6.6. If yes, have you checked with the data subject that the data is accurate?
 - 6.7. Are you sure that the data is secure?
 - 6.8. If you do not have the data subject's consent to process, are you satisfied it is in the best interests of the student or staff member to collect and retain the data?
 - 6.9. Is the information already collected and stored elsewhere by the College?
 - 6.10. Have you reported the fact of the data collection to the authorised person within the required time?



Appendix 2: APPLICATION FOR PERSONAL DATA RELEASE

I, _____ (insert name) wish to have access to either
(delete as appropriate)

1. All the data that the College currently has about me, either as part of an automated system or part of a relevant filing system; or
2. Data that the College has about me in the following categories (please tick):

<input type="checkbox"/>	Academic marks or course work detail
<input type="checkbox"/>	Academic or employment references
<input type="checkbox"/>	Attendance records
<input type="checkbox"/>	CCTV images at _____ (insert location) on _____ (insert date and time)
<input type="checkbox"/>	Disciplinary records
<input type="checkbox"/>	Health and medical records
<input type="checkbox"/>	Personal details including name, address, date of birth etc
<input type="checkbox"/>	Political, or religious details
<input type="checkbox"/>	Statements of opinion about my abilities or performance
<input type="checkbox"/>	Other information: Please list below

Name: _____

Address: _____

I was a student*/member of staff*/or otherwise connected* with the College during the period from _____ (insert date) to _____ inclusive. *Please delete as appropriate.

I understand that a fee of £10 will be payable. Payment can be made via our Online Shop [here](#)

Signed: _____ Date: _____

South Devon College use	
Personal data released by:	Date:

A copy of this form should be provided with the evidence



Appendix 3: APPLICATION FOR PERSONAL DATA RELEASE TO A THIRD PARTY

I, _____ (insert name)

authorise South Devon College to release personal data to:

Name: _____

Signed: _____ Date: _____

Data Protection

South Devon College adheres to the 8 principles of the Data Protection Act 1998

- Personal data shall be processed fairly and lawfully.
- 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.
- Personal data shall be adequate, relevant and not excessive in relation to the purpose for which it is processed.
- Personal data shall be accurate and, when necessary, kept up to date.
- Personal data processed for any purpose shall not be kept for longer than is necessary for that purpose.
- Personal data shall be processed in accordance with the rights of data subjects under this Act.
- Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.
- 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 of the rights and freedom of data subjects in relation to the processing of personal data.

South Devon College use	
Personal data released by:	Date:

A copy of this form should be provided with the evidence



Appendix 4: Police Request for Disclosure of Personal Data Under Section 28(1) or 29(3) of the Data Protection Act 1998

From:

Name

Address

.....

.....

Contact numbers

To:

Name Learner Information Services Office, South Devon College

Address Vantage Point, Long Road, Paignton, Devon TQ4 7EJ

1. Please provide the following information:

Name and address

Attendance information

Other

2. Information requested:

3. I certify that the data is required for national security purposes or prevention or detection of crime or for the apprehension or prosecution of offenders and that failure to disclose the data would likely to prejudice these matters.

4. The requested data are required for case reference It is possible that this data may have relevance in future to as yet unidentified offences and it may need to be used in such an event. It will not be used in any way incompatible with the purpose for which it is being disclosed.

5. I understand that if any data on this form is omitted or wrong I may be committing an offence under section 55 of the 1998 Act.

6. Signed..... Date.....
Name & number..... Rank: PC