



## **DATA PROTECTION POLICY**

## NEWBATTLE ABBEY COLLEGE

### DATA PROTECTION POLICY

#### 1. Introduction

The Data Protection Act 1998 imposes obligations and duties on organisations which hold and process 'personal data'. The legislation covers paper-based, electronic, visual and audio information. Information that is already in the public domain is exempt from the 1998 Act.

Personal data is defined as information which relates to a living individual who can be identified either from that information itself or from that and other information which is in the possession of, or likely to come into the possession of the College.

The Freedom of Information (Scotland) Act 2002 also places obligations on public organisations to provide rights of access to the information held by them. The FOI (Scotland) Act requires public organisations to list all the classes of information which a public authority actively publishes.

#### 2 Scope and Status of the Policy

This policy does not form part of the formal contract of employment, or the offer of a place to study for students but it is a condition of employment or study that employees and students will abide by the rules and policies made by the College.

Any failures to follow the policy can therefore result in disciplinary proceedings.

2.1 This policy applies to all staff and students.

2.2 Procedures covering different aspects of the processing of personal data will be developed and will be updated as necessary. A Code of Practice that can be used as a set of Guidelines will be issued to staff and training will be available,

#### 3 Principles

The Data Protection Act 1998 stipulates that data must be:-

- Fairly obtained and lawfully processed

- Processed for only the stated purpose at the time of capture (other than use for these purposes, it should be available only to the person to whom it relates)
- Adequate, relevant and not excessive
- Accurate
- Not kept longer than necessary
- Processed in accordance with the data subject rights under the Act
  - to be told that the data is being processed
  - to see the information that is being held about them
  - to correct the data if it is wrong
- Held in a secure place - e.g., in locked filing cabinets or in secure IT databases. Data should be held/disposed of securely. Unauthorised access to records should be prevented
- Not transferred to countries without adequate protection. In practice this means that before sending data to countries outside the European Union, you must ensure this is permitted under the Act's requirements.

- 3.1 The College's policies and procedures will comply with all data protection principles set out in the Data Protection Act insofar as they apply. The College will regularly monitor its policies for such compliance.
- 3.2 The College will obtain and maintain all necessary data protection registrations, keep its registration under regular review and ensure that all necessary amendments are promptly made.
- 3.3 The College will ensure that its practices relating to the holding, use and disclosure of personal data are always in accordance with its data protection registration.
- 3.4 People's rights of access to data relating to them will be observed fully within the required time limit.

#### **4. Rights to Access Information**

- 4.1 Any employee or student who wishes to exercise the right to access information should complete the College 'Access Request' form and return it to the Administration Manager.

The College aims to comply with requests for access to information within a calendar month unless there is a good reason for the delay. The reasons for any delay will be given, in writing, to the person making the request.

- 4.2 The College reserves the right to levy an administration charge for each request made.

## 5. Data Controller

- 5.1 The College as a corporate body is the Data Controller under the 1998 Act and the Governors are, therefore, ultimately responsible for implementation.

The Administration Manager will be responsible for registration as required under the Act. To ensure compliance she will undertake periodic audits (at least annually) of all personal data held and processed by the College.

The College will appoint Designated Data Controllers to deal with day-to-day matters.

For employees the Designated Data Controller is the Administration Manager  
For students the Designated Data Controller is the Depute Principal.

- 5.2 Any employee or student 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. If the matter is not resolved, it should be raised as a formal grievance

## 6. Notification of Data Held and Processed

- 6.1 All employees, students and other users of the College 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 Data Protection Act 1998.

- 6.2 The College will provide all staff with a standard form of notification. This will list all types of data the College holds and processes about them and the reason for which they are processed. This service will be available to students upon written request.

## 7. Responsibilities of Staff

- 7.1 All staff are responsible for:-

- checking that data supplied to the College is accurate and current
- notification to the College of changes of information e.g. address

- checking the accuracy of information issued by the College in connection with compliance with the Act.
- reporting any errors or omissions to the College

Any member of staff who collects or holds information about other people (e.g. student course work, references) must comply with the College policies and procedures regarding Data Protection.

## **8 Student Obligations**

### **8.1 All students must ensure that:**

- data supplied to the College is accurate and current
- the College is notified of changes of information e.g. address, telephone number
- information issued by the College in connection with compliance with the Act is accurate.
- errors or omissions are reported to the College

8.2 Students who may, from time to time process personal data as part of their studies must notify their course lecturer, who should inform the Designated Data Controller. Students must comply with requirements of this policy and procedures.

## **9 Data Security**

9.1 All staff are responsible for ensuring that all data they hold is kept securely and that data held is not disclosed accidentally or otherwise to any unauthorised third party.

9.2 Unauthorised disclosure may be considered gross misconduct in some cases.

## **10. Subject Consent**

10.1 The College requires the consent of individuals to process personal data. In the case of sensitive data such as medical records, trade union membership express written consent must be obtained.

10.2 Where employees have contact with children or young people the College has a legal duty to ensure that staff are suitable for the position held.

10.3 The College may request medical information such details of medication, allergies or conditions such as asthma or diabetes. The College will only use

the information in the protection of the health, safety and welfare of the individual.

## 11. Retention of Data

11.1 The College's Retention Schedule outlines what information is retained for what period of time.

## 12. Training and Information

The College will ensure that all staff who handle personal data are trained in the appropriate procedures and understand their responsibilities.

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