



South Gloucestershire and Stroud College

Data Protection

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Please contact the Human Resources Department

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Job Title / Role:	Head of Management Information Services
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Approved by:	SLT
Date of Approval:	25/05/2016



Main aim and purpose of the policy:					
Is this policy (or its constituent parts) relevant to a general equality duty? (please tick)	This policy development will assist in the elimination of unlawful discrimination and/or harassment of identified groups?	Implementation of this policy will promote equal opportunities for identified groups?	Implementation of this policy will promote positive attitudes and participation between groups?	Implementation of this policy will promote good relations between groups?	
Age	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Gender Reassignment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Race or Ethnicity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Religion or Belief	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Marriage	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Pregnancy/ Maternity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Sex	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Sexual Orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Carers/ Care givers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Persons in care	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Specify any groups for which there is evidence or reason to believe that some groups or individuals could be affected differently:					
How much evidence is there:	None	A little	Some	A lot	
Is there any concern that the policy may operate in a discriminatory way?	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	None	A little	Some	A lot	
	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Assessed relevance to equality (tick one row only)	High	Med	Low	None	Brief reason for this assessment
Age	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Gender Reassignment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Race or Ethnicity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Religion or Belief	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Marriage	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Pregnancy/ Maternity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Sex	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Sexual Orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Carers/ Care givers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
What is the next step? (tick one only)	What priority level is this policy?			Has the Policy been sent for Full EQIA, or do you believe the policy should have a Full EQIA?	
	High <input type="checkbox"/>	Medium <input type="checkbox"/>	Low <input checked="" type="checkbox"/>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
<i>I am satisfied that an initial screening has been carried out on this policy/procedure and a full Impact Assessment is not required</i>					
Completed by:		Position:		Date:	

Data Protection

1. Introduction

SGS College needs to keep certain information about its staff, students and other users to allow it to monitor a range of activities including performance, achievements and health and safety. It is also necessary to process information to ensure that staff can be recruited and paid, courses organised and compliance with legal obligations to funding bodies and Government. To comply with the Law, information must be collected and used fairly, stored safely and not disclosed to any other person (unlawfully/lawfully). 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 for 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, the College has developed this Data Protection Policy.

2. Status of the Policy

This policy does not form part of the formal staff contract of employment, but it is a condition of employment that staff abide by the rules and policy made by the College from time to time. Any breach of the policy could, 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 using the formal complaints procedure.

3. Notification of Data Held and Processed

All staff, students 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.

4. Responsibilities of Staff

- Checking that any information which they provide to the College in connection with their employment is accurate and up-to-date;
- Informing the College of any changes to the information which they have provided e.g. changes of address;
- Checking the information which 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. The 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 or release information about other people, (e.g. about students' course work, opinions about ability, references to other academic institutions, or details of personal circumstances), they must comply with the Principles of the Data Protection Act.

5. 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 in some cases may be considered to be gross misconduct.

Personal information should be:

- If it is computerised, it must be stored in an appropriate secure location such as your "My Documents" or an appropriate file share
- Securely locked away i.e. in a locked filing cabinet or drawer
- Removable media and portable devices **MUST** be encrypted and protected by a suitable password
- Not sent by email unless it has been encrypted

For further information and guidance, please refer to the following policies:

- IT Acceptable Use Policy – Email
- IT Acceptable Use Policy – Mobile Devices
- IT Acceptable Use Policy – Users
- IT Security Policy

6. Student Obligations

Students must ensure that all personal data provided to the College is accurate and up-to-date.

Tutors should be conscious of learners obligations under the Data Protection Act if personal data is being collected and processed using the College's computer services and advise them accordingly.

Students who use the College's computer facilities may, from time-to-time, process personal data. If they do they must notify the Data Controller. All students must comply with the College's IT Regulations.

7. Right to Access Information

Staff, students 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.

The College reserves the right to make a charge for this service.

8. Subject Consent

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 and vulnerable adults over the age of 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.

A current guide on the type of information that is outside the current scope of the DPA is shown below. This is subject to change in line with latest DPA legislation.

- *Public Information*
- Confidential 3rd party references
- *Management Information* – forecasts and planning
- Negotiations
- Exam marks and scripts
- Crime *and* taxation
- Journalism, literature or Art
- Legal professional privilege
- Research, history *and* statistics
- National security, armed forces, judiciary *and* Crown employment
- Domestic *purposes*

9. Data Requests from the Police

On occasions the College receives requests for information on learners from the Police. The following procedure should be followed:

- The investigating Police Officer should send a DPA (Data Protection Act) form to the College. This should be titled Declaration Form for Data User and should be signed by the Investigating Officer and a Senior Officer. The form should detail the exact information the College is being asked to disclose regarding a learner.
- The Declaration Form for Data User should be sent to the Vice Principal for authorisation. Once signed the relevant information can be released.

10. The Use of Photographs and Web pages

Please refer to the Photographic and Visual Media Code of Practice policy.

11. The Data Controller and the Designated Data Controller/s

The 'Data Controller' determines the purposes for which, and the manner in which, personal data are, or are to be, processed. This may be an individual or an organisation, and the processing may be carried out jointly or in common with other persons. The College as a body corporate is the Data Controller under the Act, and the Corporation is, therefore, ultimately responsible for the implementation of and on-going compliance with DPA requirements, processes and procedures.

The College Principal is the 'senior responsible officer' overseeing DPA issues within the College. Operational authority for DPA within the College is delegated by the Principal to the Head of MIS, who also ensures on-going maintenance of the College DPA Policy.

'Designated Data Controllers' as detailed below, deal with day-to-day operational matters connected with the DPA and are in charge of ensuring compliance within their areas of responsibility:

- All members of the College SLT;
- Head of Human Resources;
- Head of IT Services;
- Head of Learner Services and Support;
- Head of Finance;
- Head of Quality, Performance and Resources
- MIS Manager
- Head of Marketing

Any in-house queries with regard to DPA should be addressed to the appropriate designated Data Controller.

12. Retention of Data

The College will keep information about students study and achievements indefinitely in order that we may provide academic and/or personal references as requested.

In general the College will keep information about staff for six 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. A list of information with proposed retention time is shown below (this is not an exhaustive list):

GUIDELINES FOR RETENTION OF PERSONAL DATA

TYPE OF DATA	SUGGESTED RETENTION PERIOD	REASON
Personnel files including training records and notes of disciplinary and grievance hearings	6 years from the end of employment	Reference and potential litigation
Application forms/interview notes	At least 6 months from the date of the interviews	Time limits on litigation
Facts relating to redundancies 3 years from the date of redundancy As above Where there are less than 20 redundancies	3 years from the date of redundancy	As above
Facts relating to redundancies where there are 20 or more redundancies	12 years from date of redundancies	Limitation Act 1980
Statutory Maternity Pay records and calculations	As above	Statutory Maternity Pay (General) Regulations 1986
Statutory Sick Pay records and calculations	As above	Statutory Sick pay (General) Regulations 1982
Wages and salary records	6 years	Taxes Management Act 1970
Accident books, and records and reports of accidents	3 years after the date of the last entry	RIDDOR 1985
Health records	During employment	Management of Health and Safety at Work Regulations
Health records where reason for termination of employment is connected with health, including stress related illness	3 years	Limitation period for personal injury claims

TYPE OF DATA	SUGGESTED RETENTION PERIOD	REASON
Medical Records kept by reason of the Control of Substances Hazardous to Health Regulations 1994	40 years	COSHHR 1994
Student records, including academic achievements and conduct.	At least 6 years from the date the student leaves the College, in case of litigation for negligence. At least 10 years for personal and academic references	Limitation period for negligence

RETENTION OF ACCOUNTING RECORDS

TYPE OF DATA	SUGGESTED RETENTION PERIOD	REASON
Purchase invoices and supplier documentation		
Payments cash book or record of payments made	Six years from the end of the financial year in which the transaction was made	Companies Act/Charities Act ¹
Purchase ledger		Companies Act/Charities Act
Invoice - revenue		Companies Act/Charities Act
Petty cash records		Companies Act/Charities Act and HMRC
Invoice - capital item	Ten years	Companies Act/Charities Act and HMRC
¹ Although the Companies Act states 3 years for private companies and 6 years for public limited companies, the Charities Act states 6 years from the end of the financial year in which the transaction was made.		
Income/ Monies received		
Bank paying in counterfoils	Six years from the end of the financial year in which the transaction was made.	Companies Act/Charities Act
Bank statements		Companies Act/Charities Act
Remittance advices		Companies Act/Charities Act
Correspondence re donations		Companies Act/Charities Act
Bank reconciliations		Companies Act/Charities Act
Receipts cash book		Companies Act/Charities Act and HMRC
Sales ledger		Companies Act/Charities Act and HMRC
Deeds of covenant/ Gift Aid declarations	Six years after the last payment made. Twelve years if payments outstanding or dispute regarding the deed	Data Protection Act
Payroll documentation		
Income tax records re employees leaving i.e P45	Six years plus current year	Taxes Management Act

TYPE OF DATA	SUGGESTED RETENTION PERIOD	REASON
Notice to employer of tax code (P6)	Six years plus current year	Taxes Management Act
Annual return of employees and directors expenses and benefits (P11D)	Six years plus current year	Taxes Management Act
Certificate of pay and tax deducted (P60)	Six years plus current year	Taxes Management Act
Notice of tax code change	Six years plus current year	Taxes Management Act
Annual return of taxable pay and tax deducted	Six years plus current year	Taxes Management Act
Records of pension deductions (including superannuation)	Six years plus current year	Pensions Act
Payroll and payroll control account	Six years plus current year	Companies Act/Charities Act and Taxes Management Act
Employee/personnel records		
Medical records and details of biological tests under the control of Lead at Work Regulations	Forty years from the date of the last entry	The Control of Lead at Work Regulations
Accident books, accident records/reports	Three years after last entry or end of investigation if later	The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995
Personnel files and training records	Six years after employment ceases	Limitations Act 1980
Wages and salary records	Six years plus the current year	Taxes Management Act
Expense accounts/records		Taxes Management Act
Overtime records/authorisation		Taxes Management Act
Redundancy details, calculations of payments, refunds, notifications to the Secretary of State	Six years after employment has ceased	Data Protection Act
Application forms and interview notes (for unsuccessful candidates)	Six months to a year	Disability Discrimination Act 1995 and Race Relations Act 1976 recommend six months. One year limitation for defamation actions under Limitations Act
Statutory Maternity Pay records, calculations,	Three years after the end of the tax year in which maternity period ends	The Statutory Maternity Pay Regulations

TYPE OF DATA	SUGGESTED RETENTION PERIOD	REASON
certificates or other medical evidence		
Statutory Sick Pay records, calculations, certificates, self-certificates	Three years after the end of each tax year for Statutory Sick Pay purposes	Statutory Sick Pay (General) Regulations
Records relating to working time	Two years from date on which they were made	The Working Time Regulations
National minimum wage records	Three years after the end of the pay reference period following the one that the records cover	National Minimum Wage Act
Buildings, plant and engineering		
Deeds of title	Permanently or until property is disposed of (copy of title deeds should be kept for six years after disposal)	Data Protection Act
Leases	Fifteen years after expiry	Limitations Act 1960
Final plans, designs and drawings of the building, planning consents, building certifications, collateral warranties, records of historical interest and final health and safety file.	Permanently or until six years after property is disposed of	Data Protection Act
Asbestos Register and Asbestos Disposal Certificate	Permanently. Property holders required to examine the premises for asbestos or possible asbestos materials, record the location or those materials and assess the risk. These assessments are to be recorded and provided to anyone who may disturb the asbestos.	Control of Asbestos at work Regulations
Hazardous substances: disposal of heavy metals and radioactive sources	Permanently	Data Protection Act
Plant and Machinery	Until one year after the plant and machinery is removed from the building	Data Protection Act
Records of major refurbishments, warranties, planning consents, design documents, final health and safety files	Thirteen years for actions against contractors etc	Data Protection Act

TYPE OF DATA	SUGGESTED RETENTION PERIOD	REASON
Insurance documents		
Details re current pensioners	Ten years after benefit ceases	Commercial
Pensions scheme - next of kin/expression of wish forms	Six years after date of death	Data Protection Act
All trust deeds and rules	Permanently	Companies Act, Commercial, Pensions Act
Trustees' minute book	Permanently	Companies Act, Commercial, Pensions Act
Annual accounts	Permanently	Companies Act, Commercial, Pensions Act
Pension scheme investment policies	Twelve years from the ending of any benefit payable	Companies Act, Commercial, Pensions Act
Actuarial reports	Permanently	Companies Act, Commercial, Pensions Act
Contribution records		Companies Act, Commercial, Pensions Act
Other documents		
Trustee/director/governor minutes or meetings and decisions	Permanently	Data Protection Act
Annual accounts and annual review	Permanently	Data Protection Act
Investment certificates	Permanently	Companies Act, Charities Act, commercial
Health and safety records	Three years for general records. Permanently for records relating to hazardous substances	Personal injury actions must generally be commenced within three years of injury. However industrial injuries not capable of detection within that period (e.g. Asbestos) the time period may be substantially extended
Contract with customers, suppliers or agents, licensing agreements, rental/hire purchase agreements, indemnities and guarantees and other agreements or contracts	Six years after expiry or termination of the contract. If the contract is executed as a deed, the limitation period is twelve years	Limitations Act 1980 (Six years is generally the time limit within which proceedings founded on contract may be brought. Actions for latent damages may be brought up to 15 years after the damage occurs)

13. Disposal of Data

Once the retention period has elapsed, the College will ensure that any information is immediately, suitably destroyed by secure means, i.e. by shredding or pulping.

14. 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 of operation of this policy should be referred to the appropriate Data Controller in the first instance.

STAFF GUIDELINES FOR DATA PROTECTION

1. **All** staff will process data about students on a regular basis, e.g. when marking registers, writing reports or references, as part of a pastoral or academic supervisory role.

The information with which staff deal 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, course work marks and grades and associated comments;
- Notes of personal supervision, including matters about behaviour and discipline.

2. All staff have a duty to make sure that they comply with the Data Protection principles. In particular, staff must ensure that records are:

- only disclosed as allowed for within the Act
- accurate;
- up-to-date;
- fair;
- kept securely and disposed of safely in accordance with the College Data Protection & Retention Policy.

Staff Checklist for Recording Data

- Do you really need to record the information?
- Has the student been told that the data will be processed?
- Are you authorised to collect/store/process the data?
- If yes, have you checked with the data subject that the data is accurate?
- Are you sure that the data is secure?
- If you do not 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?

Staff Checklist for Disclosing Data

There are some recommended ways of dealing with requests for personal data.

- When dealing with enquiries by telephone it is good practice to offer to call back to a telephone number that is registered on College systems to ensure some measure of authentication or perhaps send them the information by email or letter to an address previously registered with the College
- When dealing with enquiries direct in person, provide identification or verify through photograph held on the College system
- Any third party requests for information must be authorised in writing by the subject and their signature must be checked with the College records

You should always take care to prevent the inadvertent disclosure of personal data (for example a student's attendance at the College) to unauthorised parties.

Enquiries from Police and other Agencies should be referred directly to the Vice Principal and should be accompanied by a "Declaration Form for Data User".

If you are not sure, you should contact a designated Data Controller for clarification.

SGS Data Protection: Request for Access



Please provide the following details, which will help us to process your request.

The completed form should be sent to: Head of Human Resources
SGS College
Stratford Road
Stroud
Glos, GL5 4AH

SURNAME	
FIRST NAME	
ADDRESS	
DAYTIME TEL NUM	
EMAIL ADDRESS	

ARE YOU A STUDENT OR A FORMER STUDENT?	YES / NO
WHAT DID YOU STUDY AT SGS COLLEGE	
YEAR OF REGISTRATION	
YEAR OF LEAVING / COMPLETION	

ARE YOU A MEMBER OF STAFF OR A FORMER MEMBER OF STAFF?	YES / NO
WHAT DEPARTMENT(S) DID YOU WORK IN?	
YEARS EMPLOYED AT COLLEGE	
ANY INFORMATION THAT MAY HELP US	

Entry under which you would like a copy of the information held about you by the College.

	Please tick
Academic Department: Administrative records (excluding Assessments and Exam information)	
Academic Department: Assessment and Exam information	
Flexible Learning Centre / Learning Centre	
Administrative Department: Estates	
Administrative Department: Exams	
Administrative Department: Finance	
Administrative Department: Human Resources	
Administrative Departments: IT Services	
Administrative Department: Marketing	
Administrative Department: Management Information Services (excluding Exams)	
Administrative Department: Student Services	
College Directorate	

A fee of £10 per request is charged in relation to this access request. Cheques should be made payable to "SGS College".

SIGNATURE: Date:

NAME (please print):.....

OFFICE USE ONLY

Date Request received	Request received by
Information Provided	
Signed	
Job Title	Date information provided