

## DATA PROTECTION POLICY

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| <b>POLICY NUMBER</b>                          | 15                  |
| <b>MEMBER OF STAFF RESPONSIBLE FOR POLICY</b> | Assistant Principal |

| RECORD OF REVISIONS TO POLICY |                                    |
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| <b>Review to be approved by</b>                | Corporation |

# Data Protection Policy

## 1.0 Introduction

### 1.1 The Data Protection Act 1998

The Data Protection Act ('the Act') is about protecting the rights of living individuals with regard to their personal information. In addition to protecting privacy, the Act aims to ensure reliability of information and its fair and legitimate use. Subject to certain exemptions the Act gives individuals the rights to access any personal information held about themselves. Anyone who processes personal information must comply with the Act.

The Act covers information, which is recorded as part of a 'relevant filing system', i.e. a set of information in which records are structured, either by reference to individuals or by reference to criteria relating to individuals, which would make that individual or their specific information identifiable. This policy clarifies our approach to protecting personal data.

## 2.0 Scope and Purpose

### 2.1 Principles of the Act

There are eight data protection principles that are central to the Act. In brief, they say that personal data must be:

1. processed fairly and lawfully
2. processed for limited purposes and not in any manner incompatible with those purposes
3. adequate, relevant and not excessive
4. accurate
5. not kept for longer than is necessary
6. processed in line with data subjects' rights
7. secure
8. not transferred to countries that do not protect personal data adequately.

### 2.2 The Rights of Data Subjects under the Act

The Act grants individuals the right to have a copy of the information that an organisation holds about them. It also allows them to apply to the courts to obtain an order requiring an organisation to correct inaccurate data held about them, and to seek compensation where damage and distress have been caused as a result of any breach of the Act. Individuals have the right to object to the processing of personal data about them and in some circumstances they can stop organisations keeping information about them or using the information in particular ways, e.g. for marketing purposes. Thus all stakeholders to John Ruskin College are subject to this policy.

### **3.0 Compliance with the Act**

#### **3.1 Enforcement**

If the Commissioner considers that breaches of the principles have occurred, enforcement action can be taken against an organisation.

#### **3.2 Staff Responsibilities under the Act**

Staff members are responsible for compliance with the Act. Line managers have responsibility for the type of personal data they collect and how that data is used. Where staff are required to disclose or process personal data they must ensure it is compliant with the Act. No staff should disclose personal data outside the organisation's procedures, or use personal data held on others for their own purposes.

#### **3.3 The Role of the Information Commissioner**

The Information Commissioner is an independent, supervisory authority. It is the Information Commissioner's duty to promote following good practice by issuing codes of practice, providing information, responding to enquiries, checking that organisations are complying with the Act and serving enforcement notices to require organisations to comply with the law.

#### **3.4 The Types of Data Covered by the Act**

##### ***Personal data***

The Act is concerned with 'personal data'. That is, information which:

- relates to a living person, and
- identifies an individual either on its own or together with other information that is in the organisation's possession or that is likely to come into its possession.

The Act relates to all personal information, whether it is kept manually or electronically, that is held in a 'relevant filing system' (defined in paragraph 1). In addition, information recorded with the intention that it will be put in a relevant filing system or held on computer is covered.

#### **3.5 Processing**

The Act applies to personal data that is subject to 'processing'. For the purposes of the Act, the term 'processing' includes the initial obtaining of personal data, keeping and using the data, accessing, disclosing and destroying the data.

##### ***Examples of personal data likely to be covered by the Act***

- Details of an individual's home address, telephone number, and any other personal information held on a computer system or in a manual filing system
- An e-mail about an incident involving a named individual
- A manager's notebook containing sections on several named individuals
- A set of completed enrolment forms
- Meeting notes

In practice nearly all usable information held about individuals will be covered by the Act.

## ***Sensitive Personal Data***

Sensitive data is information concerning an individual's

- racial or ethnic origin
- political opinions
- religious beliefs or other beliefs of a similar nature
- trade union membership
- physical or mental health or condition
- sexual orientation
- commission or alleged commission of any offence, or
- proceedings for any offence committed or alleged to have been committed.

### ***Sensitive data found in a learner's record might typically be about their:***

- disabilities - to facilitate the appropriate support for their learning
- racial origin - to ensure equality of opportunity

## **3.6 Consent to Keep Records**

It is essential that John Ruskin College obtain the consent of its learners to process any sensitive personal data. This will be managed at the point of enrolment and in conjunction with the completion of their Learner Agreement. Learners will be asked to read the Data Protection Statement in the Learner Information Leaflet and then sign their Learner Agreement to confirm that they have read and understood this statement. This then acts as the consent we require to process their data.

Documents associated with this policy:  
Web Privacy Statement