



Court Theatre Training Company Data Protection Policy - April 2014

Data Controller: June Abbott

1 National and Institutional Context

1.1 Data Protection Act (1998)

The Data Protection Act came into force in March 2000 and imposes controls on the type of information which organisations are entitled to collect and hold about individuals. In the employment context, this would apply to the information which the School holds about employees. In the broader context, it applies to client information or, in the case of HEIs, information about students. The Act imposes controls on the type of information which an HEI can collect, hold or disclose about current, potential or former members of staff or students. It also sets out conditions which must be satisfied before certain types of information can be held or otherwise processed.

1.2 The Terms of the Act

The Act is concerned with the ‘processing’ of ‘personal data’. ‘Processing’ is defined as including obtaining, recording, holding, organising, adapting, using, disclosing or destroying personal data. ‘Personal data’ is defined as any set of information about an individual, either processed by a computer or where manual, which forms or is intended to form part of a ‘relevant filing system’. A ‘relevant filing system’ is a set of information structured either by reference to individuals, or to criteria relating to individuals, in such a way that specific information relating to a particular individual is readily ascertainable. This will normally cover Human Resources files held on employees, and other systems under which data are held.

1.3 the Act

The School needs to keep certain information about its employees, students and other users – for example, to allow it to monitor performance, achievements, and health and safety. It is also necessary to process infor-

mation so that staff can be recruited and paid, courses organised and legal obligations to funding bodies and government complied with.

To comply with the Act, however, information must be collected and used fairly, stored safely and not disclosed to any other person unlawfully. To do this, the School must therefore comply with the eight Data Protection Principles which are set out in the Act. In summary these state that personal data shall:

- be obtained and processed fairly and lawfully.
- be obtained for a specified and lawful 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 un-authorized 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 School and all staff or others who process or use any personal information must ensure that they follow these principles at all times. This Data Protection Policy has been developed to ensure that all members of the School community are fully aware both of their rights and of their responsibilities.

1.4 Status of the School's Data Protection Policy

Although this policy does not form part of the formal contract of employment, it is nevertheless a condition of employment that employees will abide by the rules and policies made by the School from time to time. Any failures to follow the policy can 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 with the designated data controller initially. If the matter is not resolved it should be raised as a formal grievance.

1.5 Institutional Context

This policy should be read in conjunction with the relevant IT and Library codes of practice and regulations.

1.6 National Context

This policy has been prepared with due regard to the Human Rights Act 1998 and the Freedom of Information Act 2000

1.7 Monitoring

Monitoring and review of this policy is the responsibility of the Executive Management Group.

2 The School's Responsibilities

2.1 Definition of the Data Controller and the Designated Data Controllers

The School as a body corporate is the 'Data Controller' under the Act, and its Governing Body is therefore ultimately responsible for implementation.

- June Abbott - Data Controller

2.2 Standard and Sensitive Data

'Standard' data comprise such routine information as names, addresses, attendance records and (for students) assessment records. 'Sensitive' data encompasses information in excess of 'standard' details for which the further explicit consent of the data subject is required. This would include, for example, information about a person's health, criminal convictions, racial or ethnic origins, religion, political opinions or family details.

The School recognises that sometimes it is necessary to collect and process such information. This may be to ensure that the community is a safe place for everyone, or to operate other School policies, such as the sick pay policy or equal opportunities policy. Agreement to the School 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. 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 appropriate data controller i.e. the Head of Human Resources (staff) or the Academic Registrar (students).

2.3 Notification of Data Held and Processed

All staff, students and other users are entitled to:

- know what the School is doing to comply with its obligations under the 1998 Act.
- know what information the School holds and processes about them and why.
- know how to gain access to it.
- know how to keep it up to date.
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2.4 Provision of Individual Information to Staff or Students

Staff, students and other users of the School have the right to access the majority of personal data that are being kept about them either on computer or in certain files. (An exception, under the Act, relates to data which are processed for the purposes of management planning – including salary, bonus or severance calculations – where it is judged that disclosure of information at a particular point in time could prejudice management performance or negotiations.)

Anyone wishing to access personal data should request it at the central office

The School 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, as would any reason for (exceptionally) refusing a request.

2.5 Disclosure of Information to Third Parties

Third parties such as the police may also request access to data held by the School, in which case the following protocols will apply.

- Except in cases where information is required by statute or by process of court, personal information about an employee may not normally be divulged to a third party without the employee's consent. Enquiries from external sources about members of staff may be dealt with only by the Human Resources department.

- Personal information about students (or former students) may likewise not normally be divulged to a third party without the student's consent, save where disclosure is required by legislation (for example, the requirement of the Higher Education Statistics Agency that HEIs report first destination data for graduating students). All disclosure to third parties of information relating to students must be approved by the relevant data controller.
- Normally consent for such disclosure is obtained when staff and students agree consent for data collection of personal data about them at the point of joining the institution. Where the disclosure is not covered by the original Consent forms, however, separate written consent must be obtained. This would obtain, for example, in relation to the release of staff or student home addresses, or of verification of a student's examination results to a prospective employer or receiving

HEI. Separate data consent permission will be sought from former students in relation to alumni data.

- Exceptions to the 'normally' stipulated above, which would allow data to be disclosed to third parties without consent, are where information is required for the:
 - purpose of protecting the vital interests of the data subject (i.e. release of medical data where failure to release the data would result in harm to, or the death of, the data subject);
 - purpose of preventing serious harm to a third party that would occur if the data were not disclosed;
 - purpose of safeguarding national security;
 - prevention or detection of crime;
 - apprehension or prosecution of offenders;
 - assessment or collection of any tax or duty or of any imposition of a similar nature;
 - discharge of regulatory functions, including securing the health, safety and welfare of persons at work.
- In any such cases, the data controller must authorise the release of information.

- Transfer of data to third parties outside the European Economic Area will be authorised only by a data controller, who must seek to check that there is an adequate level of security in the receiving country. In cases where this is not judged to be the case but the data subject nevertheless wishes to consent to the transfer, he or she should be required to sign a statement to this effect indicating that s/he has chosen to decline the School's advice. The data may then be released.
- Information should never be given over the telephone in immediate response to an incoming telephone call. Preferably, information should be provided in writing. If it is necessary to provide information by telephone, the caller's number should be taken and having made the necessary checks and obtained the employee's consent where appropriate, the call should be returned with the appropriate information.

2.5.1 External Data Processing

3. The school will ensure that all of its contracts with external suppliers/contractors comply with the Data Protection Act 1998. If the school is to use an external agency to process personal data on its behalf, then the following measures need to be in place before any personal data is provided to the agency:

- i. The Data Subject (the individual for whom the data is about) must have previously been informed that their personal data would be used for this purpose
- ii. The School must ensure that the Processor operates sufficient secure and appropriate technical and organisational measures to protect against unauthorised or unlawful processing of personal data and against destruction of, or damage to any personal data provided to them by the School (the Data Controller).
- iii. A Third Party Data Processing Agreement (Appendix 1) must be used in conjunction with an approved contract for services to assist the School in complying with the obligations imposed under the Data Protection Act 1998. If the School wishes to share data with an external agent based outside of the EEA, please contact the Head of Planning or the Information and Compliance Officer via freedom.information@solent.ac.uk, prior to any agreement.

- iv. The School is required to explicitly state in any agreement: that all actions should only be undertaken under its explicit instructions; define what is meant by its instructions; who is responsible for what data and when; and the dates for when information should be destroyed in compliance with the Act.
- v. The School needs to inform the supplier/contractor that any breach of the Data Protection Act 1998 MUST be reported to the School's Head of Planning or the Information and Compliance Officer with immediate effect. (If the supplier/contractor should breach the Data Protection Act 1998 with the data supplied to them by the School, the School is still liable as the Data Controller).
- vi. Measures need to be in place to ensure that the supplier/contractor is responsible for the expense of any action taken if/when they are liable, should the School be subjected to an investigation/enforcement by the Information Commissioner's Office (ICO).

Please see appendix 4 for processing request form (external)

2.5.2 References

Writing References for Students and Former Students

Key Facts and Principles

In writing references, we have a duty of care to the subject of the reference and also a duty of care to the recipient of the reference.

This means that either the School or the individual writing a reference could be open to legal challenges on grounds of negligence, misrepresentation or defamation. For example, the subject of a reference could claim damages if he or she is unsuccessful in an employment application for which a reference has expressed unfavourable opinion which cannot be substantiated by verifiable facts. An employer could claim damages if material information was not disclosed.

Under the 1998 Data Protection Act, the subject of a reference cannot demand access to the reference from the provider of the refer-

ence. Data subjects can ask the recipient of a reference to disclose it. The recipient has a duty of care to the writer, as well as to the subject, and can refuse to do so. Some institutions advise reference-writers to make it explicit in the reference if they are unwilling for the content to be disclosed to the subject. Even if a reference is marked confidential, there may be an obligation to disclose it if required to do so by a court, or when defending a claim for damages.

General Guidance

- Stick to the facts as far as possible. Check the facts and do not rely on memory and personal impressions. The facts should, as far as possible, be verifiable from information on the student's file or on the student record system.
- Phrase references so that the facts are clearly differentiated from opinion.
- Opinions given should be consistent with the student's achievement to date. For example, it is possible to express an opinion about the likely degree classification of a student who has not yet graduated, on the basis of academic judgement and performance to date, but any such opinion should accord with the record of results to date. (There has been a court case following the withdrawal of a job offer on the basis of prediction that a student's classification would be lower than that actually achieved, in which it was found that the opinion did not accord with evidence available at the time.) If, for example, a reference asks for comment on ability to meet deadlines, and there is a record of penalties for late submission of work, a negative opinion can reasonably be given.
- A reference for a student who has completed should be updated to replace any predicted results with actual results. This may be done even if the original author of the reference is no longer on the staff of the School.
- Opinions should be within the referee's area of professional competence. For example, opinions about the possible impact of medical circumstances should not be given by a referee not competent to judge these.
- Do not use ambiguous wording in an attempt to disguise a poor opinion. Avoid wording which effectively invites the recipient to "read between the lines".

- If you have a firm opinion, based on facts, relevant to the reference, state it in words which make it clear beyond doubt that it is an opinion. (“I believe that X is well-suited to the post” is better than “X will be a great success in the post”). Less definite opinions, based on unverified impressions, should not be aired or hinted at.
- Do not provide any reference which includes opinion more than three years after the student has left the course. At this stage, confine any reference to factual information about period of study and results achieved.
- Do not, unless unavoidable, give telephone (or other oral) references. These can be open to misinterpretation, or to unconscious “filtering” as the message is reported at the recipient end. If it is necessary to give an oral reference, or if it is clearly in the interest of the subject to do so, be particularly careful to confine yourself to the facts, make a written note of what you have said, and follow up the conversation in writing.
- **Good Practice**
- As far as possible, write references which you would be able to show to the subject, and which the subject would be likely to consider fair, even if critical.
- If writing anything other than a standard good reference, check it with another member of staff who has worked with the individual who is the subject of the reference.
- Include in the reference your role/job title at the School and your relationship to the subject of the reference.
- All references should be marked “confidential”. However, the data subject may ask the recipient for a copy. Some receiving organisations will ask permission, but they are not required to do so. If you explicitly do NOT want the subject to see the reference, you should make this clear. You could head the reference “private and confidential – for the attention of the addressee or selection panel only”, or you could include the phrase “I do not consent to this reference being shown to the person it concerns”.
- Include, at the end of the reference, the sentence “This reference is provided in good faith, but the School does not accept any liability in the respect of the accuracy or completeness of the statements contained in it.”

- Dealing with specific difficulties
- Sensitive information:

A disability should be mentioned if it seems likely that it will have a material effect

on the subject's capacity to undertake the employment or course for which the reference is sought, but otherwise not. For full compliance with the Data Protection Act, the subject of the reference should give consent before disability information is included.

If a student is or has been in bad standing with the School (e.g. financial, or disciplinary) this should normally not be mentioned unless you consider it directly relevant to the duty of care owed to the recipient of the reference. Any form of misconduct which has already been penalised (e.g. plagiarism) should not normally be mentioned in a reference. Discuss the issue with the Academic Registrar before sending the reference.

- Spent convictions:
- Details of convictions deemed to be "spent" under the Rehabilitation of Offenders Act of 1974 should not be mentioned in a reference. If the student is entering a area of employment for which all convictions must be disclosed, the onus of responsibility to secure a criminal record disclosure rests with the employer or educational provider. If explicitly asked, however, a reference may confirm that a criminal record disclosure has been received and that no convictions were found.
- You do not know the subject of the reference/you do not have information requested.
- Do not give opinions, unless they are directly attributed to a colleague or former colleague who knew the student. If you know nothing about (for example) the subject's honesty and integrity, make this clear. You can use wording like "I know of nothing that would lead me to question his honesty".
- The student left without explanation, or was deregistered for non payment.
- Stick to the facts that the student attended between (dates) and left in (month year) having (successfully) completed such and such (or n years of a course lasting n+ years). Do not speculate about the underlying issues.

- Procedures
- References for students and past students may be written by Course Leaders or designated members of the course team who know the student.
- For students still enrolled at the School, and for up to three years after a student has left, the reference will be held on file by the Academic Administration. If the members of staff who prepared the reference has left, or does not wish to tailor the reference to the specific enquiry, the reference may be sent out, in a form which includes appropriately expressed opinion, by the Academic Administration, with a pre-printed note to the effect that it was written at the date shown, and concerns the subject as at that date.
- A copy of any standard reference prepared for general use should be placed on the Academic Administration student file, where it may remain for six years, after which it will be destroyed.
- More than three years after a student has left the School, a standard factual statement of the student's period of study and qualification awarded will be issued, by the Academic Administration.
- Individual members of the academic staff who have retained contact with students may provide personal references more than three years after students have left, but do so at their own risk, must not use the School's letter head, and must make it clear that they write in a personal capacity.
- Academic Administration staff are responsible for the information held on the student file. Other staff – particularly academic staff – may have reason to access it. Academic Administration staff will normally ask the purpose for which information on file is sought, especially in the case of students who have left the School. If a sound reason for requiring access, (within policies on data protection) is not given, information from the files may not be released without authorisation from a member of the Executive Management Group.
- Challenges and Liability
- If you are challenged over a reference you have written, do not enter into discussion or admit liability. Refer the matter immediately to one of the Deputy Principals.

Writing References for Staff Members

Procedures

- The issuing of all staff references, whether past or present, is centralised within the Human Resources department. Therefore all staff reference requests should be forwarded to the Human Resources department for official response.
- It is important that with any response consistency is maintained. The Human Resources department will liaise with the named referee, as appropriate, for their contribution to the reference on matters relating to character and ability. The reference will be signed and issued by the Human Resources department but will state where a contribution has been made to the reference by the named referee.
- The official response will be issued by the Human Resources department on Central headed paper.
- **General Information**
- There is no legal obligation on an employer to provide a reference in respect of an ex-employee unless an obligation to do so is included in the contract of employment. However, there may be a regulatory obligation as certain industry bodies require a reference to be provided (e.g. the PIA, now part of the Financial Service Authority).
- If a reference is given, great care needs to be taken in its preparation. The employer owes a duty of care in negligence not only to the person who is the subject of the reference, but also to the recipient of it. It should also be noted that there may be claims for discrimination if the employer refuses to provide a reference on grounds of sex, race or disability or because the particular employee has brought a claim for discrimination against the employer (see below).
- **Ensuring accuracy of references**
- • It is the duty of the reference writer to exercise reasonable care and skill in providing a reference. The writer should take reasonable steps to:
 - ascertain that the information on which the reference is based is factually correct;
 - express opinions (if the writer chooses to do so) about the subject of the reference which are reasonable in the circumstances and can be justified; and create a fair impression overall. This might mean

putting certain factual matters into context where not to do so would create a misleading impression.

- Having checked the factual accuracy of statements and the reasonableness of opinions contained in the reference, the reference writer should then “stand back” and ensure that the effect of the whole is fair and not misleading. If stating certain facts, without more, might be misleading, then the writer should elaborate matters further.
- A reference writer who is negligent in the above respect will render the employer liable for any loss which the employee or the recipient incurs as a direct result of inaccurate statements, opinions or impressions.
- Many employers include a disclaimer in any reference they give. In view of the Unfair Contract Terms Act 1977, there is some doubt as to whether these disclaimers would be effective to exclude liability. In order to be effective the disclaimer must be reasonable and this would be determined by reference to the circumstances in which the reference is given and to its content. Subject to the above, as far as trying to avoid liability to the employee is concerned, it is important to ensure that the employee’s prior written agreement is obtained to a reference being given on this basis.
- **Data Protection Legislation**
- Under the 1998 Act (which extends to computerized and manual data), individuals are not entitled to have access to any reference given by the provider of the reference. However, the individual will be able to apply to a new employer, or potential employer, for a copy of the reference provided by the existing or previous employer.
- This is significant, not only in terms of the individual being able to adduce evidence for a possible claim of negligence or in relation to discrimination, but also under the Act itself for the removal or correction of inaccurate data. The individual could use the right of access against the recipient of the reference and bring a claim against the provider. This is a major change in the law and leads to the anomalous position that an individual enjoys greater rights of access against the prospective employer than against the current employer. The Act also enables an individual to bring a claim for damages for actual harm suffered as a result of inaccurate data being processed.
- Because the Act prohibits the use or disclosure of personal data without the individual’s consent the reference writer should make sure

that he has the individual's consent to provide the reference. This will usually be the case but not, for example, if the prospective employer has made a speculative inquiry on its own initiative. In either case, the reference writer should ask the employer requesting the reference to confirm that the employee has consented to the reference being given.

- With regard to the School, consent to request references is attained on the current application form.

Equal Opportunities

- The non-provision of a reference by an employer is capable of being an act of discrimination even where the employment relationship has terminated.
- It is generally unlawful to discriminate on grounds of race, sex, disability or trade union membership or activity. It is specifically unlawful to instruct, procure, induce, comply with, or knowingly aid an act of unlawful discrimination.
- In giving and acting upon references, care should be taken to avoid overt or covert, intentional or unintentional acts of unlawful discrimination. This is particularly the case where opinions not based on any 'objective evidence' are sought or offered on the suitability of applicants. Opinions should therefore be backed up by objective evidence.
- For further information and advice, please contact the Human Resources department.

2.6 Security of Data

All data sets stored electronically are secured by controlled password access. All data stored in document form is stored in offices that may not be left unlocked, with the most sensitive data stored in locked filing cabinets.

2.7 Updating of Data

Data controllers are responsible for safeguarding the accuracy of data, by ensuring that a named person is allocated specific responsibility for updating and that clear deadlines for review and updating are established.

2.8 Retention of Data

2.8.1 Student

The School 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, detailed information about students will be kept for a maximum of 6 years after they leave the School, with only the following information held indefinitely;

- HESA number
- name
- date of birth and leaving date
- academic achievements, including marks for coursework
- record of any outstanding student debt
- last recorded contact address

6 years after a student has left the School, all other information - including any academic references written and any information about health, race or disciplinary matters - will be destroyed.

2.8.2 Staff

The School is obliged to keep certain information about staff for longer periods of time. In general, all information will be kept for 6 years after a member of staff leaves the School's employment. 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.

2.9 Destruction of Data

Superfluous or out-of-date data must be destroyed promptly and securely, using standard records systems procedures. Sensitive data stored in document form must be shredded.

2.10 Routine Publication of Information

Information already in the public domain prior to the 1998 Act is exempt. The School's agreed policy, following implementation of the Act, is – in

the light of its responsibilities as a publicly funded institution - to make as much information as publicly accessible as is possible or appropriate. In particular the following information will be available to the public for inspection:

- Names and contacts of School governors
- List of staff and job titles
- Photographs of key staff
- Internal and direct line phone numbers and email addresses of staff
- Photographs of students taken for publicity purposes
- Any individual who has good reason for wishing details in these lists or categories to remain confidential should contact the designated data controller.

3 Staff Rights and Responsibilities

3.1 Rights of Staff

Staff are entitled to:

- know what the School is doing to comply with its obligations under the 1998 Act.
- know what information the School holds and processes about them and why.
- know how to gain access to it.
- know how to keep it up to date.
- be consulted with regard to the collection and processing of 'sensitive' data.
- be consulted with regard to the disclosure of personal data that relates to them. In fulfilment of its obligations in this respect, the School issues all staff with its Data Protection Policy and provides notification of standard data held. Additional 'sensitive' data may only be collected with the subject's consent.

Data may not be disclosed to third parties, save in the exceptional conditions set out on page 7 without the staff member's consent. The standard contents of a Human Resources file are given

3.2 Responsibilities of Staff

3.2.1 Providing data

All staff are responsible for

- checking that any information they provide to the School in connection with their employment is accurate and up to date.
- informing the School of any changes to information, which they have provided e.g. changes of address.
- checking the information that the School will send out from time to time, giving details of information kept and processed about staff.
- informing the School of any errors or changes. The School cannot be held responsible for any errors unless the staff member has informed the School of them.

3.2.2 Collecting and processing student data

If and when, as part of their responsibilities, staff collect information about students – e.g. about students' personal circumstances or assessment profiles – or compile opinions about students' ability – e.g. for placements or references - they must comply with the following guidelines, summarised as a checklist provided as Appendix 1:

- all staff have a duty, in accordance with the Data Protection Principles to ensure that records are accurate, up-to-date and fair.
- all staff may process 'standard' student data, which includes 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.

- only data controllers or ‘authorised’ staff may process ‘sensitive’ information
- where sensitive information is required over and above that authorised by the student as part of the registration process the member of staff should consult with the data controller to obtain the student’s consent. Examples might include recording information about dietary needs, for religious or health reasons, prior to taking students on a field trip or recording information that a student is pregnant, as part of pastoral duties. The only exceptions to this – i.e. failure to use a consent form, or recording/processing of information by a non-authorised member of staff - will be where a situation is judged too urgent for normal procedures to be followed (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).

3.2.3 Collecting and processing staff data

All collection and processing of staff data should be managed only by data controllers. Staff duties in relation to the collection and processing of information relating to other staff members are therefore confined to ensuring the effective implementation of School procedures such as Appraisal and to ensuring that staff references are prepared in accordance with published Guidelines.

3.2.4 Data security

All staff are responsible for ensuring that:

- any personal data which they hold is kept securely, e.g. locked cabinet or office.
- personal data are not disclosed to any student, unless for normal academic or pastoral purposes, without authorisation or agreement from the data controller, or in line with School policy.
- personal data are not disclosed to any other staff member except with the authorisation or agreement of the designated data controller, or in line with School policy.
- personal information is not disclosed either orally or in writing or accidentally or otherwise to any third party without the consent of the data subject and the authorisation of the data controller. Staff should

note that unauthorised disclosure will usually be a disciplinary matter and may in some cases be considered gross misconduct.

4 Student Rights and Responsibilities

4.1 Rights of Students

4.1.1 Information

Students are entitled to:

- know what the School is doing to comply with its obligations under the 1998 Act.
- know what information the School holds and processes about them and why.
- know how to gain access to it.
- know how to keep it up to date.
- be consulted with regard to the disclosure of personal data that relates to them.
- In fulfilment of its obligations in this respect, the School ensures that its Student Handbook makes appropriate reference to the Data Protection Policy and also provides notification of standard data held.

4.1.2 Examination Marks and Academic References

Students are entitled to information about their marks for both coursework and examinations, within the feedback timescales set out in Course Handbooks and within the regulatory framework set out in the School's Academic Regulations. However, the School reserves the right to withhold academic references in the event that the full course fees have not been paid, or all books and equipment returned. In such circumstances, the School reserves the right to pass on addresses and other contact details to third parties to assist in the recovery of debts.

4.2 Responsibilities of Students

Students must ensure that all personal data provided to the School are accurate and up to date. They must ensure that any changes – for example, of address - are notified immediately to the central office.

Students who use the School computer facilities may, from time to time, process personal data. If they do they must notify the appropriate data controller. Any student who requires further clarification about this should contact the Head of IT.

4.3 CCTV Monitoring and Data

The recording of CCTV footage is for the sole purpose of crime prevention and is only accessible by the data controller. Footage is kept for 7 days and is not available for playback without passwords, which are held by the data controller. Only requests by the police or the authorised data controller for the use in an ongoing investigation will be granted access. (losing your bag is not a reason!)

Compliance

Compliance with the 1998 Act is the responsibility of all members of the School community. Any deliberate breach of the data protection policy may lead to disciplinary action being taken, or access to School facilities being withdrawn, or even a criminal prosecution. Any questions or concerns about the interpretation or operation of this policy should be taken up with the designated data controller.

Appendix 1: Data Collection – staff checklist for recording data

Before processing any personal data, all staff should consider the checklist.

- 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?

- 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?
- Have you reported the fact of data collection to the authorised person within the
 - required time?

Appendix 2: Contents of Human Resources files (staff)

Human Resources files for CTTC employees are created in the Human Resources Department upon recruitment. The information may be held electronically and / or hard copy.

Human Resources files contain information relating to:

- Appointment details (including qualifications)
- Personal Details e.g. age, gender, medical information, disability, ethnicity,
- nationality
- Contract of Employment
- Conditions of Service
- Career History
- Annual Leave
- Sickness
- Reward & Recognition

- General Correspondence involving Human Resources e.g. salary progression,
- Remuneration

Access to the Human Resources file is limited to:

- Members of the Human Resources department
- The employee
- The employee's current Line Manager, Head of Department/Studies and Director.
- The employee's new Line Manager, Head of Department/Studies and Director, in

Appendix 3: Contents of Academic Administration files (students)

Principles

- Individual student files retained by the Academic Administration should be the sole definitive record of information provided by the student relevant to his or her enrolment as a student and of formal correspondence between the student and the School in relation to status as an enrolled student, withdrawal or completion date, and final attainment.
- The file will NOT include routine correspondence in relation to the student's work or day to day course activities except where these include – even at a very early warning level – indications of how the student's attainment, behaviour, health or fee status might affect his or her continuance on the course.
- The student file will NOT replicate all the information on the computer-based student record system. In particular, the record system is the definitive source of information about the student's address, other contact details, and current enrollment status.
- The Academic Administration's role in relation to the student file is to set it up, maintain it, and thereby ensure that, in the event of query or dispute, all the relevant form communications can be accessed in one place. It is not the role of the Academic Administration routinely to

copy correspondence which has originated elsewhere to staff who may have an interest in it.

- The Academic Administration will not release information from the student file to other School staff below the level of the Executive Management Committee unless the member of staff's role in relation to the student is clear, and the purpose for information is to be used is compatible with the Data Protection Act and with the School's duty of care to student.
- All information in the student file except the enrollment form and transcript will be destroyed 6 years after the student has left, unless consideration of any dispute, complaint or appeal has extended significantly beyond the student's leaving date.
- Contents of the Academic Administration Student File
 - Application form
 - Enrollment Form
 - Form recording payment plan and acceptance of regulations
 - Letter (e.g. from LEA) recording eligibility for tuition fee support
 - Copy of any overdue fee reminder letter from Finance, setting a deadline.
 - Copies of all correspondence relating to special arrangements for fee payment,
 - including exceptional deadlines or installment plans
 - Any AP(E)L form considered
 - Course transfer form where applicable
 - Withdrawal forms
 - De-registration letters
 - Re-registration letters
 - Correspondence relating to interruption of studies and dates for return

- A note from the Academic Registrar recording the fact that the student has made an appeal, or a complaint. (The full correspondence relating to the appeal or complaint
- would remain separate)
- A note from the Academic Registrar recording any sustained allegation of cheating or
- plagiarism (but details of the investigation would be held separately).
- A copy of any warning letter from the Academic Registrar or other senior member of staff.
- A copy of an exclusion letter sent by the Principal.
- A statement (provided by the relevant authority, via the Academic Administration) recording the fact that a letter has been sent under the Disciplinary Procedure, and where that letter is held if the letter itself is considered too sensitive for inclusion in the student file.
- A copy of any reference written for the student, showing the date when it was written.
- Transcript (currently when produced on request, eventually for all students)
- A copy of any form approving alternative assessment arrangements.
- Procedures
- Academic Administration staff will create student files within one month of completion of enrolment. Individual files will initially consist of the application form, enrolment form, finance/regulations acceptance form.
- Files will be organised by course within start year for all current students.
- If a student transfers from one course to another, or defers from one cohort to the next, Academic Administration will move the file to the relevant course and entry
- year.

- Formal correspondence as defined above will be copied to the Academic
- Administration for inclusion on the student file. Academic Staff, Finance staff and Learning Centre staff will receive guidance on what should be copied to the student file, and when. For regularly occurring types of correspondence (e.g. fee warning letters) guidance will also specify who should receive copies or lists of recipients of a standard letter.
- Files remain organised by course within year, and held in Academic Administration, whilst the students remain on course.
- If a student permanently withdraws, or is permanently excluded, or is not permitted to progress on grounds of failure, the removal of the file from the cohort group will not be a priority (since all these facts are on the student record system). Academic Administration staff will mark the file (coloured sticker) to indicate that the student has left before completion.
- When the students have completed or left, the files remain in course-within-year order in the Academic Administration archive for six years.
- Six years after the students have left, Academic Administration staff remove from the files all except the enrollment form and transcript, and file the remaining documents alphabetically, without regard for course or start date. In this form they remain in the Academic Administration archive.

Appendix 4

Clarification can be be sort by anybody who does not understand this or feels there are points not covered.

Please contact the central office if required.