

INFORMATION & RECORDS MANAGEMENT

DATA PROTECTION POLICY

Compiled by Christine Hall, Information Officer

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POLICY INFORMATION

Policy Scope

This policy is applicable to all staff of Falmouth and to those who in the course of their duties may be party to information held by the institution (e.g. external contractors, agency staff, and seasonal workers) together with the data subjects themselves.

This policy does not apply to Falmouth Exeter Plus or to Exeter University, who are separate Data Controllers. Falmouth Exeter Plus and Falmouth act as joint Data Controllers in respect of some of the data referred to here.

INTRODUCTION

Falmouth University (Falmouth) is registered with the Information Commissioner to process 'personal data' and is named as a data controller under the register kept by the Information Commissioner in accordance with section 19 of the Data Protection Act 1998 (the Act).

Falmouth holds and processes information about employees, students, and 'other data subjects' for academic, administrative and commercial purposes. In addition we may be required by law to collect and use information in order to comply with the requirements of central government.

All staff or others, who process or use any 'personal data', must handle the data properly under the Act. The Act regulates the way that we handle 'personal data' that we collect in the course of carrying out our functions and gives certain rights to people whose 'personal data' we may hold.

Falmouth is committed to protecting the rights and freedoms of individuals in accordance with the provisions of the Act. This document aims to outline the responsibilities of Falmouth, its staff and students, relating to the collection, use and disclosure of data and the rights of the data subject to have access to 'personal data' concerning them.

INFORMATION COVERED BY THE ACT

The Act uses the term 'personal data'. For information held by Falmouth, personal data essentially means any recorded information held by Falmouth and from which a living individual can be identified. It will include a variety of information including names, addresses, telephone numbers, photographs of people and other personal details. It will include any expression of opinion about a living individual or any indication of Falmouth's intentions about that individual.

DATA PROTECTION PRINCIPLES

Falmouth will comply with the eight enforceable data protection principles by making sure that personal data is:

- 1 fairly and lawfully processed
- 2 processed for limited purposes
- 3 adequate, relevant and not excessive

- 4 accurate and kept up to date
- 5 not kept longer than necessary
- 6 processed in accordance with the individual's rights

- 7 secure
- 8 not transferred to countries outside the European Economic area unless the country to which the data is to be transferred has adequate protection for the individuals

DEFINITIONS

‘Staff’, ‘students’, ‘other data subjects’ and ‘third parties’

May include members of the public, current, past and prospective employees and students, funded bodies, suppliers, contractors, contracts, referees, friends or family members.

‘Processing’

Refers to any action involving personal data including obtaining, viewing, copying, amending, adding, deleting, extracting, storing, disclosing or destroying information.

CONDITIONS FOR PROCESSING PERSONAL & SENSITIVE PERSONAL DATA

Falmouth will ensure that at least one of the following conditions is met before any personal data is processed:

- 1 the individual has consented to the processing
- 2 the processing is necessary for the performance of a contract with the individual
- 3 the processing is required under a legal obligation (other than one imposed by a contract)
- 4 the processing is necessary to protect vital interests of the individual
- 5 the processing is necessary to carry out public functions e.g. administration of justice
- 6 the processing is necessary in order to pursue our legitimate interests or those of third parties (unless it could unjustifiably prejudice the interests of the individual)

Under the Act, one of a set of additional conditions must be met for 'sensitive personal data'. This includes information about racial or ethnic origin, political opinions, religious and other beliefs, trade union membership, physical or mental health condition, sex life, criminal proceedings or convictions. Falmouth will ensure that one of the following additional conditions is met before we process any sensitive personal data:

- 1 the individual has explicitly consented to the processing
- 2 Falmouth is required by law to process the information for employment purposes
- 3 we need to process the information in order to protect the vital interests of the individual or another person; for example in a medical or personal safety emergency

- 4 the processing is necessary to deal with the administration of justice or legal proceedings

INDIVIDUALS' RIGHTS

We will ensure that individuals are given their rights under the Act including:

- the right to obtain their personal information from us except in limited circumstances
- the right to ask us not to process personal data where it causes substantial unwarranted damage to them or anyone else
- the right to claim compensation from us for damage and distress caused by any breach of the Act

NOTIFICATION OF DATA HELD

Falmouth shall notify all staff and students and other relevant data subjects of the types of data held and processed by Falmouth concerning them, and the reasons for which it is processed. The information which is currently held by Falmouth and the purposes for which it is processed are set out in Appendix A. When processing for a new or different purpose is introduced the individuals affected by that change will be informed and Appendix A will be amended.

LEGAL REQUIREMENTS

Falmouth may be required to disclose staff or student user data by a court order or to comply with other legal requirements. Falmouth will use all reasonable endeavours to notify those concerned beforehand, unless legally restricted from doing so.

NO COMMERCIAL DISPOSAL TO THIRD PARTIES

Falmouth shall not sell, rent, distribute or otherwise make user data commercially available to any third party, except as described above or with prior permission from the individual(s) concerned to do so.

STAFF RESPONSIBILITIES

All staff shall:

- ensure that all personal information which they provide to Falmouth in connection with their employment is accurate and up-to-date
- inform the relevant department or Falmouth's Information Officer of any changes to information; for example, changes of address

- check the information which Falmouth shall make available from time to time, in written or automated form, and inform the relevant department or Falmouth's Information Officer of any errors or, where appropriate, follow procedures for updating entries on computer systems

Falmouth shall not be held responsible for errors of which it has not been informed. However, to minimise instances where personal data may be inaccurate or out of date, Falmouth will aim to contact staff regularly (normally annually as part of their Personal Development Review).

When staff hold or process information about students, colleagues or other data subjects (for example, students' course work, pastoral files, references to other academic institutions, or details of personal circumstances), they are responsible for following good data protection practice including ensuring that:

- all personal information is kept securely
- personal information is not disclosed either orally or in writing, accidentally or otherwise to any unauthorised third party

Unauthorised disclosure may be a disciplinary matter and may be considered gross misconduct in some cases.

When staff supervise work colleagues or students doing work which involves the processing of personal information, they must ensure that those members of staff or students are aware of this Policy and the Data Protection Principles and in particular, the requirement to obtain the data subject's consent where appropriate.

STUDENT RESPONSIBILITIES

All students shall:

- ensure that all personal information which they provide to Falmouth is accurate and up-to-date
- inform the relevant department or Falmouth's Information Officer of any changes to that information; for example, changes of address
- check the information which Falmouth shall make available from time to time, in written or automated form, and inform the relevant department or Falmouth's Information Officer of any errors or, where appropriate, follow procedures for up-

dating entries on computer systems

Falmouth shall not be held responsible for errors of which it has not been informed. However, to minimise instances where personal data may be inaccurate or out of date, Falmouth will aim to contact students regularly (normally annually as part of their registration process).

Students who use Falmouth's computer facilities may, from time to time, process personal information (for example, in course work or research). In those circumstances, they must notify the Information Officer either direct or via their course tutor or relevant Head of Department, who will provide further information and guidance about their responsibilities in processing personal information in a compliant manner.

RIGHTS TO ACCESS INFORMATION

Staff, students and other data subjects in Falmouth have the right to access any personal data that is being kept about them either on computer or in structured and accessible manual files. Any person may exercise this right by submitting a request in writing to Falmouth's Information Officer.

Currently, Falmouth does not make a charge for Subject Access Requests but reserves the right to charge £10 for each official Subject Access Request under the Act. In respect of requests involving Health Records Falmouth may charge up to £50 for each request if those records are held either wholly or partly in non-electronic form.

Falmouth aims to comply with requests for access to personal information as quickly as possible, but will ensure that it is provided within the required 40 calendar days unless there is good reason for delay. In such cases, the reason for the delay will be explained in writing by the Information Officer to the data subject making the request.

THE DATA CONTROLLER AND THE DESIGNATED DATA PROTECTION ADVISORS

Falmouth is the data controller under the Act, and the Vice Chancellor is ultimately responsible for implementation. Currently responsibility for day-to-day matters is with Falmouth's Information Officer. Information and advice about the holding and processing of personal information is available from Falmouth's Information Officer.

ASSESSMENT MARKS

Students shall be entitled to information about their marks for assessments; however this may take longer than other information to provide. Falmouth may withhold enrolment, awards, certificates, accreditation or references in the event that monies are due to Falmouth.

RETENTION OF DATA

Falmouth will keep different types of information for differing lengths of time, depending on legal, academic and operational requirements. Information and advice about the

recommended retention periods are available from Falmouth's Information Officer.

COMPLIANCE & COMMITMENT

Compliance with the Act is the responsibility of all students and members of staff. Any deliberate or reckless breach of this Policy may lead to disciplinary, and where appropriate, legal proceedings. Any questions or concerns about the interpretation or operation of this policy should be taken up with Falmouth's Information Officer. See below for contact details.

Any individual, who considers that the policy has not been followed in respect of personal data about him or herself, should raise the matter with Falmouth's Information Officer. If the matter is not resolved it should be referred to the staff grievance or student complaints procedure.

Falmouth is committed to protecting the rights and freedoms of individuals in accordance with the provisions of the Act and as part of that commitment will ensure that:

- everyone managing and handling personal information understands that they are responsible for following good data protection practice
- there is someone with specific responsibility for data protection in the organisation
- staff who handle personal information are appropriately supervised and trained
- queries about handling personal information are promptly and courteously dealt with
- people know how to access their own personal information
- methods of handling personal information are regularly assessed and evaluated
- any disclosure of personal data will be in compliance with approved procedures
- we take all necessary steps to ensure that personal data is kept secure at all times against unauthorised or unlawful loss or disclosure
- all contractors who are users of personal information supplied by Falmouth will be required to confirm that they will abide by the requirements of the Act with regard to information supplied by us

Falmouth has appointed an Information Officer to lead on data protection for Falmouth University. This person is responsible for ensuring that the policy is effectively implemented.

FURTHER INFORMATION

For further information and guidance on this policy and working with the Data Protection Act please follow this link: [Privacy & Data Protection](#) or contact Falmouth's Information Officer:

The Information Officer
Falmouth University
BISD Office, Ground Floor, Tremough House
Penryn Campus, Treliiever Road, Penryn TR10 9FE

T: (01326) 255532 or internal extension 5532

E: dpa@falmouth.ac.uk

Further information can also be found at:

The Information Commissioner - www.ico.org.uk

The Ministry of Justice (formerly The Department of Constitutional Affairs) -
www.justice.gov.uk

APPENDIX A – FALMOUTH UNIVERSITY INFORMATION PROCESSING

Falmouth University has notified the Information Commissioner that personal information may need to be processed for the following purposes:

- Advertising, Marketing, Public Relations, General Advice Services
- Accounts & Records
- Administration of Membership Records
- Staff, Agent & Contractor Administration
- Education
- Crime Prevention & the Prosecution of Offenders
- Fundraising
- Student & Staff Support Services
- Research
- Publication of the University Magazine
- Alumni Relations
- Other Commercial Services

The Public Register of Data Controllers on the Information Commissioner's web site contains full details of Falmouth's current registration. The register entry provides:

- details of the types of data subjects about whom personal information may be held
- details of the types of personal information that may be processed
- details of the individuals and organisations that may be recipients of personal information collected by Falmouth University
- information about transfers of personal information

To view the current register entry for Falmouth University, please follow this link:

[Data Protection Register Entry July 2014](#)