



Fitzwilliam College Data Protection Policy

INTRODUCTION

The information within this policy and supporting guidelines are important and apply to all members and staff of the College who shall in this policy be collectively referred to as the 'College' in the paragraphs below. Non-compliance may result in disciplinary action in accordance with the College's procedures.

As a Data Controller within the meaning of the Data Protection Act 1998 the College has a statutory obligation to notify the Information Commissioner of the purposes for which it processes personal data. Like all Educational establishments, the College holds and processes information about its members, employees, applicants, students, alumni and other individuals for various purposes.

The College's notification permits the processing of data only for the following purposes:

- Provision of education and support services to our students and staff;
- Advertising and promoting the university, and the services we offer;
- Publication of the university magazine and alumni relations;
- Undertaking research and fundraising;
- Managing our accounts and records and providing commercial activities to our clients.
- The use of CCTV systems to monitor and collect visual images for the purposes of security and the prevention and detection of crime.

For the avoidance of doubt the term 'university' in the above list should be taken as synonymous with 'College'.

A full copy of the College's data notification may be found on the Information Commissioner's website (<https://ico.org.uk/ESDWebPages/DoSearch?reg=356413>) or obtained from the Data Protection Officer.

DEFINITIONS

Personal data means data which relate to a living individual who can be identified:

- (a) From those data
- (b) From those data and other information is in the possession of, or is likely to come into the possession of, the data controller,

and includes any expressions of opinion about the individual and any indication of the intentions of the data controller or any other person in respect of the individual.

Data means information which:

- (a) Is being processed by means of equipment operating automatically in response to instructions given for that purpose
- (b) Is recorded with the intention that it should be processed by means of such equipment

- (c) Is recorded as part of a relevant filing system or with the intention that it should form part of a relevant filing system.

Sensitive Personal data means personal data consisting of information as to:

- Racial or ethnic origin
- Political opinions
- Religious beliefs or other beliefs of a similar nature
- Membership of a Trade Union
- Physical or mental health or condition
- Sexual life
- Commission or alleged commission of a criminal offence
- Any Court proceedings

The Act applies to all instances of the 'processing of personal data'. **Processing** includes the activities of collecting, holding, using, disclosing, retaining or destroying relevant information, whether held in paper or electronic files. Personal data can include photographs, video tapes or CCTV footage.

A **Data Subject** is the person to whom the personal data relates.

RESPONSIBILITIES

The **Data Protection Officer** is the Bursar.

- Maintain the College's registration and notification to the Information Commissioner
- Maintain, update and promulgate this policy and supporting procedures.
- Internal decisions regarding the applicability of the Act and the applicability of exemptions
- Appoint Data Controllers

Data Controllers shall be appointed to oversee the control of particular classes of personal data.

Data Controllers shall be Heads of Department or relevant College Officers and will be responsible for the application of this policy to the class of data within their control, including:

- Ensuring access to the data is controlled.
- Maintaining security – consulting the IT Manager where the data are held electronically.
- Ensuring that the data are regularly reviewed for accuracy and appropriateness.
- Ensuring destruction rules are followed (Guidance on the retention of records containing personal data is provided at Appendix 1).
- Archiving securely data that do not need to be accessed regularly.

The Senior Tutor shall be the data controller for personal data held by Tutors and Directors of Studies.

All members of the College who record and/or process personal data in any form, must ensure that they comply with the requirements of the Act and with the College's data protection policy. In particular members of the College must not, without the prior written authorisation of the Data Controller:

- Develop a new computer system for processing personal data.
- Use an existing computer system for processing personal data for a different purpose.

- Create a new manual filing system containing personal data
- Use an existing manual filing system containing personal data for a different purpose.
- Grant access to, or transfer personal data to any third party (i.e. not a member of Staff or member of the College).

DATA PROCESSING

The College may only process personal data for the purposes set out in its Notification, and must at all times abide by the Data Protection Principles, set out within the Act. These are as follows:

1. Personal data shall be processed fairly and lawfully
2. Personal data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes.
3. Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.
4. Personal data shall be accurate and where necessary kept up to date.
5. Personal data processed for any purpose or purposes shall not be kept longer than is necessary for that purpose or those purposes.
6. Personal data shall be processed in accordance with the rights of data subjects under the Act
7. Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.
8. Personal data shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

The College will be open with individuals from the outset about the purpose for which data is being collected and the way their data is processed. This information will be contained within appropriate 'Privacy Notices' on all forms in which data is gathered. All privacy notices will be approved by the Data Protection Officer and may not be changed without his/her consent.

Explicit consent will always be obtained from the data subject when collecting sensitive personal data.

Information may be shared with the University provided it is directly relevant to the College's objectives. Unless required to do so under a statutory exemption (e.g. in connection with criminal justice or the taxation system), the College will not share information with any other third party without having first informed the individual and given them the opportunity to object.

The College will not use information obtained about individuals in ways which unjustifiably have a negative impact on them.

PERSONAL DATA REGISTER

The Data Protection Officer will maintain a register relating to the use of personal data which shall contain the following information:

- Class of data

- Data Controller
- Purposes for which it is held
- Sensitive personal data collected
- Filing system
- Security
- How data is collected
- Copies of privacy notice
- List any third party who stores or has access to personal data.

The register defines the scope and terms of data processing that is permitted, and the relevant responsibilities. No change to activities defined in the register may be made without written authorisation of the Data Protection Officer.

DATA SECURITY

Data controllers are responsible for ensuring that data are held under appropriate security, and for ensuring that all staff with access to personal data are trained in the relevant provisions of the Act. Rules for managing data will be issued by the Data Protection Officer. A breach of these rules may be regarded as a disciplinary offence.

EMAIL

All those working within the College need to be aware that the Data Protection Act applies to emails which contain personal data about individuals which are sent or received by members of the College (other than for their own private purposes), including those sent through an individual's own email account. Such emails should form part of the College's records.

THE RIGHTS OF DATA SUBJECTS

Data subjects have the following rights:

- A right of access to a copy of the information comprised in their personal data.
- A right to object to processing that is likely to cause or is causing damage or distress.
- A right to prevent processing for direct marketing.
- A right to object to decisions being taken by automated means
- A right in certain circumstances to have inaccurate personal data rectified, blocked, erased or destroyed
- A right to claim compensation for damages caused by a breach of the Act

Any requests relating to personal data, including Subject Access requests, should be made in writing to the Data Protection Officer at Fitzwilliam College (contact details below). The request should make clear that the applicant is making a request under the Data Protection Act 1998.

Subject Access requests should be accompanied by a processing fee of £10.00. The College will respond as quickly as possible within the statutory deadline. In accordance with the Data Protection Act the College reserves the right to refuse repeated requests where a reasonable period has not elapsed between requests.

The College will consider any objections to intended processing of personal data but reserves the right to process personal data in order to carry out its functions as permitted by law.

NOTICES, REQUESTS AND COMPLAINTS

Notices, requests and complaints relating to this policy should be addressed to:

The Data Protection Officer
Bursar's Office
Fitzwilliam College
Storey's Way
Cambridge
CB3 0DG
Tel: 01223 332067
Fax: 01223
Email: bursar@fitz.cam.ac.uk

The Data Protection Officer will seek to resolve any issue to the satisfaction of the data subject.

Should a data subject be dissatisfied with the decision of the Data Protection Officer they shall have the right to request an independent internal review of the decision. Such review shall be carried out by a member of the College nominated by the Master, or in the Master's absence, the College Committee.

There is also a right to complain to the Information Commissioner.

*Approved by the Governing Body on 22nd January 2014
Revised 15th October 2014.*

Appendix 1

Fitzwilliam College Data Protection Policy

Retention of records containing personal data.

Type of Record	Retention Period	Reason for Period
Student records, including academic achievements and conduct and financial records	<p>At least 6 years from the date the student leaves the College, in case of litigation for negligence.</p> <p>At least 10 years for personal and academic references</p> <p>Certain personal data may be held in perpetuity</p>	<p>Limitation period for negligence Accounting and Audit rules</p> <p>Permits the College to provide references for a reasonable length of time.</p> <p>While personal and academic references may become 'stale', some data e.g. transcripts of student marks may be required throughout the student's future career. Upon the death of the data subject, data relating him/her ceases to be personal data.</p>
Student applications and interview reports	This information will be retained by the College for as long as it remains relevant. In the case of unsuccessful applications this normally means that files will be destroyed on the 1st September in the year following application.	Provision of feedback and answering queries. Consistent with University policy
Personnel files	7 years from the end of the employment by the College.	References and potential litigation
Staff application forms/interview notes	<p>6 months from the date of successful appointment.</p> <p>Data for unsuccessful applicants will be destroyed at this time.</p>	Time limit on litigation

Facts relating to redundancies where less than 20 redundancies	7 years from the date of redundancy	Time limit on litigation
Facts relating to redundancies where 20 or more redundancies	12 years from the date of redundancies	Limitation Act 1980
Income tax and NI returns	At least 7 years after the end of the financial year to which the records relate.	Income Tax (Employment) Regulations 1986
Statutory maternity pay records and calculations	At least 7 years after the end of the financial year to which the records relate	Statutory Maternity Pay (general) Regulations 1986
Statutory sick pay records and calculations	At least 7 years after the end of the financial year to which the records relate	Statutory Sick Pay (general) Regulations 1986
Wages and salary records	7 years	Taxes Management Act 1970
Accident books, records and reports of accidents	3 years after the date of the last entry	Social Security (Claims and Payments) Regulations 1979 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
Medical records kept by reason of the Control of Substances hazardous to Health regulations	40 years	Control of Substances Hazardous to Health Regulations 1985
CCTV footage	28 days	To allow sufficient time for a crime or serious event to be discovered and investigated.
Applications for academic posts (including Research Fellowships)	6 months from the date of successful appointment. Data for unsuccessful applicants will be destroyed at this time.	Time limit on litigation
Library Management System	Records of former students are retained for 2 years	In case a student returns for further studies later

Appendix 2: Data to be held in the Register - Questionnaire

Department	
Class of Data (File set general description) <i>Please complete a separate form for each class</i>	
Data Controller's details	
Purpose (what is the information in this file held for?)	
Type of data held Please list (e.g. personnel records, Pay and pensions, Admissions records etc)	
Sensitive personal data collected	
Data subjects (e.g. Fellows, staff, students)	
Source: (from whom/ where does the information come? How are the data collected?) <i>Please attach copies of privacy notices used.</i>	
Filing system (paper and electronic)	
Security	
List any third party who stores or has access to the data.	
Duration for which the file set is retained	
Any other relevant information	

Appendix 3: College Data Protection Privacy Statement (for the College Website)

Fitzwilliam College is a Data Controller under the Data Protection Act 1998. We hold information for the purposes specified in our notification to the Information Commissioner, including the provision of education, student and staff support services, staff, agent and contractor administration, and alumni relations (including fund raising initiatives) and we may use this information for any of them. You may see the full notification at

<http://www.ico.gov.uk/ESDWebPages/DoSearch.asp?reg=5869883>

You may view the College's Data Protection Policy at <http://www.fitz.cam.ac.uk/about/legal-documents>

The College operates in close partnership with the University of Cambridge, making use of shared systems, databases and infrastructure as well as co-operating on initiatives which are in the collective interests of the combined University. We may share information with the University provided it is directly relevant to the College's objectives.

We will not give information to anyone outside the College or the University and their affiliates and associated bodies unless the law permits us to do so, or we have your express permission to do so. For more information go to <http://www.fitz.cam.ac.uk/about/legal-documents> and look for Data Protection Policy.

If you have any queries, wish to restrict data processing or sharing including use for marketing or do not want to be contacted by the College, please inform us. (Minimal information is always retained to make sure you are not contacted again inadvertently: name, subject, matriculation and graduation details, USN and date of birth.) You will need to contact the University separately if you wish to restrict University data processing, sharing, marketing or contact. We will publish any changes we make to this data protection statement and, where appropriate, notify you by email.

Contact:

The Data Protection Officer

Bursar's Office

Fitzwilliam College

Storey's Way

Cambridge

CB3 0DG

Tel: 01223 332067

Fax: 01223 332078

Email: bursar@fitz.cam.ac.uk