



Leeds Trinity
University

Data Protection Policy

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Data Protection Policy

1 Data Protection Act

1.1 The Data Protection Act (DPA) 1998 requires that all personal information about living individuals is processed according to the eight data protection principles listed below:

Personal data shall:

- Be processed fairly and lawfully
- Be obtained only for one or more specified and lawful purposes and shall not be further processed in any manner incompatible with that purpose
- Be adequate, relevant and not excessive in relation to the purposes for which they are processed
- Be accurate and, where necessary kept up to date
- Be held no longer than is necessary for the registered purpose
- Be processed in accordance with the rights of data subjects under the DPA
- Have appropriate technical and organisational measures taken against unauthorised or unlawful processing and against accidental loss or destruction of, or damage to, personal data
- Not be transferred to a country or territory outside the EEA 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.

1.2 The DPA also requires that a description of personal data held, its uses, purposes disclosures and sources be notified to the Office of the Information Commissioner (ICO). This is done in a formal notification to the ICO which is updated annually.

1.3 The DPA allows individuals access to their personal data, to obtain a copy of their own data, the right to have inaccurate personal data corrected or erased.

2 Definitions

2.1 Personal Data – data from which a living person may be identified

2.2 Sensitive Personal Data - data pertaining to a living person regarding their race, political opinions, religious belief, trade union membership, physical or mental health, sexual orientation or activity and criminal activity.

2.3 Notification of Processing – an formal document lodged by the data controller with the ICO giving a description of any recipient or recipients to whom the data controller intends or may wish to disclose the data

- 2.4 ICO – The Information Commissioner’s Office is the independent regulatory office dealing with, inter alia, the Data Protection Act 1998 and the Freedom of Information Act 2000.
- 2.5 Data Controller – an organisation or person who determines the purposes for which and the manner in which any personal data are processed. Leeds Trinity University is a data controller.
- 2.6 Data Processor - any person (other than an employee of the data controller) who processes the data on behalf of the data controller.
- 2.7 Data subject - an individual who is the subject of personal data. At Leeds Trinity, the data subjects are our applicants, students and staff.

3 **Leeds Trinity Policy**

- 3.1 Leeds Trinity will ensure that its treats all personal data lawfully and in accordance with the eight principles set out in the DPA. It will provide guidance to staff on how data processing of personal and personal sensitive data should be carried out in order to meet these principles and will articulate clear security measures to prevent accidental loss or disclosure of personal data.
- 3.2 Leeds Trinity will ensure that the ICO is informed, through a formal annual notification, of the personal data processed by the University.
- 3.3 Leeds Trinity will allow individuals to have access to their personal data. It will provide information to data subjects on what data is stored and the purpose for which it will be used.

4 **Responsibilities**

- 4.1 The Vice Chancellor has ultimate responsibility for data protection in the University and will determine policy through the Executive accordingly.
- 4.2 Day to day matters regarding data protection are delegated to the Director of HR (for staff data-related matters) and the Academic Registrar (for student data-related matters). Data Protection queries should be directed to these officers in the first instance.

5 **Data Protection Notifications**

- 5.1 The current Leeds Trinity data protection registration notification lodged with the ICO can be found at www.ico.org.uk using registration number Z4817023.
- 5.2 Information given to students about the processing of, and access to, their personal data is included in Schedule A.
- 5.3 Information given to staff about the processing of, and access to, their personal data is included in Schedule B.

6 **Data Processing Guidance**

- 6.1 Guidance issued to staff regarding lawful data processing is included in the Data Protection Code of Practice in Schedule C.

Schedule A

Data Protection - Student Notice

- 1 It is essential that Leeds Trinity University collects and retains personal data about its students to enable it to operate effectively, administer student-related functions and meet its legal obligations to funding bodies and government.
- 2 The personal data held by Leeds Trinity about its students is obtained from information supplied by students on application forms, registration forms and periodic self-updates to the Student Records System.
- 3 In line with the Data Protection Act 1998 Leeds Trinity is committed to ensuring that the data held about individuals is processed fairly and lawfully and that it is held for specified purposes only. Confidentiality will be respected and appropriate security measures will be taken to prevent unauthorised disclosure.
- 4 All students will sign a declaration at registration giving consent to the processing of their personal data in accordance with this schedule.

Disclosure of Data

- 5 Data held about you will not normally be disclosed by Leeds Trinity to any third party without your consent. You should note however that under certain circumstances, we will make data available to the following:

Leeds Trinity staff and the **Students' Union**

Partnership schools/colleges/employers who require information for administrative and support purposes, placement arrangements and progression agreement outcomes

Government bodies and departments (including BIS, HEFCE, HESA¹, NCTL, QAA and Ofsted) for statistical, funding and quality assurance purposes

UK Borders Agency for immigration purposes

Local Education Authorities, Student Finance England, Student Loans Company, Research Councils and other **student sponsors** for student funding and support purposes

Agents acting on behalf of government bodies (eg Ipsos Mori for the purposes of annual data collection for the National Student Survey)

Back on Course Project who assist early HE leavers to re-enter HE

Police or Courts of Law in circumstances where it is in the interest of the student, or for the prevention or detection of crime or where required by law

¹ HESA Student Collection Notices can be found at

http://www.hesa.ac.uk/index.php?option=com_content&task=view&id=141&Itemid=171

Benefits Agencies in circumstances where it is in the interest of the students, or for the prevention of detection of crime or where required by law

HMRC in circumstances where it is in the interest of the students, or for the prevention of detection of crime or where required by law

Validating and Professional Bodies who require information in order to validate or kitemark Leeds Trinity provision.

- 6 We will also publish statistical data on our website on protected characteristics in accordance with the Equality Act 2010. In doing so we will take care to ensure that no student can be identified within the published data.
- 7 Leeds Trinity operates a closed circuit television (CCTV) system which monitors certain areas of the campus. The system has been installed to reduce crime and to provide a feeling safety in public areas. The images shown and recorded by the system are kept in accordance with the Data Protection Act 1998.

Your Rights Under the Data Protection Act

- 8 The Data Protection Act 1998 allows you certain rights as a data subject". These include the right of access to data held on you (see "Access to Your Data" below), the right to prevent processing of that data that causes substantial damage or distress or for direct marketing purposes and the right to rectify inaccurate information.

Access to Your Data

- 9 You are entitled to request to see all data held on you by the University, both centrally and in departments, on computer and in structured manual files.
- 10 If you wish to make such a request you should obtain and complete a Data Request Form from Student Administration and return it to Student Administration with a £10 fee and photo proof of your identity (eg student ID card).
- 11 Leeds Trinity aims to comply with request for access to personal information as quickly as possible and will ensure that it is provided with the statutory 40 days of receipt of any request.
- 12 You should note that certain personal information cannot be obtained under the Data Protection Act and remains exempt under the Freedom of Information Act. This includes formal examination scripts, confidential references provided by Leeds Trinity and correspondence with solicitors.

Your Responsibilities

- 13 You are expected to assist Leeds Trinity in complying with the Data Protection Act by providing accurate and up to date information at registration each year and by changing details on E:Vision or informing Student Administration promptly if there are any changes in the personal information we hold about you.

Any Questions?

- 14 Any concerns or queries relating to the processing of student data should be referred to the Academic Registrar in the first instance.

Schedule B

Data Protection - Staff Notice

- 1 It is essential that Leeds Trinity University collects and retains personal data about its staff to enable it to operate effectively, administer staff-related functions and meet its legal obligations to funding bodies and government.
- 2 The personal data held by Leeds Trinity about its staff is obtained prior to and in the course of employment from, for example, information supplied by staff on application forms, new starter forms, payroll/finance/pension forms and periodic updates sent to HR or the Finance Office.
- 3 In line with the Data Protection Act 1998 Leeds Trinity is committed to ensuring that the data held about individuals is processed fairly and lawfully and that it is held for specified purposes only. Confidentiality will be respected, unless the circumstances warrant disclosure. Appropriate security measures will be taken to prevent unauthorised disclosure.
- 4 All staff, in holding a contract of employment with Leeds Trinity, give consent to the processing of their personal data in accordance with this schedule.

Disclosure of Data

- 5 Data held about you will not normally be disclosed by Leeds Trinity to any third party without your consent. You should note however that under certain circumstances, we will make data available to the following:

Leeds Trinity HR staff who require information for administering the HR function

Leeds Trinity Finance Office staff who require information for administering the staff finance and payroll functions

Leeds Trinity managers and other relevant staff who require information for administering the institution's functions and services

Government bodies and departments (including BIS, HEFCE, HESA², NCTL, QAA and Ofsted) for statistical, funding and quality assurance purposes

UK Borders Agency for immigration purposes

Police or Courts of Law in circumstances where it is in the interest of the member of staff, or for the prevention or detection of crime or where required by law

Benefits Agencies in circumstances where it is in the interest of the member of staff, or for the prevention or detection of crime or where required by law

² HESA Staff Collection Notices can be found at http://www.hesa.ac.uk/index.php?option=com_content&task=view&id=141&Itemid=171

HMRC in circumstances where it is in the interest of the member of staff, or for the prevention of detection of crime or where required by law

Validating and Professional Bodies who require information in order to validate or kitemark Leeds Trinity provision.

Medical practitioners, insurers, legal advisers and other relevant professional staff where the circumstances warrant.

- 6 We will also publish statistical data on our website on, for example, protected characteristics in accordance with the Equality Act 2010. In doing so we will take care to ensure that no member of staff can be identified within the published data.
- 7 Leeds Trinity operates a closed circuit television (CCTV) system which monitors certain areas of the campus. The system has been installed to reduce crime and to provide a feeling safety in public areas. The images shown and recorded by the system are kept in accordance with the Data Protection Act 1998.
- 8 We will publish basic work-related information about staff on our website, where there is an operational justification for this. This information may include names, job titles, departments, roles and responsibilities, and work contact details. In the case of academic staff it may also include expertise, research interests and publications. Members of staff who do not wish their information to be published should contact the Director of Human Resources, explaining why they wish to opt out. Requests to opt out will be considered on a case by case basis. Photographs of staff will not be published on our website without the consent of the member of staff concerned.

Your Rights Under the Data Protection Act

- 9 The Data Protection Act 1998 allows you certain rights as a “data subject”. These include the right of access to data held on you (see “Access to Your Data” below), the right to prevent processing of that data that causes substantial damage or distress or for direct marketing purposes and the right to rectify inaccurate information.

Access to Your Data

- 10 You are entitled to request to see all data held on you by the University, both centrally and in departments, on computer and in structured manual files.
- 11 If you wish to make such a request you should submit the request in writing to the HR department with a £10 fee.
- 12 Leeds Trinity aims to comply with requests for access to personal information as quickly as possible and will ensure that it is provided within the statutory 40 days of receipt of any request.
- 13 You should note that certain personal information cannot be obtained under the Data Protection Act and remains exempt under the Freedom of Information Act. This includes, but is not limited to, confidential references provided by Leeds Trinity and correspondence with solicitors.

Your Responsibilities

- 14 You are expected to assist Leeds Trinity in complying with the Data Protection Act by providing accurate and up to date information at commencement of employment and by informing the HR department and Finance Office promptly if there are any changes in the personal information we hold about you.

Any Questions?

- 15 Any concerns or queries relating to the processing of staff data should be referred to the Director of HR in the first instance.

Schedule C

Data Protection Code of Practice

Introduction

- 1 This Code of Practice outlines the steps which all members of Leeds Trinity University staff must take to ensure that Leeds Trinity complies with the Data Protection Act (DPA) 1998 and should be read in conjunction with the Leeds Trinity Data Protection Policy.
- 2 The DPA applies to all personal data that is held on computer, including word processed documents, databases, emails and social media facilities. It also includes personal data held in manual records where these can be accessed by reference to a person.

Notification

- 3 Leeds Trinity is required to inform the ICO of the ways in which it processes personal data. The University will review this notification annually and submit changes to the ICO as appropriate. Notification will be carried out by the Planning and Information Officer.

Day to Day Processing of Data

- 4 Most academic and support staff will process personal data pertaining to either students or staff every day. Leeds Trinity is registered with the Information Commissioner and the use of such data as a necessary part of its business is thus legalised as long as the data is "processed" (ie collected, handled, disclosed and disposed of) according to the eight principles set out in the Data Protection Act. These principles are repeated in the Leeds Trinity Data Protection Policy. There are however a number of issues to bear in mind:
 - On no account must staff give personal data about a student or member of staff to a body or person external to the University or to another student, unless authorised to do so.
 - Except in cases of emergency, personal data must not be disclosed to an external body over the telephone as there is no safe way of confirming the identity of the enquirer and whether they fall into one of the pre-agreed disclosure bodies in the student and staff schedules to the Data Protection Policy. Enquiries from pre-agreed disclosure bodies in the student and staff schedules to the Data Protection Policy should be instructed to put their request(s) in writing.
 - Personal data must not be disclosed to parents, relatives or guardians unless Leeds Trinity has written permission from an individual student or staff member that it is acceptable to do so.
 - Personal data must only be passed to other Leeds Trinity staff if they can confirm that the processing purpose is included in the student and staff schedules to the Data Protection Policy.
 - All external requests for disclosure from pre-agreed disclosure bodies in the student and staff schedule to the Data Protection Policy must be dealt with and fully

documented by either Student Administration (for students) or the HR department (for staff).

- Personal data pertaining to a student should never be disclosed to any other student unless that student is also a member of staff and is acting that capacity.
- Personal data held as a result of informal communication on email or via social media networking is covered by the act and will be disclosed to a data subject on request. Informality can often be misinterpreted and these types of correspondence are therefore open to legal challenges of defamation and discrimination. Staff should thus take care to only ever use appropriate language and tone in such communications.
- All staff should note that merely confirming to a third party a student's or member of staff's presence as a student/employee of Leeds Trinity is a disclosure of personal data and is in contravention of the DPA unless explicit permission has been given by the data subject or the third party is one of the pre-agreed disclosure bodies in the student and staff schedules to the Data Protection Policy.

Responding to Subject Access Requests

- 5 Data subjects have the right to make a subject access request in order to view the personal data held on them. Requests will be received by Student Administration for students and by HR for staff. These departments will contact all relevant departments, services and units in the University in order to collect and collate all personal information held on the data subject across the University. It should be noted that information on computer systems and in manual files should be included in the resulting disclosure. Leeds Trinity has 40 days to respond to such requests so timely action is requested from all departments when data/information is requested to facilitate a full and timely response to the data subject.

Students employed as members of staff

- 6 From time to time current students will be employed by Leeds Trinity as members of staff. In these cases the students in question should sign a declaration form confirming that they will act as a member of staff in accordance with the Data Protection Act and related Leeds Trinity documentation for the duration of their employment and will preserve confidentiality with regard to information accessed during their employment in perpetuity.

Security of Personal Data

- 7 The Data Protection Act 1998 requires that personal information is kept safe from loss or inappropriate disclosure. The principle applies to information held on computer, other electronic media, in manual files and oral disclosure. Heads of Departments/Service are responsible for ensuring that data is kept safe. The following guidelines should be followed:
- Access to rooms containing computer hardware should be controlled
 - Computer monitors should be positioned so that they are not visible to unauthorised personnel
 - Screen savers with lock out should be enabled

- Secure passwords, changed regularly, should be used
- Individual access and passwords to systems containing personal data should be closely monitored and only appropriate levels of authority granted
- Portable media such as CDs and memory sticks containing personal data should be kept secure and should not be transported around the campus unless absolutely necessary.
- Printed documents containing personal data should be kept secure at all times, with access closely monitored
- Printed documents containing personal data should be disposed of using a confidential waste facility
- Personal data should not be taken off the campus in any format (laptop, hard copy, memory stick, etc) unless formally authorised by the Academic Registrar (for student-related data) or the Director of HR (for staff-related data). If in exceptional circumstances information does have to be removed from campus, the member of staff concerned should keep it with them at all times. In the case of data held electronically, this should be carried only on an encrypted device.

Questions on Data Protection

- 8 Questions on data protection should be directed in the first instance to the Academic Registrar (student-related queries) or the Director of HR (staff-related queries)