Data Protection for Staff

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1. Dealing with Personal Data

a. In general

If you receive a routine request for personal data (ie a request for data that you would normally provide as part of your job) then the information should be provided.

Under no circumstances must information be released about an individual to any person requesting this information unless the identity of the person making the request is confirmed and you have established that they are entitled to receive the information requested. Family members, local authorities and (in certain circumstances) the Police are not generally entitled to receive information about another individual.

In informal situations, where consent for disclosure has not already been established and where you are asked to provide personal information about a student or another member of staff; the student or member of staff should be contacted and given the opportunity to respond directly to the enquirer. Never confirm to an enquirer whether a named person is a student or member of staff as this in itself is a form of disclosure.

b. ProMonitor/ProSolution

If an alert has been placed against a student on ProMonitor this may indicate that the department placing the flag holds confidential information about the student. In order to

address an issue of concern you may want to contact the department that has placed the alert to ensure you are in possession of any important facts.

c. Organisations/ Employers

If you receive a request from a third party organisation you need to be sure that you have the student's permission to pass on any information. The best way to do this is to discuss the matter with the student and/or ask the organisation to provide proof of the student's consent. It is often simpler to provide the information to the student to pass on themselves.

If the student is an **apprentice** then there will be an agreement between the College, the student and their employer to enable data sharing but this sharing would usually be done via the Apprenticeships Department.

d. Health & Safety

Another instance in which we can release information on a student is for reasons of Health and Safety. These are most usually circumstances where disclosure would prevent injury or damage to the health of any person or where preventing disclosure would cause harm to the student.

e. Parents

If you have the student's consent, you can contact parents of FE students either by telephone, letter or e-mail, or respond to their queries, in order to:

- address reasons for poor attendance or poor academic progress or discuss disciplinary issues;
- undertake duties at parents evenings and make arrangements for college trips.

The student should have been given the opportunity to inform you directly if this is not appropriate in their case. They should have indicated their consent on the relevant Student Agreement which should be saved in ProMonitor or IDOX (for Apprentices).

Information should not be divulged to parents of HE students, or FE students over 19, however a Student Agreement should still be signed to ensure the College is protected in its use of anti-plagiarism software and photography.

f. Subject Access Requests

If you receive a non-routine request for personal data then you need to forward the request to the Academic Registry so the request can be processed appropriately. Please use the records@newdur.ac.uk email address.

If the Academic Registry makes a request for information you need to respond promptly. You must ensure all requested data is disclosed.

2. Requests from the Police

If police officers arrive at College they should be directed to Main Reception. The Customer Service Advisors should immediately inform the Executive Support Manager. Similarly, if **any member of staff** receives a letter, e-mail or telephone call from the police it should be forwarded immediately to the Executive Support Manager.

If the police require information that must be disclosed under Data Protection, the request must be submitted on their force's *Declaration Form* which states why they are making the request, what the request is and states why the personal data requested is required.

The request should be addressed to the Data Controller, in our case the Data Controller is New College Durham.

If the police require information in order to immediately safeguard the 'vital interests' of an individual they may not need to complete the *Declaration Form* but the information should still be provided by the Executive Support Manager.

Once the form is received, the Executive Support Manager will arrange for the information to be provided. All original correspondence and the signed declaration form (in the case of a request for personal data) must be forwarded to the Information and Records Team along with a copy of the information that was provided. This is so that a record can be kept of the request.

Disclosure of information under the Regulation of Investigatory Powers Act (RIPA)

If the police want to obtain information about communications data under RIPA, the request must be submitted on one of the forms provided for the purpose by the Home Office. The Executive Support Manager will pass these requests to the ICT Department to be actioned. As above, the completed form and details of the data provided should ultimately be forwarded to the Academic Registry.

3. Privacy Notices

If personal information is collected by the College, the College must inform the individual of their rights at the time the information is collected. If you need to write a privacy notice because you are collecting personal data from individuals, please seek the advice of the Academic Registry on what to include.

The College's standard Privacy Notices are available on our website.

4. Data Sharing

If personal information is shared by the College, the College must have assurance that the information will be shared lawfully. Sometimes this information will be contained with the standard Terms and Conditions for a product but may also be contained within a Contract or Data Sharing Agreement.

A central list of Data Sharing arrangements is held on the Information and Records Pages of the College Intranet.

5. Data Protection for Managers and Heads of Department

- Be aware of the retention schedules for data which are now communicated to people via privacy notices and implement the retention rules.
- Don't retain personal files or personal sensitive information on staff without cause.
- Ensure you have filed off any e-mail or letter containing personal information in the correct file if it is required to be kept and delete e-mails containing personal information from Outlook once a matter has been dealt with.
- Do not monitor the e-mail or telephone communications of your staff. The College is required to ensure any method of monitoring is appropriate and in compliance with the law.
- Make all staff within your department aware of the principles of the Data Protection Policy and ensure they comply with these.

If you have a query about any aspect of Data Protection within the College please contact:

Suzy Taylor

Academic Registrar / Data Protection Officer

E-mail: records@newdur.ac.uk