

Data Protection

Adopted by Council: April 2005

Review Date:

Committee Ownership: Information & Communications

This policy applies to the entire College community: the President, Fellows, staff and students (referred to collectively as the 'College Community' in this policy). Non-compliance may result in disciplinary action.

Introduction

Like all educational establishments, the College holds and processes information about its employees, applicants, students, alumnae and other individuals for various purposes (for example the administration of the admissions process, the effective provision of academic and welfare services, to record academic progress, to operate the payroll and to enable correspondence and communications, including the provision of references and certificates). To comply with the Data Protection Act 1998 ('the 1998 Act'), information must be collected and used fairly, stored safely and not disclosed to any unauthorised person.

Notification to the Information Commissioner

The College has an obligation as a Data Controller to notify the Information Commissioner of the purposes for which it processes personal data. Individual data subjects can obtain full details of the College's data protection registration/notification with the Information Commissioner from the College Data Protection Officer or from the Information Commissioner's website: <http://www.ico.gov.uk/>

Data Protection Principles

The College, as Data Controller, must comply with the Data Protection Principles of the 1998 Act. In summary these state that personal data shall:

- Be processed fairly and lawfully and shall not be processed unless certain conditions are met
- Be obtained for specified and lawful purposes and shall not be processed in any manner incompatible with those purposes
- 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 those purposes
- Be processed in accordance with the data subject's rights under the 1998 Act
- Be the subject of appropriate technical and organisational measures against unauthorised or unlawful processing, accidental loss or destruction
- Not be transferred to a country outside the European Economic Area, unless that country or territory has equivalent levels of protection for personal data

Processing

'Processing', in relation to information or data, means obtaining, recording or holding the information or data or carrying out any operation or set of operations on the information or data, including:

1. Organisation, adaptation or alteration of the information or data,
2. Retrieval, consultation or use of the information or data,
3. Disclosure of the information or data by transmission, dissemination or otherwise making available, or
4. Alignment, combination, blocking, erasure or destruction of the information or data

Data Protection Officer

The College Data Protection officer is the Bursar. All queries about the College policy and all requests for access to personal data should be addressed to the Data Protection Officer (see 'Right to Access Personal Data' below).

Responsibilities of individual Data User

All members of the College Community who record and/or process personal data in any form (called 'Data Users' in this policy) must ensure that they comply with the requirements of the 1998 Act (including the Data Protection

principles) and with the College's data protection policy (including any procedures and guidelines which may be issued from time to time).

In particular, no member of the College Community may, without the prior written authorisation of the Data Protection Officer:

1. Develop a new computer system for processing personal data;
2. Use an existing computer system to process personal data for a new purpose;
3. Create a new manual filing system containing personal data;
4. Use an existing manual filing system containing personal data for a new purpose

The above does not apply to databases which are maintained by individual Data Users within the College Community for their private domestic uses, for example, private address books. However, individual Data Users should consider whether their private domestic uses fall within the scope of the 1998 Act

'Data Areas' and 'Data Area Contacts'

To aid the efficient administration of the College's data protection policy, the data which the College holds. Processes have been divided into a number of 'Data Areas': these are described below, showing who may have access to the data. In each case, there is also specified a 'Data Area Contact'. She or he will be responsible in relation to the data in the Data Area in question (and thus not simply for the files which he or she maintains) for the following:

- Informing the Data Protection Officer of proposed processing of personal data within the College which may need to be notified to the Information Commissioner;
- Providing personal data to the Data Protection Officer in response to a subject access request when requested to do so by the Data Protection Officer; and
- Maintaining the security of, and access to, personal data within the Data Area.

The Data Protection Office may from time to time designate other Data Areas and/or Data Area Contacts.

Data Areas

Tutorial Files

Tutorial files hold data on students' academic progress and welfare. They may contain financial and medical data. They provide the basis for appropriate academic advice to individual students, applications for financial assistance, the meeting of any special needs, the certification of individual student records, and the writing of references in connection with employment or further study.

Tutorial files are kept by the Tutorial Office, the relevant Tutor, and the relevant Director of Studies. Tutorial files may be consulted on a day-to-day basis by the Senior Tutor, the Tutorial Office staff, the President, the student's Tutor, and the student's Director Studies. All other requests for access to a Tutorial file must be authorised by the Senior Tutor or the relevant Tutor.

Reports by supervisors on a student's academic progress are held in the CamCORS system, and are accessible to the Senior Tutor, the student's Tutor, the student's Director of Studies, and for administrative purposes by those designated by the College as holding College Office status within CamCORS. All other requests for access to information held within CamCORS must be authorised by the Senior Tutor.

Some of the information in Tutorial files is transferred when the student leaves the College to the Alumnae and Development Office. Tutorial files continue to be kept by the Tutorial Office for two or three years after the student has left the College, to enable the College to certify the student's record and to allow references to be provided at the student's request; they are then transferred to a secure store, in reduced form, and the material removed from them is destroyed. Access continues to be controlled as above.

Data Area Contact: Senior Tutor

Admissions files

Admissions files hold data on candidates for admission. During admissions they are kept by the Admissions Tutor and the Admissions Office. During the admissions process, Admissions files may be consulted by the Senior Tutor, the Admissions Tutor, the Admissions Office staff, the President, any Director of Studies concerned and any other interviewers concerned. All other requests for access to an Admissions file must be authorised by either of the Admissions Tutor or the Senior Tutor.

For a successful candidate, the Admissions file is transferred to a Tutorial file at the time of the student's entry to the College. For unsuccessful candidates, files are destroyed by the end of October (i.e. by around 12 months after application) unless there is a very specific reason for retaining any individual file as authorised by the Admissions Tutor.

Data Area Contact: Admissions Tutor

Files relating to loans and grants made by the College to students

These are maintained and kept by the Student Accountant and the Tutorial Administrator. They may be consulted on a day-to-day basis by the Senior Tutor, the student's Tutor, the Tutorial Office staff, the Bursar, and the Student Accountant. All other requests for access to any of these files must be authorised by either the Senior Tutor or the Bursar.

These files are destroyed when there is no loan outstanding and the student has left the College

Data Area Contact: Senior Tutor

Personnel files in respect of Fellows

Data files associated with the payroll are held by the Accounts Office and Bursary and can be consulted on a day-to-day basis by the Bursar and the Senior Payroll and Pensions Administrator. Other personnel files are maintained and kept by the Hr Manager and College Administrator, these files may be consulted on a day-to-day basis by the HR manager, President and the President's PA and the Bursar. All other requests for access to any of these files must be authorised by the President or Bursar.

Data Area Contact: President/Bursar

Personnel files in respect of other employed staff of the College

These are maintained and kept by the HR Manager. These files may be consulted on a day-to-day basis by the HR Manager, Bursar, or the Senior Payroll and Pensions Administrator. All other requests for access to these files must be authorised by the Bursar.

Data Area Contact: Bursar

Files relating to tenancies, suppliers to the College, and other third parties containing personal data not otherwise dealt with in this policy document

These are maintained and kept by the Bursar and his staff, who may each consult the same on a day-to-day basis. All other requests for access must be authorised by the Bursar.

Data Area Contact: Bursar

Computer Databases

Certain of the files referred to above are maintained in electronic databases as well as or instead of paper files. Access to such databases is restricted in the same manner as access to paper files in the relevant Data Area.

In addition, however, the Computer Officers may have day-to-day access to the College's electronic databases for various purposes, including:

- System management purposes, for example, by tracking 'Help desk' information and log on and log off details on systems servers;
- Performance, accounting and administration purposes, for example, by keeping details of equipment loaned to College members;
- Security and other legitimate College purposes, for example, monitoring email/internet and network session information in accordance with College policies.

All members of the College community must also refer to the College's Use of IT Facilities, Email and Internet Policies, from time to time in force, which must be read and applied in conjunction with this Policy.

Data Security and Disclosure

All members of the College Community are responsible for ensuring that:

- Any personal data which they hold is kept securely;
- Personal data is not disclosed either orally or in writing or otherwise to any unauthorised third party, and that every reasonable effort will be made to see that data are not disclosed accidentally.

Unauthorised disclosure is a disciplinary matter and may be considered gross misconduct. If in any doubt, consult the College Data Protection Officer.

Personal data must be kept securely; examples of how this may be done include:

- Keeping the data locked in a filing cabinet, drawer or room, or
- If the data are computerised, ensuring that the data are password protected or kept only on disk which is itself kept securely.

Candidates' and Junior Members' obligations

Candidates and Junior members must ensure that any personal data provided to the College is accurate and up to date. They must ensure that any changes of address or other personal details are notified to one of the Admissions Tutors or the Admissions Administrator in the case of candidates or the Tutorial Administrator or the Senior Tutor in the case of Junior Members.

Junior Members must comply with the College's Computing Regulations.

Data Subjects' Consent

Certain types of personal data may be processed for particular purposes without the consent of individual data subjects. In particular, data concerning candidates for admissions and students matriculated in the College may be processed in the ways described in any of its data protection statements to which the individuals concerned have subscribed. Otherwise, however, it is the College's policy to seek express consent whenever practicable from individual data subjects for the main ways in which the College may hold and process personal data concerning them. This is to allow individuals an opportunity to raise any objections to any intended processing of personal data. The College will consider any subject objections but reserves the right to process personal data in order to carry out its functions as permitted by law.

All Fellows, staff and students will be asked, and admissions candidates may be asked, accordingly to sign a consent form regarding particular types of information which the College may in due course hold/process about them, as set out in the Schedule to this policy.

Right to Access Personal Data

Staff, students and other individuals have the right under the 1998 Act to access any personal data that are being held about them either in an 'automatically processable form' (mainly computer records) or in a 'relevant filing system' (i.e. any set of information structured in such a way that specific information relating to a particular individual is readily accessible) and to request the correction of such data where they are incorrect. An individual who wishes to exercise her/his right of access is asked to complete the College 'Access to Personal Data' form which is available from the Bursary and give it to the Data Protection Officer.

Any inaccuracies in the data disclosed in this way should be communicated immediately to the Data Protection Officer who shall take appropriate steps to make the necessary amendments.

The College will make a charge of £10 (or such other charge as is permitted from time to time by the Data Protection Act 1998) on each occasion that access is requested and this fee should accompany the Access to Personal Data form. In accordance with the 1998 Act, the College reserves the right to refuse repeated requests where a reasonable period has not elapsed between requests. If access to the information is unduly time consuming, a higher charge may be made.

The College will normally respond to the request for access to personal data within 40 days (including bank holidays and weekends) of the request or payment of the fee, whichever is the later.

The provisions of the 1998 Act and individuals' access rights will not come into effect fully until 23 October 2007. The Freedom of Information Act 2000 gives individuals extended rights of access in certain circumstances to information which is not held on computer or in a relevant filing system.

Disclosure outside of the EEA

The College may, from time to time, desire to transfer personal data to countries or territories outside of the European Economic Area in accordance with the purposes made known to individual data subjects. For example, the names and contact details at the College of members of staff on a website may constitute a transfer of personal data world-wide. Accordingly, the consent form signifies an individual's consent to the inclusion of such data on an authorised College website. If an individual wishes to raise an objection to this disclosure then written notice should be given to the Data Protection Officer.

Other personal data, even if it would otherwise constitute fair processing, will not, unless certain exemptions apply or protective measures taken, be disclosed or transferred outside the EEA to a country or territory which does not ensure an adequate level of protection for the rights and freedoms of data subjects.

Sensitive Personal Data

The College may from time to time process 'sensitive personal data' relating to admissions candidates, members and staff of the College.

'Sensitive personal data' is information as to a data subject's racial or ethnic origin, political opinions, religious beliefs or beliefs of a similar nature, trade union membership, physical or mental health or condition, sexual life, offences or alleged offences, and information relating to any proceedings for offences committed or allegedly committed by the data subject, including the outcome of those proceedings.

Currently, the College envisages the need to process sensitive personal data of a type specified in the consent forms set out in the Schedule to this policy for the purposes specified. For example data relating to the ethnic origin of members or staff of the College may be processed for the purposes of equal opportunities monitoring or to identify any necessary dietary requirements and possible sources of financial assistance. Medical records need to be processed for the provision of healthcare and general welfare, to identify any necessary dietary and accommodation requirements and to assist in meeting the needs of members of the College Community with disabilities. In exceptional circumstance, the College may need to process information regarding criminal convictions or alleged offences in connection, for example, with any disciplinary proceedings or other legal obligations.

In other circumstances, where sensitive personal data are to be held or processed, the College will seek the explicit consent of the member of the College Community in question unless one of the limited exemptions provided in the Data Protection Act 1998 applies (such as to perform a legal duty regarding employees or to protect the data subject's or a third party's vital interests).

CCTV

The College operates a number of CCTV cameras in order to assist with security for members of the College Community and in respect of College property. If a member of the College Community has any queries regarding the operation of the CCTV system, they should speak to the Data Protection Officer.

Email

It is permissible and appropriate for the College to keep records of internal communications which are relevant to an individual's ongoing relationship with the College, whether as a Fellow, member of staff or student, including information concerning performance and conduct issues, provided such records comply with the Data Protection principles.

It is recognised that email is used for such communications and that such emails should form part of the College's records. It goes beyond the scope of this policy document to address the appropriate use of email in the proper functioning of the College, and the limitations and legal implications with this mode of communication. However, all members of the College Community need to be aware that:

- The 1998 Act applies to emails which contain personal data about individuals which are sent or received by members of the College Community (other than for their own private purposes as opposed to College purposes);
- Subject to certain exceptions, individual data subjects will be entitled to make a data subject access request and have access to emails which contain personal data concerning them, provided that the individual data subject can provide sufficient information for the College to locate the personal data in the emails; and
- The legislation applies to all emails from and to members of the College Community which are sent and received for College purposes, whether or not the emails are sent through the College email system or on an individual's own email account.

College Archives

The individual files relating to members of the College Community are the basis of the alumnae records and detailed historical archives of the College, and may be retained indefinitely for reference and research purposes.

Archive files concerning Fellows may be consulted on a day-to-day basis by the President; those concerning other members of staff by the Bursar or Bursar's staff; all Archive files by the College's Librarian and Archivist. The Development Director and Development Office staff may also consult Archive files for alumnae purposes. All other requests for access to any archived file must be authorised by the College Archivist or the Librarian.

Personal data which is contained in Archive files may be processed for research purposes (including statistical, historical or biographical purposes). Such processing will be carried out in such a manner to comply with the Data Protection Principles (so far as applicable).

The College reserves the right to destroy (in whole or in part) archived files whenever it considers it appropriate to do so.

Data Area Contact: Librarian

Alumnae Relations and Development

Manual and computer based files are maintained in respect of current and former Fellows, alumnae, and other current, past and potential donors to the College.

All files are kept in the locked Development Office, and access to the computer database is password protected. Development Office staff may consult the manual and computer based files on a day to day basis, but requests by others to view these files must be authorised by the Development Director.

Data will be used by the College for a full range of alumnae activities, including the sending of College publications, promotion of benefits and services available to alumnae (including those being made available by external organisations), notification of alumnae activities and fund raising programmes (which might include an element of direct marketing).

It is intended that old members' contact details will be made available to other current members of the College, recognised alumnae societies (e.g. New Hall Society) in the UK and overseas, to sports and other clubs associated with the College, and to agents contracted by the College for particular alumnae-related activities.

The Development Office will seek individuals' consent to disclosure of their contact details. If an individual has an objection to other aspects of the processing of their data for alumnae or fund raising purposes, then written notice should be given to the Development Director.

Data Area Contact: Development Director

Schedule:

1. Admissions and Student Records consent form
2. Fellows' and Staff Records consent form

The Data Protection Act 1998: Admissions and Student Records

To assist the College to comply with its legal obligations under the Data Protection Act 1998, this form sets out the main purposes for which the College holds, processes and discloses personal data. Full details of the College's notification to the Office of the Information Commissioner (OIC) can be obtained from the Bursar as the College's Data Protection Officer or from the OIC directly. You should read the College's data protection policy, which can be found on the College website and any other information which is published from time to time as these contain further guidance and describe individuals' obligations. A breach of the College's data protection policy or procedures may result in disciplinary action. If you have any queries, you should raise them with the Bursar.

Please would you sign at the end of the form to indicate your consent to the College processing your personal data for the specified purposes. If you object to any of the processing indicated then you should indicate this and your objection will be considered.

The College processes personal data to assist in the admissions process, to enable the provision of education and welfare services to its students, to facilitate the administration of student accommodation, to provide up to date academic records, to assist in the administration and collection of fees and charges, to comply with legal and other obligations (e.g. health & safety), to facilitate communications and mailings, to enable the provision of references, to assist with fund-raising by the College and the University, for alumnae activities and for research and archive purposes.

Information is provided by the applicants and students themselves (by way of application forms and other means), by College and University staff (e.g. through termly reports and examination results) and also by third parties such as schools, local authorities and examination boards.

In order to ensure the proper functioning of the College as an institution in the higher education sector, the College may from time to time consider it appropriate to disclose relevant personal data about applicants and students within the College to other members of staff, committees and organisations (such as the Murray Edwards College Students Union and the MCR), and also to various external bodies, including the College Visitor, the University of Cambridge and its component institutions, the Cambridge Review Committee, other Cambridge Colleges, inter-collegiate bodies, other educational institutions, employers and potential employers, professional bodies, funding bodies, local authorities and other governmental and regulatory bodies. Such external bodies may be in the United Kingdom or abroad (including outside the EEA). The College may or may not seek further consent to specific disclosures depending upon the nature of the intended disclosure.

It is the College's policy to provide the student's room number to bona fide members of the University of Cambridge upon enquiry, but not to others; nor to provide their phone number(s) or email address to anyone without strong reason. Students should inform visitors accordingly. If students wish such details not to be given out in these circumstances then they should inform the Data Protection Officer in writing accordingly.

In addition, the College may need to process certain categories of 'sensitive personal data' and your signature on this form indicates your explicit consent to the processing of sensitive personal data as set out below:

Medical records and data – to assist in providing healthcare and student welfare, to assist in meeting the needs of students with disabilities, to assist with any dietary and accommodation requirements, and to provide appropriate educational services. Any medical information provided to the College Nurse by, or about a student, shall be held in accordance with the principles of medical confidentiality as well as with those of the Data Protection Act.

The applicant/student hereby gives explicit consent for any information which she provides to the College or a member of College staff about her medical condition to be disclosed to the College Nurse and the Senior Tutor (and other members of College staff as the College Nurse or Senior Tutor considers necessary), but such personal data shall not be disclosed outside the College, except with the student's explicit consent to the proposed

disclosure or in other circumstances required or permitted by law (for example, to protect the vital interests of the student or another person).

Ethnic Origin – to assist with any dietary requirements and to identify possible sources of financial assistance. The College may also process information provided by a student about her ethnic origin for the purposes of equal opportunity monitoring, but only in an anonymous form, and may disclose such statistics to external bodies. The College shall not otherwise disclose any information about a student’s ethnic origin without the explicit consent of the student to the proposed disclosure or as otherwise required or permitted by law.

Criminal Records –to protect other members of the College Community and the University, to operate a proper disciplinary procedure, to assist with the provision of references and to comply with any legal obligations. The college may receive information about a student’s criminal record or allegations of a criminal offence from the student or from external sources, such as the police or the Criminal Records Bureau.

Subject to the requirements of the Rehabilitation of Offenders Act 1974 and the prior specific authorisation of the College Data Protection Officer, the applicant/student hereby gives her explicit consent to the disclosure of information about her criminal offences or allegations of criminal offences to appropriate staff within the College, to appropriate staff or officers of the University of Cambridge or its component institutions.

The College may also be obliged by law to disclose information about a student’s criminal offences or allegations of criminal offences to other external bodies, such as the police, in certain circumstances. The college may also be permitted by law to disclose such information to other external bodies without the student’s explicit consent in other circumstances (for example where the proposed disclosure is necessary to protect the vital interests of another person).

I confirm that I consent to the College processing and disclosing relevant personal data as set out above, including the processing of sensitive personal data for the purposes specified.

I attach a document with any objections to the processing of my personal data [] please tick if applicable.

.....signeddated

The Data Protection Act 1998: Fellows' and Staff Records

To assist the College to comply with its legal obligations under the Data Protection Act 1998, this form sets out the main purposes for which the College holds, processes and discloses personal data. Full details of the College's notification to the Office of the Information Commissioner (OIC) can be obtained from the Bursar as the College's Data Protection Officer or from the OIC directly. You should read the College's data protection policy, which can be found on the College website, and any other information which is published from time to time as these contain further guidance and describe individuals' obligations. A breach of the College's data protection policy or procedures may result in disciplinary action. If you have any queries, you should raise them with the Bursar.

Please would you sign at the end of the form to indicate your consent to the College processing your personal data for the specified purposes. If you object to any of the processing indicated then you should indicate this and your objection will be considered.

The college processes personal data for purposes in connection with an individual's membership of or employment with the College, to enable the operation of the payroll, to facilitate the administration of accommodation, to comply with legal and other obligations (e.g. health & safety), to facilitate communications and mailings, to enable the provision of references, to assist with fund raising by the College and University, for alumnae activities, to assist with pensions administration and for research and archive purposes. This may include disclosing personal data to other authorised Fellows or members of staff of the College.

The college may, from time to time, where the processing is necessary for the performance of the individual's duties or the proper functioning of the College, consider it appropriate to disclose relevant personal data to external bodies, including the College visitor, the University of Cambridge and its component institutions, the Cambridge Review Committee, other Cambridge Colleges, inter-collegiate bodies, other educational institutions, other employers and potential employers, professional bodies, funding bodies, local authorities and other governmental and regulatory bodies. Such external bodies may be in the United Kingdom or abroad (including outside the EEA). The college may or may not seek further consent to specific disclosures depending upon the intended disclosure.

In order to assist the proper functioning of the College and the University, the College may provide or publish Fellows' and employees' College telephone number, College address, email address, and appropriate information about their College duties, whether in hard copy and electronic directories, upon enquiry or on such websites as are approved by the College from time to time. Any objection to giving out such details in these circumstances should be given to the Data Protection Officer in writing accordingly. Home addresses and telephone numbers will not be disclosed without obtaining the specific additional consent of the individual concerned.

In addition, the College may need to process certain categories of 'sensitive personal data' and your signature on this form indicates your explicit consent to the processing of sensitive personal data as set out below:

Medical records and data – to keep proper sickness records, to assist in providing healthcare and staff welfare, to facilitate the fulfilment of obligations pursuant to disabilities legislation, to assist with any dietary and accommodation requirements, and to support arrangements for sick leave. Any medical information provided to the College by or about a Fellow or member of staff shall be held in accordance with the principles of medical confidentiality.

The Fellow/member of staff hereby gives explicit consent for any information which he/she provides to the College or a member of College staff about his/her medical condition to be disclosed to the College Nurse and the Bursar (and other Fellows/members of College staff as the Bursar considers necessary) but such personal data shall not be disclosed outside the College, except with the Fellow's/member of staff's explicit consent to the proposed disclosure or in other circumstances required or permitted by law (for example, to protect the vital interests of the Fellow/member of staff).

Ethnic Origin – to assist with any dietary requirements and to identify possible sources of financial assistance. The College may also process information provided by a Fellow/member of staff about his/her ethnic origin for the

purposes of equal opportunity monitoring, but only in an anonymous form, and may disclose such statistics to external bodies. The College shall not otherwise disclose any information about a Fellow's/member of staff's ethnic origin without the explicit consent of the Fellow/member of staff to the proposed disclosure or as otherwise required or permitted by law.

Criminal Records – to protect other members of the college community and the University, to operate a proper disciplinary procedure, to assist with the provision of references and to comply with any legal obligations. The college may receive information about a Fellow's/member of staff's criminal record or allegations of a criminal offence from the Fellow/member of staff or from external sources, such as the police and the Criminal Records Bureau.

Subject to the requirements of the Rehabilitation of Offenders Act 1974 and the prior specific authorisation of the College Data Protection Officer, the Fellow/member of staff hereby gives his/her explicit consent to the disclosure of information about his/her criminal offences or allegations of criminal offences to other appropriate Fellows/staff within the College, to appropriate staff or officers of the University of Cambridge or its component institutions.

The College may also be obliged by law to disclose information about a Fellow's/member of staff's criminal offences or allegations of criminal offences to other external bodies, such as the police, in certain circumstances. The College may also be permitted by law to disclose such information to other external bodies without the Fellow's/member of staff's explicit consent in other circumstances (for example where the proposed disclosure is necessary to protect the vital interests of another person).

I confirm that I consent to the College processing and disclosing relevant personal data as set out above, including the processing of sensitive personal data for the purposes specified.

I attach a document with any objections to the processing of my personal data [] please tick if applicable.

.....signeddated

Adopted by the College Council in March 2015
Review Date 2020