



UK COLLEGE  
OF BUSINESS AND COMPUTING

# Data Protection and Confidentiality

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## Introduction

UK College of Business and Computing (UKCBC) is committed to compliance with the Data Protection Act 1998 (“the 1998 Act”) and recognises in full the rights and obligations by the Act in relation to the management and processing of personal data. This document sets out what the College and its staff must do in practice to meet its data protection obligations for all its members.

## Links to QAA Quality Code and Legislation

The security of personal data and information is central to personal freedom and privacy. Considerations of these central tenets are made throughout the student lifecycle at UKCBC. These resonate with the following QAA Quality Code expectations:

- **Guiding Principles 1-6: Admissions, Recruitment and Widening Access**
- **Guiding Principles 1-9: Learning and teaching**
- **Guiding Principles 1-9: Enabling Student Achievement**
- **Guiding Principles 1-7: Student engagement**
- **Guiding Principles 1-10: Assessment**
- **Guiding Principles 1-7: Monitoring and Evaluation**
- **Guiding Principles 1-8: Concerns, Complaints and Appeals**

The **Data Protection Act 1998** is concerned with information about individuals. This covers all aspects of the Colleges operation, including suppliers, customers, shareholders and employees.

The Act is concerned with “personal information” which is defined as:

*about a living person and affects that person’s privacy (whether in his/her personal or family life, business or professional capacity) in the sense that the information has the person as its focus or is otherwise biographical in nature, and identifies a person, whether by itself, or together with other information in the organisation’s possession or that is likely to come into its possession.*

This document is designed to provide confidence in the College’s confidential dealings with personal data in all areas of its operation.

## Scope

For the purposes of this document, the following definitions will apply:-

### **“Personal Data”:**

The Act applies to personal information that is subject to “processing”. Information collected can be about living, identifiable individuals that is held either in a form in which it can be, or is being, processed automatically (this would, in the main, be on computer systems) or within a structured manual filing system. Statements of fact and expressions of opinion about an individual data subject are personal data as is an indication of the data controller’s intentions towards the data subject. This definition also includes data held visually in photographs or video clips (including Close Circuit Television footage) or as sound recordings. The Act also includes the processes using data, its use, retention, access, disclosure and final disposal.

### **“Data Controller”:**

Anyone who “processes data” is called a “**data controller**”.

A data controller is a person (s) who determine(s) the purposes for, and the manner of, the processing of any personal data which and is required to comply with the eight principles of good information handling (the Data Protection Principles):

These principles require the data controller to:

1. Process personal data fairly and lawfully.
2. Obtain personal data only for one or more specified and lawful purposes and to ensure that such data is not processed in a manner which is incompatible with the purpose or purposes for which it was obtained.
3. Ensure that personal data is adequate, relevant and not excessive for the purpose or purposes for which it is held.
4. Ensure that personal data is accurate and, where necessary, kept up to date.
5. Ensure that personal data is not kept for any longer than is necessary for the purpose for which it was obtained.
6. Process personal data in accordance with the rights of the individuals to whom the information relates.
7. Ensure that personal data is kept secure, through use of appropriate technical and organisational measures taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.
8. Ensure that personal data is not transferred to a country outside the European Economic Area unless the country to which the information is to be sent ensures an adequate level of protection for the rights (in relation to the information) of the individuals to whom the personal data relates.

### **“Data Subject”:**

The individual who is the subject of the data entry:

### **“Data User”:**

An authorised user of the personal data held by The College as data controller (for example, a member of staff or student).

### **“Data application”;**

How personal data held by The College is used within the context of the purpose for which it is held by The College.

### **“Sensitive Personal Data”:**

The Act also lays down rules concerning the processing of 'sensitive personal data'; that is data that consists of information about an employee's:

- Racial or ethnic origins;
- Political opinions;
- Religious beliefs;
- Trade union membership (or non-membership);
- Physical or mental health or condition;
- Sex life or sexual orientation;
- Criminal (or alleged criminal) activities;
- Criminal proceedings, criminal convictions (or any sentences imposed by the courts).

Sensitive personal data must not be held on an employee's personal file without his or her express consent - unless held in compliance with an employer's legal obligations (for example under health and safety legislation) or to protect the employee's vital interests (for example under the Sex Discrimination Act 1975).

The Act requires that the College must registered that it is processing information held on a computer or in some manual filing systems about living individuals on the Information Commission's Register.

### **Security**

Members of staff are responsible for ensuring that all personal data is held securely and that they do not permit unauthorised access to, or disclosure of, those data. They will, therefore, ensure that safe-keeping of any structured manual files, hard discs, back-up media, removable storage media devices such as USB devices, DVDs, laptops and other items of equipment on or in which data is held and will ensure that screens showing personal data cannot be viewed by unauthorised individuals.

### **Transfer of Personal Data**

As part of its normal processing of personal data about staff members, students and in certain circumstances, applicants, the College may supply data to Government Agencies, other statutory agencies and a range of other external organisations in order to comply with contractual, statutory or regulatory requirements or in order to protect the rights or safety of the College, its Members or others:

- i) Information regarding staff and student records which provide the basis for information required by the Government, the Higher Education Funding Council for England (HEFCE), Higher Education Statistics Agency (HESA) and other agencies.
- ii) Information on students' registration, attendance and academic progress, provided to the Student Loans Company.

- iii) Where requests for the reasonable provision of information to external bodies are received by the College which fall outside contractual or statutory requirements, an agreement will be put in place between the College and the third party to whom the data are being supplied., regulating the method of exchange of the data, the uses to which it can be put and arrangements for their disposal when agreed usage rights have been exhausted. (If appropriate).
- iv) Such data transfers will, at all times, be made within the restrictions placed on processing personal data by the College's Data Protection Act notification. Where the information being exchanged includes personal data, the transfer of which lies outside the terms of the notification, the consent of data subjects will be sought before information about them is transferred externally. (If appropriate).

### **The Company's Policy on Data Protection**

The Company will register with the Information Commissioner under the Data Protection Act and will fulfil its legal commitments with regard to the Data Protection Principles and the retention of personal data about individuals.

The College will only collect and retain that information that it needs to carry out its legitimate activities and will hold that information confidentially.

Where the College needs to obtain and hold "sensitive data", it will only do so with the express permission of the individuals concerned and will hold that data securely.

Where personal data is no longer required, it will be removed from the relevant files and deleted or destroyed.

### **Employee's responsibilities on Data Protection**

Every employee has a personal responsibility to comply with the requirements of the Act and the College policy. It is, therefore, the responsibility of every employee within the terms and to the fullest extent of the Act to protect any personal data that they hold or are responsible for on behalf of the College and to uphold the legal requirements placed on the College for Data Protection.

Any employee who is found to have revealed or disclosed any personal data to any unauthorised person or organisation will be in breach of College policy and will be subject to disciplinary action, which may, dependent on the nature of the disclosure be regarded as Gross Misconduct. Such disclosure may also be treated as a criminal offence.

### **Students' responsibilities on Data Protection**

Every student has a personal responsibility to comply with the requirements of the Act and the College policy. It is expected that Students will ensure the college is informed of changes to personal information in a timely and accurate way. Students are aware of the use of personal information and agree to the Data Collection Notice and the use of personal information by Higher Education Statistical Agency (HESA). (Appendix 1)

## Appendix 1: Student Collection Notice

### STUDENT AND LEAVER SURVEYS

Your contact details may be passed to survey contractors to carry out the [National Student Survey](#) (NSS) and surveys of student finances, on behalf of some of the organisations listed below under Purpose 1. These organisations and their contractors will use your details only for that purpose, and will then delete them.

After you graduate we may contact you to ask you to complete one or more surveys into the outcomes of higher education and your activities after graduation. These surveys may be undertaken by us or by another specialist organisation contracted for that purpose. If a specialist organisation is used that organisation will receive your contact details, but will only use your details for the purpose of asking you to complete the survey, and will then delete them. You may also be contacted as part of an audit to check that we or any contracted organisation have undertaken these surveys properly.

If you do not want to take part in any of these surveys, please let us know.

### SUBMISSION OF YOUR INFORMATION TO THE HIGHER EDUCATION STATISTICS AGENCY (HESA) <sup>[1]</sup>

Every year we will send some of the information we hold about you to HESA (“your HESA information”). HESA is the official source of data about UK universities, higher education colleges, alternative HE providers, and recognised higher education courses taught at further education institutions in Wales [www.hesa.ac.uk](http://www.hesa.ac.uk). HESA collects, and is responsible for, the database in which your HESA information is stored. HESA is a registered charity and operates on a not-for-profit basis. HESA uses your HESA information itself for its own purposes. HESA also shares information from your HESA information with third parties. It may charge other organisations to whom it provides services and data. HESA's use of your HESA information may include linking information from it to other information, as described further below. HESA information is retained indefinitely by HESA for statistical research purposes. All uses of HESA information must comply with the Data Protection Act 1998 [www.legislation.gov.uk/ukpga/1998/29/contents](http://www.legislation.gov.uk/ukpga/1998/29/contents).

### Sensitive information

If you give us information about your disability status, ethnicity, sexual orientation, gender reassignment or religion these may be included in your HESA information and used to assist with monitoring equality of opportunity and eliminating unlawful discrimination in accordance with the Equality Act. Some other sensitive information is used to enable research into the provision of fair access to higher education, for example information as to whether you are a care leaver.

If you are enrolled at a higher education provider in England regulated by the Higher Education Funding Council for England your HESA information will include details of any financial support you may receive from us.

Your sensitive information will not be used to make decisions about you.

<sup>1]</sup> Higher Education Statistics Agency Ltd is a company limited by guarantee, registered in England at 95 Promenade, Cheltenham, GL50 1HZ. Registered No. 2766993. Registered Charity No. 1039709. Certified to ISO 27001. The members are Universities UK and GuildHE.

## Purposes for collecting your HESA information

Your HESA information including linked data is used for four broad purposes:

### Purpose 1 - Public functions

#### Education statistics and data

Your HESA information is used by some organisations to help carry out public functions connected with education in the UK. These organisations are data controllers in common of your HESA information under the terms of the Data Protection Act (this link explains what this means [ico.org.uk/for-organisations/guide-to-data-protection/keydefinitions/](https://ico.org.uk/for-organisations/guide-to-data-protection/keydefinitions/)). Such organisations may include:

- Department for Business, Innovation and Skills
- Welsh Government
- Scottish Government
- Department for the Economy, Northern Ireland
- Higher Education Funding Council for England
- Higher Education Funding Council for Wales
- Scottish Further and Higher Education Funding Council
- Department for Education
- Research Councils
- Education Funding Agency
- Skills Funding Agency
- National College for Teaching and Leadership
- National Health Service bodies and organisations working with them e.g. Health Education England <sup>2</sup> General Medical Council
- Office For Fair Access
- Quality Assurance Agency for Higher Education

and any successor bodies. These bodies may retain HESA information indefinitely for statistical research purposes, or for fixed terms depending on the terms of their data sharing agreements with HESA.

#### Other uses

Your HESA information may also be used by some organisations who are also data controllers in common to help carry out public functions that are not connected with education. Such uses may include the following:

- Measurement of population levels and migration by the Office for National Statistics, National Records of Scotland and the Northern Ireland Statistics and Research Agency
- Monitoring of public expenditure by the National Audit Office
- Monitoring of the accuracy of electoral registers by Electoral Registration Officials.

## Purpose 2 - Administrative uses

**Fraud detection and prevention** - Your HESA information may be used to audit claims to public funding and student finance, and to detect and prevent fraud.

**Previous study** - If you are enrolled at a higher education provider in England: The Higher Education Funding Council for England (HEFCE) may share your previous education records with us, including HESA information submitted by other institutions, to determine the nature of any prior higher education study, including your current qualifications. This may be used to make decisions about the fees you are required to pay, the support available to you or the availability of a place for you to study with us.

**Your HESA information will not be used to make decisions about you other than for those uses outlined under Purpose 2.**

## Purpose 3 - HESA publications

HESA uses your HESA information to produce and publish information and statistics. This includes some National Statistics publications ([www.statisticsauthority.gov.uk/national-statistician/types-of-official-statistics](http://www.statisticsauthority.gov.uk/national-statistician/types-of-official-statistics)) and online business intelligence and research services. HESA will take precautions to ensure that individuals are not identified from any information which is processed for Purpose 3.

## Purpose 4 - Equal opportunity, research, journalism and other processing in which there is a legitimate interest

HESA and the other data controllers in common (see Purpose 1) may also supply information to third parties where there is a legitimate interest in doing so. Examples of use for this purpose include:

- Equal opportunities monitoring
- Research - This may be academic research, commercial research or other statistical research where this is in the public interest
- Journalism - Where the relevant publication would be in the public interest e.g. league tables
- Provision of information to students and prospective students

Users to whom information may be supplied for Purpose 4 include:

- Higher education sector bodies
- Higher education providers
- Academic researchers and students
- Commercial organisations (e.g. recruitment firms, housing providers, graduate employers) ☒ Unions
- Non-governmental organisations and charities
- Local, regional and national government bodies ☒ Journalists



Information supplied by HESA to third parties within Purpose 4 is supplied under contracts which require that individuals shall not be identified from the supplied information. A copy of HESA's current agreement for the supply of information is available at [www.hesa.ac.uk/bds-details#e](http://www.hesa.ac.uk/bds-details#e).

HESA student information may be linked to school and/or further education college information and supplied to researchers. A copy of the Agreement for the supply of linked data about pupils from schools in England is available at [www.gov.uk/government/collections/national-pupil-database](http://www.gov.uk/government/collections/national-pupil-database)

## Linking of your HESA information to other information

As indicated above, where HESA and organisations covered by Purpose 1 use HESA information this may include linking HESA information to other information for example:

- UCAS data
- National Student Survey data
- School and Further Education data
- Student Loans Company data
- Qualification Awarding Bodies data
- Tax, Benefits, and Employment data. (Guidance on the use of HESA records matched to Tax, Benefits and Employment data is available at: <https://www.gov.uk/government/publications/longitudinal-educationoutcomes-study-how-we-use-and-share-data>)

Where HESA provides information from your HESA information to third parties under Purpose 4, the permitted uses of the information by a third party may include linking HESA information to other information held by the third party. Permission for such use is considered on a case by case basis. It is only given where the linking is for the purposes outlined in Purpose 4 and subject to the requirement not to carry out linking to identify individuals.

**Destinations information for schools and colleges** – If you attended a school or college in England linked data may be disclosed to the last school or college you attended (or its successor body) and to Ofsted to enable them to assess the outcomes of secondary education.

## ABOUT THE HESA STUDENT COLLECTION NOTICE

The HESA Student Collection Notice is regularly reviewed. The most up to date version can be found at [www.hesa.ac.uk/fpn](http://www.hesa.ac.uk/fpn). Minor updates to the Student Collection Notice (including organisation name changes and clarification of previously specified purposes) may be made at any time. Major updates (such as a new purpose or administrative use) will be made no more than once per year.

## YOUR RIGHTS

For further information about data protection and your HESA information please see [www.hesa.ac.uk/dataprot](http://www.hesa.ac.uk/dataprot). If you have questions about how your HESA information is used please contact [data.protection@hesa.ac.uk](mailto:data.protection@hesa.ac.uk). Under the Data Protection Act 1998 you have rights of access to the information HESA holds about you. You will have to pay a small fee for this. If you think there is a problem with the way HESA are handling your data you have the right to complain to the Information Commissioner's Office: <https://ico.org.uk/>.