

HR Services

Data Protection Policy



The Data Protection Acts 1984 and 1998

UEL is required to comply with the Data Protection Act, which received Royal Assent on 16 July 1998. The Act gave effect to the EU Data Protection Directive (95/46/EC). The purpose of this Policy is to provide a framework within which every current employee and enrolled student can comply with the Act, with the aim of ensuring the confidentiality of any personal data held by UEL, whatever the medium.

The 1998 Act contains familiar elements from the 1984 legislation such as: the Data Protection Principles of Good Practice (see below); a registration/notification system; an independent supervisory authority to oversee data protection compliance; and the data subject's right to have access to his or her personal data and to correct it where it is inaccurate.

However, the EU Directive imposes additional requirements, which are reflected in the new Act. One of the most important changes is that the Data Protection Act 1984 covered only personal data held electronically. The new Act extends the coverage to personal data held on manual, paper-based files. There is a period of Transitional Relief for existing files, which will not be covered by the requirements of the new Act until 23 October 2001. New filing systems created after 24 October 1998 are however covered by the 1998 Act. In order to ensure that UEL will be complying with the 1998 Act at the end of the period of Transitional Relief, this Policy will take effect immediately.

Purpose and Principles of Data Collection and Processing

UEL needs to collect and store a vast amount of personal data about its employees, students and other users of UEL facilities to allow it to maintain its core operations. Personal data will include staff and student records, applicant data, examination marks, research data, residence and catering information, and details of financial transactions. Other information about its staff and students enables UEL to monitor its performance and achievements, and compliance with health and safety and other legislation. To comply with the 1998 Act, data must be collected and used fairly, stored safely, and not disclosed to any third party unlawfully. The eight Data Protection Principles of Good Practice are the cornerstone of the legislation. In summary the Principles state that personal data shall:

- Be obtained and processed fairly and lawfully and not be processed unless certain conditions have been met.
- Be obtained for a specified and lawful purpose and not be processed in any manner incompatible with that purpose.
- 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 that purpose.
- Be processed in accordance with the data subject's rights.
- Be kept safe from unauthorised access, accidental loss or destruction.
- Not be transferred to another country outside the European Economic Area, unless that country has equivalent levels of protection for personal data.

Every person associated with UEL who processes or uses any personal data must abide by these Principles at all times. In order to ensure that this happens, UEL has developed this Data Protection Policy.

Responsibilities

The Data Protection Act 1998 established the role of the data controller, who will be responsible for ensuring that data are collected, stored and processed fairly, for deciding which types of information will be processed and the reason for the processing. The legal responsibility of data controller rests with UEL Higher Education Corporation, and the Board of Governors, as UEL's governing body, is ultimately responsible for implementation.

The Board of Governors has allocated the responsibility for data control at Senior Management level to the Secretary & Registrar ("Data Protection Officer"). However, the Dean of each School, or Director of each Service is responsible for data control within that School or Service, and enquiries relating to the holding of personal data should be referred in the first instance to the relevant Dean or Director.

Each Dean of School and Director of Service is responsible for ensuring that the personal data held by that school or service is kept securely and used properly, within the terms of the Act. Deans and Directors are also responsible for advising the Secretary & Registrar of the types of personal data held in their school or service, and of any changes or new holdings. The Secretary & Registrar will inform Deans and Directors of any changes or amendments to the Act, and advise on implementation.

Notification of Data Held and Processed

All staff, students and other users are entitled to:

- Know what personal information UEL holds and processes about them and why.
- Know how to gain access to it.
- Know how to keep it up to date.
- Know what UEL is doing to comply with its obligations under the 1998 Act.

A list of the types of personal information held about students will be provided in the pre-enrolment literature circulated to all students. A list of the types of personal information held about staff by HR Services will be provided on request by HR Services. On request to the Secretary & Registrar, UEL will provide all staff and students and any other relevant users with details of the data which UEL holds and processes about them, and the reasons for which it is processed.

Staff Responsibilities for Data Protection

All staff are responsible for:

- Checking that the information which they provide in connection with their employment is accurate and up-to-date.
- Informing HR Services of any changes to information which they have provided i.e. changes of address, or of any errors.
- Checking that any statements made by UEL from time to time about the kind of data kept on staff and students are accurate and up-to-date.

The registration system under the Data Protection Act 1984, which required data users to notify the Data Protection Registrar of the categories of data held by an organisation, is to be replaced by a system of notification. All staff should ensure that any personal data which they control is included in the structure of the UEL notification. This includes personal data for such purposes as research and school or service staff and student records. Every Dean of School/Director of Service will maintain a copy of the school or service's notification details and should be consulted if a member of staff has any doubts about personal data which the member of staff controls. Staff have obligations as well as rights under the Act and under this Policy.

Personal names, UEL telephone numbers and email addresses will be published on the UEL World Wide Web facility, unless the individual concerned objects in writing to the Secretary & Registrar. Those responsible for producing pages for the World Wide Web, whether for general UEL information or for specific schools or services, must ensure that any individual named on that page has not refused permission, by checking with the individual or with the Secretary & Registrar.

Staff whose work includes responsibility for supervision of students have a duty to ensure that students observe the eight Principles of the Act.

Staff should ensure that they are familiar with this Data Protection Policy. Any breach of this Policy, either deliberate or through negligence may lead to disciplinary action being taken, or access to UEL facilities being withdrawn, or even a criminal prosecution.

Data Security

All staff are responsible for ensuring that:

- Any personal data which they hold in whatever format is kept securely.
- Personal information is not disclosed either orally or in writing or accidentally or otherwise to any unauthorised third party.

Personal information should be:

Kept in a locked filing cabinet; or

In a locked drawer; or

If it is computerised, be password protected; or

Kept only on a disk, which is itself kept securely.

Each Dean of School, Director of Service is responsible for ensuring that appropriate technical and organisational measures are taken within the school, service or unit to ensure against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, such data. Each Dean of School and Director of Service is responsible for keeping the Secretary & Registrar informed of changes in the collection, use, and security of personal data within the school, service or unit.

Student Obligations

Students must ensure that all personal data provided to UEL is accurate and up-to-date. They must ensure that changes of address etc are notified to the Student Services and to their school.

Students who use UEL's computing facilities may, from time to time, process personal data. If they do, they must notify the Dean or Director of the School or Service concerned.

Students who are undertaking research projects using personal data must ensure that:

- The research subject is informed of the nature of the research and consents to his or her personal data being used.
- The Dean of School is informed of the proposed research before it begins, and ensures

- that UEL is authorised to undertake this kind of research.
- All information is kept securely

Publication of UEL Information

Information that is already in the public domain is exempt from the Data Protection Act 1998. It is the policy of UEL to make public as much information about UEL as possible. In particular the following information will be available to the public for inspection:

Names of Officers of UEL

Members of the Board of Governors

Staff lists and areas of expertise

The UEL internal telephone directory will not be a public document.

Any individual having good reason for wishing details in these categories to remain confidential should advise the Secretary & Registrar.

Subject Consent to the Processing of Sensitive Information

In many cases, UEL can process personal data only with the consent of the individual. In some cases, if the data are sensitive, express consent must be obtained. The consent of staff before this Policy took effect is assumed. Agreement to UEL processing some specified classes of personal data is a condition of acceptance of a student on to any course, and a condition of employment for staff.

Some posts or programmes of study will bring applicants into contact with children, including young people between the ages of 16 and 18. UEL has a duty under the Children Acts and other legislation to ensure that staff are suitable for the post, and students for the programmes offered. UEL also has a duty of care to all staff and students and must therefore make sure that employees and those who use University facilities do not pose a threat or danger to other users.

UEL may ask for information about a person's health, particular health needs such as allergies, or any conditions such as asthma or diabetes. UEL will only use such information in the protection of the health and safety of the individual. UEL may also ask for information about a person's criminal convictions, race, gender and family details. This is to ensure that UEL is a safe place for everyone, or may be to operate other UEL policies, such as the sick pay policy or the equality and diversity policy.

Because such information is considered sensitive, all prospective staff and students will be

asked to give signed consent to process regarding particular types of information when an offer of employment or admission to a programme of study is made. A refusal to give such consent without good reason may result in the offer being withdrawn.

Rights to Access Information

Staff, students, and other users of UEL facilities have the right to access any personal data that is being kept about them in whatever form. Any person who wishes to exercise this right should make a request in writing, using the UEL Subject Access Request Form (see Appendix A) form and give it to the Secretary & Registrar. The form must be accompanied by the fee of £10, which is UEL's administration fee. The Secretary & Registrar will ask the person requesting access where that person believes the information to be held.

UEL aims to comply with requests for access to personal information as quickly as possible, but will ensure that it is provided within 40 days unless there is a good reason for delay. In such cases, the reason for delay will be explained in writing to the data subject making the request.

Retention of Data

UEL will keep some forms of information for longer than others, in accordance with legal, financial, archival, or other requirements. A full list of retention times is available from the Secretary & Registrar.

Research Purposes Exemption

Data collected fairly and lawfully for the purpose of one piece of research can be used for other research, providing that the final results of the research do not identify the individual. Such data must not be processed to support measures of decisions with direct consequences for the individual concerned, or in a way which is likely to cause substantial damage or distress to any data subject. Records of questionnaires may be kept in order that the data can be revisited and reanalysed. This exemption is only applicable to academic research, and cannot be used to provide information about an individual.

Conclusion

Compliance with the Data Protection Act 1998 is the responsibility of all members of UEL. Any breach of the Data Protection Policy, whether deliberate or through negligence, may

lead to disciplinary action being taken, or access to UEL facilities being withdrawn, or even a criminal prosecution. Any questions or concerns about the interpretation or operation of this Policy should be taken up with the Secretary & Registrar.

Jill Grinstead
Interim Secretary & Registrar

[APPENDIX A](#)
