



UTC Cambridge Data Protection Policy

Lead member of SLT:
UTCC Governor:

HR/Business Manager
Safeguarding Lead

Legislation and reference:

DfE Guidance from Statutory Policies for Schools, February 2014

Academies are 'Data Controllers' under the Data Protection Act 1998.

Legislation: The Data Protection Act 1998 (with consideration to the eight data protection principles appearing in Schedule 1).

Associated documentation

UTC Cambridge Equality & Diversity policy

UTC Cambridge Vision

UTC Cambridge: Delivering Future Scientists

UTC Cambridge Mission

Through an innovative curriculum, developed with leading scientists from industry and academia, UTC Cambridge builds bespoke learning solutions delivered in a state of the art science and technology environment that empowers students to manage their academic and career development.

UTC Cambridge Values

We set ourselves challenging goals, are agile and resilient, to achieve our personal best.

By respecting one another we enhance our experience and benefit from different perspectives.

We take individual responsibility, ensuring team delivery.

By respecting our environment, our world, we make a difference.

We celebrate positive contribution and aspire to excellence.

We are morally and ethically responsible in scientific and environmental innovation.

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Review date: August 2017

1. Aim

1.0 UTC Cambridge (UTCC) is committed to fostering high standards of data protection in the processing of personal data relating to its employees and students. UTCC will ensure that all legal obligations under the Data Protection Act 1998 (DPA) are met and that the 8 Principles of the DPA will be adhered to, namely that data will be:

- Fairly and lawfully processed
- Processed for limited purposes and not further processed in a manner incompatible with those purposes
- Adequate, relevant and not excessive
- Accurate and up to date
- Not kept for longer than is necessary
- Processed in line with the data subject's rights
- Secure
- Not transferred to other countries unless adequate levels of protection are ensured

2. Definitions

Personal data

2.0 Under the Data Protection Act (DPA), personal data is or may be

- About a living, identifiable individual
- Relating to such an individual
- Forming part of an accessible record
- Held or intended to be held electronically
- Held in a relevant filing system.

Personal data includes data which when brought together with other information held allows a living individual to be identified e.g. a name and date of birth, a list of names with associated course information, a name and image. Even anonymised information e.g. statistics can be deemed to disclose personal data where an individual's particular circumstances are unique.

Sensitive personal data

2.1 Some data is classed as 'sensitive' within the terms of the DPA. This type of data is subject to further regulation under the DPA and can only be processed under certain circumstances.

2.2 Personal data becomes 'sensitive' if it includes any of the following types of personal data about an identifiable, living individual:

- Racial or ethnic origin
- Political opinion
- Religious belief
- Trade union membership
- Physical or mental health
- Sexual Life
- Commission of offences or alleged offences

What/who is the Data Subject?

2.3 The data subject is the individual to whom the information relates

What/who is the Data Controller?

2.4 The data controller is defined as the person/organisation who either alone or jointly or in common with others determines the purposes for which and the manner in which any personal data are to be processed.

(Employees who process personal data as part of their work for an organisation are part of the data controller function in that they must work according to the organisation's procedures.)

What is processing?

2.5 Data processing is any activity involving personal data. This includes obtaining, recording, transferring, storing, retrieving, consulting, amending, printing, deleting and destroying.

What is a data processor?

2.6 A data processor is any person (other than an employee of the data controller) who processes personal data on behalf of the data controller.

What is a third party?

2.7 A third party is any person/organisation other than the Data Subject, Data Controller, data processor or any other person authorised to process the personal data for the data controller or data processor.

3. Roles and Responsibilities

Board of Governors

- Is the Data Controller for UTCC
- Accountable for data protection
- Ensures that measures are in place relating to personal data being fairly, lawfully and securely processed

Principal

- Has the delegated the responsibility of Data Controller for UTCC
- The Data Controller has responsibility for ensuring the effective management of data protection in all processing

- Ensures that adequate arrangements exist for the effective implementation of the UTCC Data Protection Code of Practice; this is achieved through procedures in place.
- The Data Controller is responsible for ensuring that the necessary resources are in place to secure full compliance with statutory requirements including the provision of appropriate technological and organisational measures for the protection of personal data and staff awareness training; and to ensure that adequate resources are made available for data protection purposes; and to ensure organisational arrangements are implemented effectively.
- The Data Controller has overall accountability for the strategic direction, oversight, monitoring, and leadership of data protection and is the named person responsible for ensuring that the objectives of the UTCC Data Protection Code of Practice are achieved.

All Staff

All staff are responsible for:

- Processing personal information fairly, lawfully and securely
- Seeking guidance if they believe that personal data may be at risk of damage, loss or unauthorised disclosure
- Reporting any breach of the DPA to the Data Controller
- Complying with all data protection requirements
- Maintaining their knowledge and understanding of Data Protection, through annual mandatory training

All staff, whether or not they physically create, receive or maintain personal data themselves, have an obligation to comply with the principles and requirements of the DPA.

HR/Business Manager

- Oversees the effective implementation of data protection legislation on behalf of the Data Controller
- Provides competent advice and guidance to managers and other employees on matters of personal data
- Reports to all Data Controllers on data protection performance
- Identifies and promotes relevant data protection compliance training for staff at all levels
- Promotes a positive professional compliance culture within UTCC in order to imbed privacy awareness as a norm in all personal data processing
- Undertakes monitoring and auditing of professional compliance across UTCC.

4. Arrangements for Data Protection

Arrangements for Privacy Impact Assessments

Privacy Impact risk assessments (PIRs) are integrated into the planning of all new projects or activities which involve the processing of personal data, the use of new technology related to personal data processing or new arrangements for processing personal data e.g. working off-site. Implications for privacy and data protection are considered at an early stage and the measures to address risks are recorded together with control measures. The Project Leader/Manager responsible for the project or the area of activity undertakes the PIR in consultation with stakeholders and the HR/Business manager.

3.2 Arrangements for Training

To support the implementation of the Data Protection Policy, training is provided for Managers and Staff as required. Additional training needs are identified by PIRs, audits and individual appraisals. Data Protection training is organised by the HR/Business Manager. Induction information for all new staff includes information about Data Protection and specifically the UTCC Data Protection Policy.

Managers and supervisors ensure that staff receive adequate training in data protection and privacy matters.

3.3 Arrangements for Audit

The Data Controller, HR/Business Manager and the designated Governor will undertake an annual audit of the organization compliance with data protection legislation.

Managers will undertake an annual departmental audit of Data Protection practice using UTCC Data Protection checklists. Managers record all significant issues identified and any remedial action taken.

3.4 Arrangements for Communication

Information about Data Protection is made available to staff using the Intranet, newsletters and email. Requests for information in alternative formats should be made to the HR/Business Manager.

3.5 Arrangements for Privacy Notices

Principle 1 of the DPA requires that personal data is processed fairly and lawfully. At the point of gathering personal information for processing, data subjects are given information relating to:

The organisation – UTCC is its own data controller.

- The purpose of processing.
- With whom personal information will be shared.

Managers ensure that hard copy/electronic forms and other technologies which are used to gather personal data are accompanied by Privacy Notices at the point of collection.

3.6 Arrangements for Data Sharing Agreements

Where regular exchange of personal data takes place with another organisation, the boundaries of data sharing is agreed in compliance with the DPA. The agreement is concerned purely with personal data and identifies:

- The legal basis for sharing information
- The responsible post-holders and their delegates
- The purpose of the data sharing
- The specific fields of data to be shared
- The responsibilities of each party in relation to Subject Access Requests, Complaints, Breaches of the DPA
- Retention of personal data
- Security measures
- Termination arrangements

Privacy Impact risk assessments identify the need for a data sharing agreement at an early point in planning new activity which involves personal data. Managers consult the HR/Business Manager where the regular exchange of personal data occurs or is planned.

5. Requests for Access to Personal Information

All individuals (staff and other data subjects) have the right of access to personal data which an organisation holds about them. Individuals (or their nominees) need to submit a written request clearly stating what personal data is being requested.

The HR/Business Manager receives and processes requests for access to personal information from data subjects and third parties acting on their behalf. Requests are processed promptly and within 40 calendar days once necessary information and payment is received. Queries relating to such requests received by other staff are referred to the HR Business Manager.

Queries relating to requests for personal information received in relation to the prevention and detection of crime and legal proceedings are also referred to the HR Business Manager who process these in accordance with the DPA.

Arrangements for Complaints about the processing of Personal Data

Queries relating to complaints received regarding the processing of personal data must be promptly referred to the HR/Business Manager.

Formal complaints must be submitted in writing or by email eandrews@utccambridge.co.uk and UTCC is required to respond within 21 days.

6. Arrangements for Records Management

Managers are responsible for the management of records held locally and ensure that information on material that is submitted to UTCC central records is held in such a way as to enable later retrieval.

The HR/Business Manager oversees the arrangements for material received into and held in the central archive, and liaises with Managers with regards to retrieval, return and destruction.

Requests for the retrieval of archived personal files are subject to a protocol requiring confirmation of the request by a manager.

7. Arrangements for Personal Data – Storage

Personal data may only be stored on UTCC owned mobile devices with the individual's permission.

Whilst staff are processing hard copy personal data, care must be taken to ensure that it is kept secure and out of sight when not specifically in use.

Hard copy personal data that is no longer in active use must be retained securely in accordance with UTCC Record Retention Schedule.

Requests for submission of hard copy material to the archive must be directed to the HR/Business Manager. When teams submit items to the archive they must retain relevant information in a form that is accessible to successor individuals/teams to allow later retrieval.

7.0 Arrangements for Retention and Disposal of Personal Data

Personal data is retained in accordance with UTCC Record Retention Schedule
Personal data held in hard copy form is disposed of using the UTCC Disposal of

Confidential Waste procedure.

The disposal of hardware that may contain personal data in digital form is carried out in conjunction with IT Services.

UTCC IT and Telecoms Lead will ensure that measures are in place to safely cleanse all equipment (including Multi-Function Devices) which is owned by UTCC or is hired on behalf of UTCC.

Arrangements for Reporting Personal Data incidents

A breach of the DPA occurs when personal information is not processed according to the 8 Principles of the Act and may include loss, damage, theft or disclosure to an unauthorised third party.

A member of staff who believes that there may have been a breach of the DPA, must notify their Manager.

Managers who are advised that a data incident may have or has occurred should notify the Data Controller and the HR/Business Manager will assist with an investigation of the incident and where necessary will make recommendations for action.

IT Security

Computers, laptops and other devices used to process personal data are not left so that information is accessible when unattended, and are protected by passwords.

Access passwords are not written down or available to others under any circumstances.

Screens are locked when computers are left unattended, irrespective of the amount of time spent away.

Computer screens are positioned away from the view of visitors or the public, and angled away from windows or open areas. Where it is not possible to position screens out of sight, a privacy screen filter will be used.

Arrangements for the Use of Email

Email as a means of communication is particularly vulnerable to breaches of the DPA.

Email is not used to communicate personal data unless the data is encrypted. Guidance should be sought from IT where encryption may be needed.

Arrangements for Purchasing

Before requesting or purchasing equipment relating to the storage and processing of personal data (e.g. mobile devices, surveillance equipment etc.), departments consider any risks to privacy and consult both IT Services and the HR/Business Manager who will be able to advise with regard to encryption, destruction and legislation.

Appendix I. UTCC Privacy Notice

Arrangements for Marketing

The DPA provides individuals with the right to prevent processing of their personal data for direct marketing purposes.

Managers are responsible for ensuring that any marketing exercise in which they participate is undertaken lawfully and that the requirements of both the DPA and the Privacy & Electronic Communications (EU Directive) Regulations 2003 are observed.

Arrangements for Social Media and Networking

Use of social networking applications as part of a service provided by UTC Cambridge (whether they are hosted by UTCC or by a third party) is facilitated by UTCC Senior Management Team who monitor subsequent use. Staff must not post personal images of others without explicit, fully informed consent.

Whether acting on behalf of UTCC or in a private capacity, staff must not publish or disclose any private, personal or confidential information obtained at work, including information relating to staff, customers, service users or other third parties with whom they come into contact.

Arrangements for Visitors

Visitors are responsible for any personal data which they carry whilst on UTCC's premises and must not dispose of hard copy material containing personal data which is in their possession in UTCC's waste facilities.

Arrangements for Contractors

Contractors working on sites belonging to UTCC are asked to notify a member of UTCC Senior Management Team. They should not be exposed to personal data during the course of their work.

University Technical College Cambridge ("UTCC") processes personal data about its applicants and students and is a 'data controller' for the purposes of the Data Protection Act 1998. By signing the application or enrolment form you give your consent, and where necessary, your explicit consent to the UTCC holding and processing for all relevant purposes all data that is held concerning you. You also consent to UTCC providing this information to other organisations for the purposes of college and student funding, examinations and other assessments and awards, careers and other guidance, statistical analysis, research and administration, and for processing and analysis in connection with these purposes.

Data Collected by UTCC

The UTCC collects the following types of personal data about you:

- name, address, contact details;
- previous educational establishment and qualifications on entry
- course details, attendance record and marks/awards received;
- financial information relevant to your fees and/or funding;
- information relating to your health where relevant to your learning needs, access and/or pastoral care;
- ethnic group information;
- digital image (enrolled students only) and
- information relating to your activities whilst visiting UTCN's campus sites (including CCTV records).

This will mainly be from you but may in addition be obtained from other Schools, Awarding Bodies, UCAS, , Local Authorities and agencies which support students.

This information includes personal data and sensitive personal data as defined under the Data Protection Act 1998. If the proposed transfer includes sensitive personal data (being information relating to your health, ethnicity, or relating to the commission or alleged commission of any offences by you), we require your consent to collect, process and retain this information. It is essential that the UTCC is able to do so and this consent is an important

part of UTCC's enrolment requirements.

Purposes for data processing by UTCC

The UTCC processes this data to

- Support and provide applicants with advice and guidance;
- Record and Monitor the progress of applications through to enrolment;
- Plan the delivery of teaching and appropriate support;
- Undertake statistical analysis of demand;
- Support and provide its students with teaching and learning;
- Monitor and report on their progress;
- In relation to the student's image:
 - Generate the student card for reasons of identification and security
 - Link the image to email messages to help staff and other students know from whom they may receive internal messages (This option is only activated by the student)
 - For organisational functioning in relation to group and course management
- Obtain funding for the UTCC to carry out its activities;
- Provide appropriate pastoral care;
- Deal with any enquiries
- Assess how well UTCC as a whole is doing; and
- Fulfil its legal obligations, including complying with audit obligations.

Transfers of your personal data from the UTCC

UTCC may transfer your personal data (which may include sensitive personal data) to third parties. This data will only be transferred by UTCC for the specific purposes required by law or as otherwise reasonably required and where necessary consented to by you in advance.

From time to time UTCC is required to pass on your personal data to the **Skills Funding Agency* (SFA)** and the **Education Funding Agency (EFA)** and the **Learning Records Service* (LRS)** through which other organisations may request access to your achievement information, the **Department for Education (DfE)**, **Ofsted**, educational institutions and organisations performing research and statistical work on behalf of the SFA and EFA or their partners, **Local Authorities**, **examination boards** and **awarding bodies**, other funding bodies, **auditors** and, for those in receipt of benefits, the **Department of Work and Pensions (DWP)**. As well as sending information to **Ofqual** (which is the exams and qualifications regulator in England and Northern Ireland) the UTCC may also provide information to the Welsh Government (which is the exams and qualifications regulator in Wales). In some cases, personal data may be provided to such organisations as those above through agencies acting on their behalf. The UTCC may also pass on some of this data to **UCAS**, **employment agencies** and **prospective employers** in respect of reference requests for students, and **debt recovery agencies** acting on behalf of UTCC. All these parties in receipt of your personal (and/or sensitive personal) will be subject to the same legal constraints as UTCC, under the Data Protection Act 1998, in how they deal with your data.

UTCC may provide information about application progress and attendance, progress, achievements and other relevant matters to **parents** and **carers** (with access rights) of applicants and students under the age of 18 years, and to **sponsoring employers** or **schools** of students of any age.

For matters of security for the UTCC community, personal information may occasionally be shared with the police.

The UTCC may make other transfers of your personal and sensitive personal data. Any such transfers will only be made as required or otherwise permitted by law.

These transfers are in order that UTCC can liaise with these other agencies and properly provide the education services to you and obtain funding for your attendance as required and for funding bodies to receive proper details in return to ensure funding is justified and to allow analysis of current funding and improvement of the services provided by the UTCC in the future.

Applicants and students, as data subjects, have certain rights under the Data Protection Act 1998, including a general right to be given access to personal data held about them by any data controller. If you wish to access the personal data held on you by UTCC or any of the third party transferees above, please contact the relevant organisation in writing. Details of the above third party organisations can be obtained from the HR/Business Manager.

Applicants and Students aged 14 years and over

In addition to the processing purposes set out above, in relation to the Local Authority's statutory duty "to encourage, enable or assist young people's participation in education or training", the UTCC is legally required to pass on certain personal information on request. The Local Authority has a key role in ensuring that all 16-17 year olds are made aware that they should be offered a place in post-16 education or training, to work with partners to shape education and training provision to meet young people's needs and to collect and record the offers made to young people to help target resources on those who have still to find a suitable place. This information includes the name and address of the applicant/student and his/her next of kin, as well as the date of birth of the applicant/student and any further information relevant to the service (Section 72 of the Education and Skills Act 2008). However parents, or the applicants/students themselves if aged 16 or over, can ask that no information beyond name and address (for applicant/student and parent) and date of birth of the applicant/student be passed on to the Local Authority in relation to this service. If as a parent, or as an applicant/student aged 16 or over, you wish to opt-out and do not want the Local Authority to receive from the UTCC information beyond name and address and date of birth, then please contact the HR/Business Manager (see contact information below).

Information shared with post 16 providers (eg College or Sixth Form College)

Once students have enrolled for their Year 12 programme of study, information will be passed on to their post 16 College or Sixth Form College. This will include information collected as part of the statutory school census return such as, but not limited to, free school meal eligibility, special educational needs, language information, exclusions information and attendance information. Passing on of this information will mean that the college or other provider can ensure that the support students need in order to be successful in their course is put into place

Students can ask that no information be passed on to their post-16 provider. If you wish to opt-out and do not want your post 16 provider to receive this information, you need to send a signed letter to:

Cambridgeshire County Council Children's Services,
Shire Hall,
Castle St,
Cambridge,
CB3 0AP

Your rights under the Data Protection Act 1998

You have the right to request a copy of the information that is held about you. If you wish to access the personal data held on you by the UTCC or any of the third parties above, please contact the relevant organisation in writing. Details can be obtained from the HR/Business manager (see contact information below).

We want to make sure that your personal information is accurate and up to date:

You may ask us to correct or remove information you think is inaccurate.

You can decline to be contacted by the UTCC for marketing purposes.

You also have the right to object, in whole or in part on legitimate grounds, to processing that is likely to cause or is causing damage or distress

Should you wish to exercise any of the above rights you will need to do so in writing. For more information please contact **the UTCC HR/Business manager (Tel 01223 724300; email eandrews@utccambridge.co.uk)**

Learner Records Services – Privacy Notice for: pupils, students, learners and trainees

Some of the information you supply will be used by the Skills Funding Agency to fulfill its statutory functions, issue/verify your Unique Learner Number (ULN) and update/check your Personal Learning Record. The Skills Funding Agency may share your ULN and Personal Learning Record with other education related organisations, such as your careers service, school, college, university, Government Departments and public bodies responsible for funding your education. Further details of how your information is processed and shared can be found at the following websites

Information for Learners – LRS Privacy Notice

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/289174/PN02PrivacyNoticestudentsandlearnersversion1-3-aug2012.pdf

Information for Parents – LRS Privacy Notice

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/284177/PLR_useful_information_for_learners_and_parents.pdf

Skills Funding Agency Privacy Notice

<https://www.gov.uk/government/publications/sfa-privacy-notice>

