

## Control of Information Policy



### Introduction

The Data Protection Act 1998 put additional responsibilities onto organisations for the proper collection, storage, use and release of information on individuals. This applies to both manual records and computerised systems. For the College, this means information held in both student files and staff files.

The types of information held and how it is used are detailed in the College's registration papers issued by the Information Commissioner under their reference Z7472766. The registration papers are available for inspection and are held by the Deputy Principal (Finance & Administration) who is the College's Data Controller as defined by the Act.

Clear policies and procedures for dealing with the control of data are set out in the following pages. Staff must be aware of and must follow the requirements as set out in this policy. Students are made aware of the policy as part of their induction process. Failure by staff or students to follow procedures could be considered as misconduct or gross misconduct and would be dealt with under the College's misconduct procedures.

Any queries or concerns about this policy or any operational issues which arise should be referred to the College's Data Controller. Procedures for formal complaints are set out in Section 4.

## **Section 1**

### **Policy Statement**

#### **1.1 Open Policy**

The College supports the principles of the Data Protection Act 1998 and the Human Rights Act 1997 regarding the freedom of information.

#### **1.2 Types of Information**

The College policy is to retain on file only information that is relevant to the position and status of the person concerned. Information must be:

- adequate, relevant and not excessive for the purpose;
- accurate and up to date (unsupported statements and rumours must not be recorded;)
- received and processed in the normal course of College business.

The College will record professional judgements and opinions of a person only in relation to that person's responsibilities, duties and obligations to the College. Such information may be used by authorised staff in carrying out their responsibilities, duties and obligations to the College.

#### **1.3 Time Limitations**

Only information which is current will be held on file. The College defines current as up to 6 years old. The College may be required to record some information for longer periods to satisfy statutory requirements and these periods will vary according to individual cases.

#### **1.4 Security of Information**

##### **1.4.a) Manual Files**

Files will be permanently held in secure areas which will be locked when no staff are in attendance.

Access to files will be by staff as authorised by the College. The list of authorised staff will be reviewed, amended and advised by the College to suit operational requirements from time to time.

Files issued to authorised staff for operational purposes will be under a control system for that particular status of person, as set out in subsequent sections.

Old files and any time barred information will be permanently destroyed in a controlled environment. A record will be kept of files destroyed.

#### **1.4.b) Electronic/Computerised Files**

All staff and students will have their own individual log in password for access into the network allocated to them. It is the responsibility for all staff and students to ensure that:

- 1) they only use their password themselves and do not divulge it to anyone;
- 2) they do not leave systems logged in, unattended and openly displaying sensitive information;
- 3) they properly log off from systems after use.

The Director of Information & Communication Technology will be responsible for ensuring that each individual member of staff and each student have the appropriate access rights to information for their status and level at the College.

The computerised CCTV recordings are considered as personal data under the Act. Recordings on the CCTV files will only be used by the College for security purposes, including in house investigation and for liaison with the police for serious or criminal incidents. In these cases, copies of recordings and prints can be retained for up to 6 years where criminal proceedings are possible. Otherwise, recordings are permanently erased on a rolling basis within 30 days.

#### **1.5 Access to Files**

A person can request to see their own file without any fee and the College undertakes to arrange for that person to view their file within 20 working days.

#### **1.6 Disclosure of Information to Third Parties**

- a) In accordance with the Act, the College will give information in a non-personalised form to government bodies and other agencies for the collection and analysis of statistical data (e.g. examination results).
- b) In accordance with the Act, under a specific authority as an educational provider, the College may give names, addresses, National Insurance Numbers and other national data to government and other exempt bodies (e.g. The Inland Revenue, Social Services) as requested.
- c) Without the need for written permission, the College will provide a reference containing relevant information on a person to another body for either:
  - a person attending another educational course or training course;
  - a person seeking employment.

College policy is that such references are not confidential and will be held in a person's file with other information.

- d) The College will obtain written authority from a person in order to provide other specific, personal information to any unauthorised body (e.g. a mortgage application reference/confirmation from a commercial lender). Where information is requested without a written authority, a form will be issued to the subject specifically to give authority for that enquiry only. A reply will only be given when an authority is held.
- e) Alternatively, staff will be given the option when they start to sign a general letter of authority to give replies to commercial enquiries as and when received. This authority will be held in a person's file until withdrawn in writing.

### **1.7 Taking Information Off Site**

There are occasions where information is taken off-site - e.g. student trips, where addresses and medical information are carried by the Trip Organiser. In all such cases, the information is covered by this policy and the carrier of the information is bound by the principles indicated by the policy guidelines.

The carrier will:

- endeavour to keep information as secure as possible based on the circumstances and the local environment;
- only release information in an emergency to appropriate parties;
- only use the information for its intended purpose as previously stated (and with prior agreement if necessary);
- return information to the appropriate files on return or ensure its confidential destruction if no longer required.

### **1.8 Keeping Information Up To Date**

- a) In view of the short time students attend the College, all general data is considered as up to date and will be kept in student files for archiving in due course.
- b) Periodically, current staff files will be reviewed to remove any old and irrelevant information. Staff will also be issued with details from the data base to examine and to ensure that general data is up to date and accurate.

### **1.9 Statutory Requirement**

All the College policies and procedures are subject to current legislation, new legal regulations which may come into force and any specific court order which may require the College to retain, release or destroy information outside the scope of these policy guidelines. There are current statutory requirements on the College relating to data and paperwork for taxation, accounting, educational data and some personnel information.

## **Section 2**

### **Student Records**

#### **2.1. Authorised Access**

For operational purposes, staff with authorised access to student files (both current and former students) will be:

- any member of Senior Management Team;
- any Personal Assistant to the Senior Management Team;
- any member of the Student Services team (academic and support staff);
- any member of the teaching staff (after consultation with one of the above);
- any member of the Registry team.

Students seeking access to their files should approach a member of the College Principalship, Faculty Director or Assistant Principal (Advice & Guidance).

#### **2.2. Storage**

##### **2.2.a) Current Students:**

For operational purposes the files of current students are kept in a secure place at all times. The general files of current students are stored in the offices of the appropriate Personal Tutor. These offices are kept locked when unoccupied. Some academic records are stored in secure cabinets within the Registry and curriculum areas.

##### **2.2.b) Ex-Students**

In line with a requirement by the Learning and Skills Council requirement, the files of former students must be held for six years and are held in a secure administrative location, either within the student services or general administrative areas with access restricted to authorised staff only.

After six years, the files of ex-students are destroyed in a controlled environment by authorised staff. However, if the file has been referred to in the past 3 years in respect of a criminal or civil investigation, then the College has the option to retain the file for a further 3 years.

#### **2.3. Examination Results**

Under the Act, a student's individual results are personal data and can only be released with specific written consent or under a general authority given by the student.

Examination results can and will be published in a summarised impersonalised format for statistical purposes and will be submitted to interested parties (e.g. the Young People's Learning Agency, Universities ) for their information only.

The College's student learning agreements include permission for the College to release individual examination results to other educational establishments where the student has an interest (e.g. previous school, potential university) and to current or potential employers who require confirmation of grades achieved.

There will be no further release or publication of individual results without the specific verbal or written permission of the student concerned.

## **Section 3**

### **Staff Records**

#### **3.1 Authorised Access**

- a) For operational purposes, staff with authorised access to staff files (both current staff and former staff) will be:
- any member of the Senior Management Team;
  - any Personal Assistant to the Senior Management Team;
  - any HR Administrator, designated senior Personnel Manager or Human Resources Manager as may be appointed from time to time.
- b) Data will be released to any appointed outside payroll agency which acts for the College in payroll administration. Any payroll agency is required to control data:
- for its own use in preparing payroll reports and paperwork for the College payroll;
  - to prepare and issue statutory reports on behalf of the College for items such as Tax, N.I. and Pensions.

#### **3.2 Storage**

For operational purposes, staff files will be stored under the control of the HR Administrator in a secure area which will be staffed during the day and locked at night. Access will be restricted to authorised staff only.

#### **3.3. Destruction of File Items**

Under College capability and disciplinary procedures, some paperwork for current staff has to be removed after a specified period (normally 12 months). In these cases, the HR Administrator will diarise any review date agreed for the file and then if appropriate, remove and destroy the specified relevant paperwork by shredding.

### **3.4. Job Application Forms**

Application forms when received at the College will be held in secure lockable offices and will be reviewed by the authorised staff including the Senior Management Team, the Principal's P.A., the HR Administrator and Line Managers for the post being advertised.

Any Equality & Diversity and Declaration of Health forms enclosed with the applications will be extracted by the HR Administrator immediately on receipt of the application in the HR Office before the applications are assessed. The forms will be held in a separate file under the control of the HR Administrator. They will only be used for analysis and monitoring as part of an annual Equality and Diversity report prepared for the Senior Management Team, the Corporation and other interested organisations and The Sixth Form Colleges Employers Forum. Information in the annual report is provided in a statistical format only and no individual names are included.

When a successful candidate has been appointed the applications will be dealt with as follows:

- a) the successful candidate's papers will be transferred to existing staff files;
- b) applications for unsuccessful short listed candidates will be held for 12 months from the interview date then destroyed under the procedures for the disposal of staff files;
- c) all other unsuccessful applications and related paperwork will be retained in a secure office by authorised staff for a period for 6 months from the interview date then destroyed under the procedures for the disposal of staff files;
- d) application forms incorporate a clause to authorise the College to contact an unsuccessful applicant in the future should another similar opportunity arise. This clause is optional and applicants can delete this clause if they wish when they are filling in the application for the original vacancy.

### **3.5. Inward Enquiries on Staff**

#### **3.5a) Job Enquiries**

In line with normal working practise, the College will give a reference to an external organisation which enquires about a person's suitability for another post (section 1.6.c refers). The College policy is that references are not confidential and copies of references are held in staff files to which staff can have access.

#### **3.5 b) Commercial Enquiries**

For all non-work related enquiries, written consent of the staff member will be required as outlined in Section 1.6 d) & e). A copy of the reply to an enquiry will be held in the member of staff's file.

### **3.6 Files for Ex-Staff**

When staff leave the College, their file will be held for a period of 6 years from their leaving date. The files will then be destroyed at the next scheduled bulk destruction which will normally be by shredding by an authorised paper shredding agent.

Where an ex-member of staff rejoins the College within the 6 year period, their file will be resurrected and reviewed in order to remove any out of date or irrelevant data which will be destroyed. It will then be put back into the current staff files.

Where an ex-member of staff rejoins after the 6 year period and their old file has already been destroyed, then a new file will be started as though they were a first time starter.

If within the 6 years after leaving there is any need to refer to the file for an ex-member of staff in respect of any incident which, in the opinion of the College could lead to future civil or criminal actions against the ex-member of staff, then the College reserves the right to extend the retention period to 6 years from the date of the incident or from the date of reference to the file.

## **Section 4**

### **Grievances and Appeals**

#### **4.1. Initial Complaint**

If a subject has a complaint they should in the first instance write to the Principal at the College, setting out the circumstances and the nature of their complaint.

The Principal will acknowledge the complaint immediately, arrange an investigation into the complaint and give a formal reply within 30 days.

#### **4.2. First Appeal**

If on receiving the formal reply from the Principal the subject feels that the complaint has not been dealt with satisfactorily, the subject can make an appeal to the Chair of the Corporation of the College. Such a complaint should be to the 'Chair of the Corporation, The Sixth Form College Farnborough' and addressed to the College. The Chair will acknowledge the appeal within 7 working days, investigate the circumstances and issue the College's formal reply within a further 20 working days.

#### **4.3. Appeal to the Information Commissioner**

If the data subject is not satisfied with the College's formal answer or the way the complaint has been dealt with, then they have the right to appeal to the Information Commissioner at the address below:

Office for Data Protection

Wycliffe House

Water Lane

Wilmslow

Cheshire SK9 5AF

Tel: 0303 123 1113

College I.D. Reference: Z7472766