

Data Protection Policy for West Midlands Open College

Year 2013 to 2014

Policy Statement

West Midlands Open College collects and uses information about people with whom it communicates. This personal information must be dealt with properly and securely however it is collected, recorded and used – whether on paper, in a computer, or recorded on other material – and there are safeguards to ensure this in the Data Protection Act 1998.

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West Midlands Open College regards the lawful and correct treatment of personal information as very important to the successful and efficient performance of its functions, and to maintain confidence between those with whom it deals.

To this end West Midlands Open College fully endorses and adheres to the Principles of Data Protection, as set out in the Data Protection Act 1998.

Purpose

The purpose of this policy is to ensure that the staff, volunteers and trustees of West Midlands Open College are clear about the purpose and principles of Data Protection and to ensure that it has guidelines and procedures in place which are consistently followed.

Failure to adhere to the Data Protection Act 1998 is unlawful and could result in legal action being taken against West Midlands Open College or its staff, volunteers or trustees.

Principles

The Data Protection Act 1998 regulates the processing of information relating to living and identifiable individuals (data subjects). This includes the obtaining, holding, using or disclosing of such information, and covers computerised records as well as manual filing systems and card indexes.

Data users must comply with the data protection principles of good practice which underpin the Act. To comply with the law, information must be collected and used fairly, stored safely and not disclosed to any other person unlawfully.

To do this West Midlands Open College follows the eight Data Protection Principles outlined in the Data Protection Act 1998, which are summarised below:

- I. Personal data will be processed fairly and lawfully
- II. Data will only be collected and used for specified purposes
- III. Data will be adequate, relevant and not excessive
- IV. Data will be accurate and up to date
- V. Data will not be held any longer than necessary
- VI. Data subject's rights will be respected
- VII. Data will be kept safe from unauthorised access, accidental loss or damage
- VIII. Data will not be transferred to a country outside the European Economic Area, unless that country has equivalent levels of protection for personal data.

The principles apply to "personal data" which is information held on computer or in manual filing systems from which they are identifiable. West Midlands Open College's employees, volunteers, trustees and students who process or use any personal information in the course of their duties will ensure that these principles are followed at all times.

Signed by The Principal and CEO



Date: 1st November 2013



Procedures

The following procedures have been developed in order to ensure that West Midlands Open College meets its responsibilities in terms of Data Protection. For the purposes of these procedures data collected, stored and used by West Midlands Open College falls into two broad categories:

1. West Midlands Open College's internal data records; staff, students, volunteers and governors and directors
2. West Midlands Open College's external data records; Applicants expression of interest, exam boards, clients, suppliers and as the case might be that relates to the College.

West Midlands Open College as a body is a DATA CONTROLLER under the Act, and the Principal and CEO is ultimately responsible for the policy's implementation.

INTERNAL DATA RECORDS

Purposes

West Midlands Open College obtains personal data (names, addresses, phone numbers, email addresses, DOB, bank details, NI), application forms, and references and in some cases other documents from staff, volunteers and students applicants. This data is stored and processed for the following purposes:

- Recruitment of both staff and students, and in surveys that involve the outside college community.
- Equal Opportunities monitoring
- Volunteering opportunities
- To distribute relevant organisational material e.g. meeting papers
- Payroll

Access

The contact details of staff, volunteers and trustees will only made available to other staff, volunteers and trustees. Any other information supplied on application will be kept in a secure cabinets, and if computers with secured passwords and is not accessed during the day to day running of the organisation.

Contact details of staff, volunteers and students will not be passed on to anyone outside the organisation without their explicit consent.

A copy of staff, volunteer, and student emergency contact details will be kept in the Emergency File for Health and Safety purposes to be used in emergency situations e.g. fire/ bomb evacuations.

Staff, volunteers and students will be supplied with a copy of their personal data held by the organisation if a request is made.

All confidential post must be opened by the addressee only.

Accuracy

West Midlands Open College will take reasonable steps to keep personal data up to date and accurate. Personal data will be stored for 6 years after an employee, volunteer or trustee has worked for the organisation and brief details for longer. Unless the organisation is specifically asked by an individual to destroy their details it will normally keep them on file for future reference. The Principal and CEO has responsibility for destroying personnel files.

Storage

Personal data is kept in paper-based systems and on a password-protected computer system. Every effort is made to ensure that paper-based data are stored in organised and secure systems.

West Midlands Open College operates a clear desk policy at all times.

Signed by The Principal and CEO

A handwritten signature in black ink, appearing to read 'A. Roberts', is written over a light blue rectangular stamp.

Date: 1st November 2013

Use of Photographs

West Midlands Open College takes passport size or as the case may be photographs for the purposes of issuing identification cards to both students and staff including volunteers and governors/trustees.

Where practicable, West Midlands Open College will seek consent from individuals before displaying photographs in which they appear. If this is not possible (for example, a large group photo), the organisation will remove any photograph if a complaint is received. This policy also applies to photographs published on the organisations website or in the Newsletter.

EXTERNAL DATA RECORDS

Purposes

West Midlands Open College obtains personal data (such as names, addresses, and phone numbers) from applicants and collaborators. This data is obtained, stored and processed solely to assist staff and volunteers in the efficient running of services. Personal details supplied are only used to send material that is potentially useful. Most of this information is stored on the organisation's database.

West Midlands Open College obtains personal data and information from staff, student and collaborators in order to provide services. This data is stored and processed only for the purposes outlined in the agreement and service specification signed by the staff and students and collaborators.

Consent

Personal data is collected over the phone and using other methods such as e-mail. During this initial contact, the data owner is given an explanation of how this information will be used.

Written consent is not requested as it is assumed that the consent has been granted when an individual freely gives their own details.

Personal data will not be passed on to anyone outside the organisation without explicit consent from the data owner unless there is a legal duty of disclosure under other legislation, in which case the Principal will discuss and agree disclosure with the Directors and heads of department.

Contact details held on the organisation's database may be made available to groups/ individuals outside of the organisation. Individuals are made aware of when their details are being collected for the database and their verbal or written consent is requested.

Access

Only the organisation's staff, volunteers and trustees will normally have access to personal data.

All staff, volunteers and trustees are made aware of the Data Protection Policy and their obligation not to disclose personal data to anyone who is not supposed to have it.

Information supplied is kept in a secure filing, paper and electronic system and is only accessed by those individuals involved in the delivery of the service.

Information will not be passed on to anyone outside the organisation without their explicit consent, excluding statutory bodies e.g. the Inland Revenue.

Individuals will be supplied with a copy of any of their personal data held by the organisation if a request is made. All confidential post must be opened by the addressee only.

Accuracy

West Midlands Open College will take reasonable steps to keep personal data up to date and accurate. Personal data will be stored for as long as the data owner/ client/ member uses our services and normally longer. Where an individual ceases to use our services and it is not deemed appropriate to keep their records, their

Signed by The Principal and CEO



Date: 1st November 2013



records will be destroyed. However, unless we are specifically asked by an individual to destroy their details, we will normally keep them on file for future reference.

If a request is received from an organisation/ individual to destroy their records, we will remove their details from the database and request that all staff holding paper or electronic details for the organisation destroy them. This work will be carried out by the Principal and CEO or the appointed information officer.

This procedure applies if West Midlands Open College is informed that an organisation ceases to exist.

Storage

Personal data may be kept in paper-based systems and on a password-protected computer system. Paper-based data are stored in organised and secure systems.

West Midlands Open College operates a clear desk policy at all times.

Use of Photographs

Where practicable, West Midlands Open College will seek consent of members/ individuals before displaying photographs in which they appear. If this is not possible (for example, a large group photo), the organisation will remove any photograph if a complaint is received. This policy also applies to photographs published on the organisation's website or in the Newsletter.

Data Barring Services/Criminal Records Bureau

West Midlands Open College will act in accordance with the CRB's code of practice. Copies of disclosures are kept for no longer than is required. In most cases this is no longer than 6 months in accordance with the CRB Code of Practice. There may be circumstance where it is deemed appropriate to exceed this limit e.g. in the case of disputes.

Responsibilities of staff, volunteers and council of assessors

During the course of their duties with West Midlands Open College, staff, volunteers and council of assessors will be dealing with information such as names/addresses/phone numbers/e-mail addresses course work of students, or of members/clients/volunteers. They may be told or overhear sensitive information while working for West Midlands Open College. The Data Protection Act (1988) gives specific guidance on how this information should be dealt with.

In short to comply with the law, personal information must be collected and used fairly, stored safely and not disclosed to any other person unlawfully. Staff, paid or unpaid must abide by this policy. To help staff, volunteers, trustees meet the terms of the Data Protection Act; the attached Data Protection/Confidentiality statement has been produced. Staff, volunteers and trustees are asked to read and sign this statement to say that they have understood their responsibilities as part of the induction programme.

Compliance

Compliance with the Act is the responsibility of all staff, paid or unpaid. West Midlands Open College will regard any unlawful breach of any provision of the Act by any staff, paid or unpaid, as a serious matter which will result in disciplinary action. Any employee who breaches this policy statement will be dealt with under the disciplinary procedure which may result in dismissal for gross misconduct. Any such breach could also lead to criminal prosecution.

Any questions or concerns about the interpretation or operation of this policy statement should in the first instance be referred to the line manager.

Retention of Data

No documents will be stored for longer than is necessary.

All documents containing personal data will be disposed of securely in accordance with the Data Protection principles.

Signed by The Principal and CEO

A handwritten signature in black ink, appearing to be 'A. L. ...', written over a light blue background.

Date: 1st November 2013