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Data Protection Policy

University of London Data Protection
UoL website link: http://www.london.ac.uk/238.html
Staff intranet link: https://intranet.london.ac.uk/3631.html
Email: records.managament@london.ac.uk

UNIVERSITY OF LONDON

Contents

UNIVERSITY OF LONDON

1 Policy statement

The University is committed to complying with the Data Protection Act 1998 as an academic institution, an employer and as a service provider. In order to do this the University will:

- obtain consent when collecting personal data
- inform people what is being done with their data
- keep personal data safe and secure
- observe the rights of individuals under the Act
- ensure staff are appropriately trained in managing personal data
- ensure that records containing personal data are effectively managed

2 Introduction and scope

The Data Protection Act 1998 requires the University to register as a Data Controller with the Information Commissioner and manage the personal data it processes according to eight principles.

The full text of the Act is available at http://www.legislation.gov.uk/ukpga/1998/29/contents.

The Information Commissioner's Office website contains a wide range of policy and guidance around Data Protection: https://ico.org.uk/

This policy covers all the central University Academic Bodies and Activities. Further details on the structure of the University at the following link: http://www.london.ac.uk/structure.html

UNIVERSITY OF LONDON

3 Definitions

The Data Protection Act 1998 governs the processing of personal data. All these terms are defined in the 1998 Act:

Personal data are data which can identify living individuals. As well as images, names and contact details it can also include numerical or statistical information from which an individual's identity can be derived.

Sensitive personal data are personal data relating to the racial or ethnic origin, health, sexual life, trade union membership, criminal records or religious belief. This data requires a greater level of consideration when being collected, processed or transferred.

A **Data Subject** is the individual who is the subject of personal data.

A **Data Controller** determines the purposes for which personal data are processed. The controller is ultimately responsible for the personal data, whether they pass the data to a processor or not. This includes the responsibilities of responding to Subject Access Requests and complaints from data subjects.

A **Data Processor** is any individual or organisation who processes personal data on behalf of – and according to the purposes defined by – the data controller.

4 The University will obtain consent when collecting personal data

The University collects personal data in the course of registering students, employing staff or providing services to customers. The University has to satisfy at least one of the conditions in the Act for the processing of personal data and ensure that the processing is fair.

If further processing beyond the purposes the data has been collected for then consent should be sought again, unless another condition or exemption in the Data Protection Act applies.

Consent should be obtained using an 'opt-in' by the data subject rather than an 'opt-out'. The University will not assume consent has been given simply by the absence of an objection.

UNIVERSITY OF LONDON

5 The University will inform people what is being done with their data

Individuals providing their personal data to the University should be aware who the data controller is and what will be done with their data. Appropriate 'collection notices' or 'fair processing notices' will be provided by University services.

In order to process personal data, a 'data controller' such as the University has to inform the Information Commissioner and comply with the Act's notification (registration) procedure. The University's notification covers ALL processing activities. The University's Legal Services team deals with the Information Commissioner's office regarding the notification. All new projects or services in the central University's Institutes and Activities involving the processing of personal data should be reported to the Legal Services team to ensure that they are covered by our current notification.

The University's notification (registration number: Z5419651) covers all the central University administrative offices based at Senate House (including the Library) and at Stewart House, as well as the Institutes of the School of Advanced Study, Intercollegiate Halls of Residence, Student Central, University of London Computer Centre, The Careers Group and the University's business services.

Individual Colleges of the University are separate legal entities and therefore have their own notifications. Colleges should be consulted concerning data protection matters relating to personal data held at those institutions.

The published register of Data Controllers is available online at:
https://ico.org.uk/about-the-ico/what-we-do/register-of-data-controllers/

UNIVERSITY OF LONDON

6 The University will keep personal data safe and secure

The seventh principle of the Data Protection Act requires that 'appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data'.

The University will manage the personal data it processes in a secure way. This applies to paper and electronic records systems. Systems should be access controlled, staff appropriately trained and security processes should be developed and understood. Appropriate monitoring and reporting on data security risks, initiatives and developments will be undertaken by the University's internal management groups.

In the event that the University engages a third party as a 'data processor' for its personal data, a specific written contract with the supplier providing assurance of security provision should be in place. The University will not rely on supplier set 'terms and conditions'. Transfers of personal data outside the European Economic Area (EEA) will be managed according to the eighth principle of the Data Protection Act.

UNIVERSITY OF LONDON

7 The University will serve the rights of individuals under the Act

Individuals – our students, staff and customers – have a number of rights under the Act. These include a right to prevent processing likely to cause damage or distress, and a right to prevent processing for the purposes of direct marketing.

The 'Subject Access Right' requires the University to supply data subjects with information about the data which they hold on them (including copies of the data) if requested to do so. Requests must be made in writing. The information requested must be supplied promptly, and no later than 40 days after the receipt of the request or, if later, receipt of the applicable fee. The University charges £10 (the maximum currently permitted) for this service. The 40-day deadline is a statutory requirement, and staff are reminded of the need to ensure that subject access requests are completed within this timescale.

Guidance for staff on the procedure for answering requests for information under the Act may be found at: http://www.london.ac.uk/fileadmin/documents/about/Records_Management/Dealing_with_requests_for_personal_information_v_2.pdf

The application form for making a subject access request is also available at http://www.london.ac.uk/fileadmin/documents/about/Records_Management/DPA_-_Subject_access_request_application_form_2013.pdf

UNIVERSITY OF LONDON

8 The University will ensure staff are appropriately trained in managing personal data

The Legal Services team is responsible for ensuring compliance with Data Protection Act by producing policy and training, advising University departments or undertaking specific projects.

The duty to comply with the Data Protection Act – with its emphasis on the handling and retention of personal information – is part of the terms and conditions of all members of staff http://www.london.ac.uk/4109.html.

The University Records Manager will provide the following training and information for staff Data Protection:

Classroom training
Attendance at regular 'Information Compliance' training sessions is a requirement for all new staff and is also open to current staff. Targeted sessions for specific departments are often carried out.

Online training
An online Data Protection training course is provided on the Staff Development e-Learning site and is recommended for all staff.

Web pages
The Data Protection page of the University website will feature this policy and relevant procedures.

Intranet pages
The Data Protection page of the staff intranet will feature guidance and practical information for staff around Data Protection. Data Protection issues will be communicated via intranet news items to keep staff informed and maintain awareness.

Response to queries / provision of advice
Staff can contact the Legal Services team by phone (on ext 8216/8234) or by email (at records.management@london.ac.uk) for advice on specific issues.

UNIVERSITY OF LONDON

9 The University will ensure that records containing personal data are effectively managed

Good records management is essential to comply with the Data Protection Act. The University will ensure that the personal data kept is:

- Adequate, relevant and not excessive for the purposes it has been collected for
- Accurate and up-to-date
- Kept only for as long as is necessary, according to the retention schedules maintained by the University

The University's records management policy can be found at the following link:

http://www.london.ac.uk/955.html

10 Third party access to personal data

The University may be asked by a third party to disclose information regarding an individual. For example, the University may be contacted by the police or other authorities where the information is required in connection with matters such as the fraud prevention, the prevention or detection of crime or the assessment or collection of tax, or where disclosure is required by law or is necessary in connection with legal proceedings. The University will only make disclosures of this kind on receiving a certificate from the authority seeking the information to the effect it falls within a relevant exemption.

Any requests from outside authorities such as the police or the courts for the disclosure of personal data should be made in writing or referred to the Legal Services team at records.management@london.ac.uk.

If an employer wishes to gain proof or confirmation of the academic qualification of an employee or prospective member of staff, they should be directed to the Transcripts Office in the first instance http://www.london.ac.uk/113.html.

UNIVERSITY OF LONDON

11 Complaints

Any complaints related to Data Protection should be directed to the University's Legal Services team. The Legal Services team will respond according to the general guidelines set out in the University's complaints procedure:

http://www.london.ac.uk/fileadmin/documents/about/governance/ordinances/Ordinances_2015/Ordinance_19_Student_Complaints.pdf

12 Further Information

Any questions relating to the Data Protection Act or this policy should be directed to the Legal Services team at: records.management@london.ac.uk.

13 Version control

Date	Version	Reason for change	Author
March 2002	1.0	First version – Data Protection guidelines.	Legal & Constitutional Adviser
January 2005	2.0	Revised and updated	Legal & Constitutional Adviser
March 2007	3.0	Revised and updated	Legal & Constitutional Adviser
September 2007	4.0	Revised and updated	Legal & Constitutional Adviser
May 2011	5.0	Revised and updated	Legal & Constitutional Adviser / Assistant to the Legal & Constitutional Adviser
July 2012	5.1	Revised and updated as *University of London Data Protection Policy*	University Records Manager with comments from Legal & Constitutional Adviser / Assistant to the Legal & Constitutional Adviser
March 2013	5.2	Updated and presented to the University's Information Compliance Group	University Records Manager
July 2013	6.0	Approved by the Vice-Chancellor's Executive Group.	University Records Manager
February 2015	6.1	Text updated to reflect recent organisational changes in the University	University Records Manager

UNIVERSITY OF LONDON

14 Appendix A – The Data Protection Principles

Personal data must be processed in accordance with the eight principles listed in the Act. These are as follows:

First Principle:- Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless:-

- at least one of the conditions in Schedule 2 is met, and
- in the case of sensitive personal data, at least one of the conditions in Schedule 3 is also met [see below]

Second Principle:- Personal data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes

Third Principle:- Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed

Fourth Principle:- Personal data shall be accurate and, where necessary, kept up to date

Fifth Principle:- Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes

Sixth Principle:- Personal data shall be processed in accordance with the rights of data subjects under this Act

Seventh Principle:- Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data

Eighth Principle:- Personal data shall not be transferred to a country or territory outside the European Economic Area, unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data

The ICO has produced a useful *Guide to Data Protection* which considers the eight principles in detail (available at: https://ico.org.uk/for-organisations/guide-to-data-protection/).

Staff can find out more about the practical issues around these principles in the University's Data Protection Top Tips, available on the Staff Intranet https://intranet.london.ac.uk/3631.html.