

University of Wales, Newport	Title: Data Protection Policy	
	Version: 3.5	Approved: Management Board Date: November 2007
	Suitable for Release under FOI? YES	Next Review: July 2013



DATA PROTECTION POLICY

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3.5	July 2011	Matt Cooper – Records and Information Manager	Minor amendments due to restructure. Added a sentence under Data Security re encryption

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University of Wales, Newport	Title: Data Protection Policy	
	Version: 3.5	Approved: Management Board Date: November 2007
	Suitable for Release under FOI? YES	Next Review: July 2013

TABLE OF CONTENTS

- [1. Introduction](#)
- [2. Compliance](#)
- [3. Status of Policy](#)
- [4. Obligations of Staff and Students](#)
- [5. Principles of Data Protection](#)
- [6. Rights of Data Subjects](#)
 - [6.1 Access](#)
 - [6.2 Damage or Distress](#)
 - [6.3 Direct Marketing](#)
 - [6.4 Prevention of Automated Decision-taking](#)
 - [6.5 Rectification, blocking, erasure and destruction](#)
 - [6.6 Enforcement and Compensation](#)
- [7. Consent](#)
- [8. Sensitive Data](#)
- [9. Data Security](#)
- [10. Off-site working](#)
- [11. Publication of University Information](#)
- [12. Publication and Disclosure of Student Results](#)
- [13. Disclosure of Personal Information to the Police and other Law Enforcement Agencies](#)
- [14. Disclosure of Information to Third Parties](#)
- [15. Emergency Contact Information](#)
- [16. Research Activities](#)
- [17. Alumni Records](#)
- [18. Retention of Data](#)
- [19. Monitoring](#)
- [20. Responsibility](#)
- [21. Risk of Non-Compliance](#)
- [21. Complaints](#)
- [22. Review](#)
- [23. Definitions](#)

- [Appendix 1 – Subject Access Form](#)
- [Appendix 2 - 3rd Party Disclosure Protocol](#)
- [Appendix 3 - 3rd Party Disclosure Form](#)
- [Appendix 4 – Guidance on Photography and publication](#)

University of Wales, Newport	Title: Data Protection Policy	
	Version: 3.5	Approved: Management Board Date: November 2007
	Suitable for Release under FOI? YES	Next Review: July 2013

DATA PROTECTION POLICY

1. Introduction

The Data Protection Act 1998 regulates the ‘processing’ of all information which identifies, or can be used to identify living persons. Its purpose is to protect the rights and privacy of living individuals and to ensure that personal data is not processed without their knowledge, and, wherever possible, is processed with their consent.

In order to perform its functions, the University of Wales, Newport needs to process certain personal information about its staff, students and other individuals it has dealings with for administrative purposes (e.g. to recruit and pay staff, to administer programmes of study, to record progress, to agree awards, to collect fees, and to comply with legal obligations to funding bodies and government). The University is defined in law as the ‘Data Controller’ for these activities and the Board of Governors is ultimately responsible for legislative compliance. In pursuit of compliance, the University has a Records & Information Manager post in place. The post-holder is, responsible for statutory notification to the Information Commissioner, responding to individual requests for access to personal data and framing guidelines and procedures with the aim of ensuring that all personal data processing by the University is lawful.

2. Compliance

The University of Wales, Newport is committed to a policy of protecting the rights and privacy of individuals in relation to the processing of their personal data in compliance with the Data Protection Act 1998. To comply with the law, information about individuals must be collected and used fairly and in accordance with individuals’ rights, stored safely and securely and not disclosed to any third party unlawfully.

The University and its subsidiaries are required to notify the Information Commissioner of the purposes for which personal data is processed. Copies of the notifications (**Registration Number: Z6282298**) can be accessed at the Information Commissioner’s website: www.ico.gov.uk or by contacting the Records & Information Manager.

3. Status of the Policy

This policy applies to all staff and students of the University. The policy does not form part of the formal contract of employment, but it is a condition of employment that employees abide by the rules and policies made by the University and with its legal obligations. Any failure to follow this policy may result in disciplinary proceedings or prosecution.

As a matter of good practice, other agencies and individuals working with the University, who have access to personal information, will be expected to have read and comply with this policy. It is expected that where relevant, departments and schools who exchange information falling within the scope of the Data Protection Act with external partners, they

University of Wales, Newport	Title: Data Protection Policy	
	Version: 3.5	Approved: Management Board Date: November 2007
	Suitable for Release under FOI? YES	Next Review: July 2013

will take responsibility for ensuring that such partners sign a contract agreeing to abide by this policy and that suitable usage and security measures are in place.

4. Obligations of Staff and Students

All staff and students are required to comply with the Data Protection Act and with this policy when handling personal data. All have an obligation to keep the University informed of changes or inaccuracies in personal data relating to their employment and course of study so that the University can maintain accurate records. The University will, from time to time, take steps to audit the accuracy of the personal data it holds by contacting the data subject. This may be in the course of routine check up or where it becomes apparent that the personal data we hold may be inaccurate.

5. Principles of Data Protection

The Data Protection Act establishes principles with which all members of the University must comply at all times. In summary, these state that personal data shall:

1. Be obtained and processed fairly and lawfully and shall not be processed unless certain conditions are met.
2. Be obtained for a specified and lawful purpose and shall not be processed in any manner incompatible with that purpose.
3. Be adequate, relevant and not excessive for those purposes.
4. Be accurate and kept up to date.
5. Not be kept for longer than is necessary for that purpose.
6. Be processed in accordance with the data subject's rights.
7. Be kept safe from unauthorised access, accidental loss or destruction.
8. Not be transferred to a country outside the European Economic Area, unless that country has equivalent levels of protection for personal data.

6. Rights of Data Subjects

6.1 Access

Under Section 7 of the Data Protection Act, Data Subjects have a right to access their personal data that is processed by the University. Data subjects who wish to make a request must provide a description of the information which is sought, sufficient proof of identity and payment of the statutory fee and any other fee which may be chargeable. The University will not normally process a request unless all associated fees have been paid.

The requested information will be supplied as soon as possible, and in any event within 40 calendar days as required in the Data Protection Act. In cases where the University is exempt from its obligation to disclose information falling within the scope of a subject access request, the data subject will still be notified within 40 calendar days.

A Subject Access Request may be made in writing to the Records & Information Manager. A Subject Access Request form can be found at Appendix 1 and is

University of Wales, Newport	Title: Data Protection Policy	
	Version: 3.5	Approved: Management Board Date: November 2007
	Suitable for Release under FOI? YES	Next Review: July 2013

available via the Data Protection Page on the University Web-site via the following web address:

http://www3.newport.ac.uk/displayPage.aspx?object_id=2299&type=PAG

6.2 Damage or Distress

Where processing of personal data is causing or is likely to cause unwarranted and substantial damage or distress, the data subject is entitled to require the University to cease or not to begin processing as outlined in Section 10 of the Act.

In order to take advantage of this right, a data subject must write to the Records & Information Manager and specify objections and the reasons why it is felt that damage or distress is, or may be, caused.

The Records & Information Manager will respond on behalf of the University within 21 days following receipt of the notice.

6.3 Direct Marketing

Data subjects have a right to prevent personal data being used for the purposes of direct marketing as defined in Section 11 of the Act. This includes the sending of hard copy paraphernalia or e-mails to specific named individuals which promote a certain product or service.

Any individual who requires that the University cease or not begin processing for the purpose of direct marketing should either write to department that originated the correspondence or the Records & Information Manager.

6.4 Prevention of Automated Decision-taking

Data subjects must be informed of instances of, and the logic behind decision taking where personal data are processed automatically and such processing has or is likely to be the sole basis of a decision significantly affecting a data subject. Examples might include University admissions or on-line employment application packages with an automatic 'sift' function.

Data Subjects can request that the University consider again any automated decision making about them. The University will examine all such requests carefully and inform the Data Subject of the full decision making framework in such circumstances and will also reassess whether the original decision was the correct one. This will be communicated to the applicant within 21 calendar days.

6.5 Rectification, blocking, erasure and destruction

Where personal data held by the University are considered to be 'incorrect or misleading as to any matter of fact', or where personal data contains an expression of opinion based on inaccurate data, a data subject *may* be entitled to

University of Wales, Newport	Title: Data Protection Policy	
	Version: 3.5	Approved: Management Board Date: November 2007
	Suitable for Release under FOI? YES	Next Review: July 2013

have such data rectified, blocked, erased or destroyed. A decision will be taken by the University as to the best course of action in such circumstances taking into account the Data Subjects wishes.

All members of the University are requested to ensure that the personal data held by the University is accurate and kept up-to-date.

6.6 Enforcement and Compensation

The University will take every reasonable care to comply with the rights of data subjects under the Data Protection Act 1998. Individuals are encouraged to contact the Records & Information Manager in the first instance if they are dissatisfied with this policy or the way in which the University complies with the Act. Any individual who feels that they may be directly affected by the processing of personal data may ask the Information Commissioner to carry out an assessment of the processing to determine whether or not it is being undertaken in accordance with the Act. Further, any individual who suffers damage or distress as a result of any contravention of the Data Protection Act by the University may seek compensation through the Courts.

7. Consent

In many but not all cases, the University can only process personal data with the consent of the individual. This consent can be a verbal agreement or implied consent by the individual not objecting to processing where he/she has been informed that processing will occur. This could be the person not ticking an opt out box on a form that registers an objection to processing, for example.

In most cases, if the data is sensitive, explicit consent must be obtained. This means that the Data Subject must actively agree to the processing. This consent should be recorded for future reference and may be captured by, for example a signature.

In **all** cases consent must be freely given and must be informed (i.e the data subject must know what he/she is agreeing to).

Agreement to the University processing some specified classes of personal data is a condition of acceptance of a student onto any course, and a condition of employment for staff.

The University will put into place processes for informing data subjects why their personal information is required, what it will be used for and who it is shared with in order that the Data Subject can make an informed choice about whether to submit such information.

8. Sensitive Data

Sometimes it is necessary to process information about a person's criminal convictions, race, gender health and family details. This may be to ensure the University is a safe place for everyone, or to operate other University policies, such as the sick pay policy or

University of Wales, Newport	Title: Data Protection Policy	
	Version: 3.5	Approved: Management Board Date: November 2007
	Suitable for Release under FOI? YES	Next Review: July 2013

Equality and Diversity Scheme. The University may also ask for information about particular health needs, or disabilities.

The University will only use sensitive personal information for the purpose for which it was collected and will not process outside of this agreement without the consent of the individual, unless it is required to comply with legal obligations or to ensure the security of the University, its students and staff.

9. Data Security

All staff are responsible for ensuring that:

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

Staff should note that unauthorised disclosure will be investigated and may result in disciplinary action.

Personal identifiable information should be:

- Kept in a locked filing cabinet or in a locked drawer. For extended unsupervised periods (i.e overnight/weekends) the information should ideally be stored with two levels of lockable security. This could be for example a locked filing cabinet and a locked office door.
- If it is computerised, be password protected or encrypted especially if sending via email over the public web.
- Accessed only where there is a legitimate business need and only where such processing is consistent with the purposes for which the data were collected.

10. Off-Site Working

University staff working off-site with University-owned personal data must ensure that they comply with this policy and the Data Protection Act 1998. In particular, University-owned data which is taken off-site for home-working must be transferred and held securely, not transferred to a third party and must be used only for official University business. University staff may not use personal e-mail addresses to conduct University business and personal data should not be retained on home computers beyond the time needed for the home work to be completed.

Personal data relating to the University's students, customers, clients, employees, members or third parties such as suppliers or contractors must not be removed from University offices by staff without the express authorisation of the appropriate manager. The manager must ensure that the removal is appropriate, proportionate to the task and the member of staff is suitably briefed regarding security.

When University-owned data is away from the University, staff are responsible for the security of the data and must take all reasonable precautions to prevent unauthorised persons gaining access to it.

University of Wales, Newport	Title: Data Protection Policy	
	Version: 3.5	Approved: Management Board Date: November 2007
	Suitable for Release under FOI? YES	Next Review: July 2013

11. Publication of University Information

From time to time, publication of personal data may be undertaken in line with University policies or legal obligation. In particular, in the interests of openness and transparency it is the University's policy to make as much information public as possible whilst paying due respect to individuals' right to privacy. Accordingly, this section will act as notification that the following information may be made available:

- Lists of staff, their contact details and professional details (such as in the University Calendar)
- Awards and Honours
- Examination Results
- Staff University e-mail addresses
- Photographs of staff
- Graduation programmes and videos or other multimedia versions of graduation ceremonies
- Information in prospectuses (including photographs), annual reports, staff newsletters etc.

Guidance on the publication of photographs is attached at Appendix 4.

If an individual has a compelling reason why they do not wish for their name or other personal data to appear in such publicity they should contact the Records and Information Manager.

12. Publication and Disclosure of Student Results

Students will be notified of their results as a matter of course. Where results are displayed in public (i.e via school notice boards) reference will be made to student number as opposed to names.

It is the University's policy to publicly disclose final awards obtained in a variety of ways, including notice boards, local newspapers and graduation documentation. If a student has a compelling reason why they do not wish for their name to appear in such publicity they should contact the Records and Information Manager.

If results are requested under a 'Subject Access Request' (See Section 6.1), they cannot be disclosed in advance of the general notification of results. Results will, however, be disclosed to the data subject within 40 calendar days of the general announcement of the results, or five months from the receipt of the request and fee, whichever is the earlier.

13. Disclosure of Personal Information to the Police and other Law Enforcement Agencies

There will be occasions where the University is approached by a law enforcement agency (primarily the police) for the purpose of accessing personal data on University systems where this would assist in an investigation. The Data Protection Act does allow

University of Wales, Newport	Title: Data Protection Policy	
	Version: 3.5	Approved: Management Board Date: November 2007
	Suitable for Release under FOI? YES	Next Review: July 2013

such disclosures to take place, and the University will decide whether such disclosures are appropriate and proportionate.

For this assessment to be made the University will normally require such agencies to supply it with the legal basis for disclosure in writing, stipulating the legislation under which the agency is pursuing the information (often referred to as a Section 29 notice) and specifying the exact information sought. Such confirmations will usually be required prior to any disclosure taking place

All enquiries from the police and other law enforcement agencies where personal data is requested should normally be referred to the Records and Information Manager in the first instance for consultation.

Where this isn't possible and where, after careful consideration, delay would clearly increase the risk to the University, its staff, students or the wider public, disclosure may still take place. In such cases the Records and Information Manager should be briefed regarding the circumstances as soon as possible following the disclosure.

The University does not require nor will seek the consent of the Data Subject for such disclosures and is under no obligation to inform the Data Subject that such a disclosure has taken place.

14. Disclosure of Information to Third Parties

Excluding the above, the University may be called upon to make otherwise unanticipated disclosures of personal information to third parties. There will be various reasons for instances such as this and, where possible, the data subject will be contacted prior to any disclosures being made. Of particular relevance to members of staff will be the fact that the Freedom of Information Act 2000 calls upon public authorities, such as the University, to disclose some professional information about its employees and the Data Protection Act is unlikely to prevent such disclosures. Indeed, where information requested is about people acting in a work or official capacity then there is less likelihood that the data protection principles would be breached and so disclosures may include contact details, rate of pay or salary banding, expense claims, responsibilities and professional details.

The University retains the right to disclose personal information to one or more third parties without informing the data subject and/or without the data subject's consent in so far as such disclosures would be consistent with the Data Protection Principles and the Act itself and where they may be required or allowed for by other relevant legislation. Disclosures to third parties, including the parents, partners or employers of students or staff, where the disclosure is not required by law and a data subject has not been consulted and/or has not given their consent are not to be undertaken without consultation with the Records & Information Manager.

The University protocol for staff-third party meetings is attached at Appendix 2. The associated form for meetings with parents, partners or other outside parties accompanied by the student is attached at Appendix 3.

University of Wales, Newport	Title: Data Protection Policy	
	Version: 3.5	Approved: Management Board Date: November 2007
	Suitable for Release under FOI? YES	Next Review: July 2013

15. Emergency Contact Information

The University will hold records for its staff and students for use in emergency situations. The consent of the individuals to be contacted in case of emergency will not be sought by the University, but staff and students who provide such details are advised to notify the individuals concerned of the disclosure to the University.

16. Research Activities

Personal data collected only for the purposes of academic research, including that of staff and students, must be processed in compliance with the Data Protection Act 1998. Research being undertaken which includes the processing of sensitive personal data should be the subject of informed and explicit consent. If data is anonymised the Data Protection Act may still apply if there is a likelihood that individuals could still be identified. The Terms of Reference for the University's Research Ethics Committee state that it shall "scrutinise researchers' stated intentions regarding Data Protection safeguards and check they are implemented." The Research Ethics Committee shall do so in accordance with this policy and prevailing legislation, and will on occasion seek the advice of the Records & Information Manager.

In particular, researchers should note that personal data processed ONLY for research purposes receive certain exemptions from the legislation if:

- i. the data are not processed to support measures or decisions with respect to particular individuals AND
- ii. if any of the data subjects are not caused substantial harm or distress by the processing of the data.

If the above conditions are met, the following exemptions may apply to data processed for research purposes only, otherwise the Act will apply in full:

- personal data can be processed for purposes other than that for which they were originally obtained;
- personal data can be held indefinitely;
- personal data are exempt from the subject access rights where the data are processed for research purposes and the results are anonymised.

Researchers should ensure that the results of research are anonymised when published and that no information is published that would allow individuals to be identified. Results of the research can be published on the internet or otherwise sent outside of the European Economic Area but if this includes any personal data, the specific consent of the data subject must be obtained.

17. Alumni Records

The University will maintain a database of alumni records and will ensure that students are informed at the time of collection of their personal data of the purpose of that collection. Students will be given an opportunity to opt out of the collection and processing of this data for the purpose of maintenance of the alumni database and will

University of Wales, Newport	Title: Data Protection Policy	
	Version: 3.5	Approved: Management Board Date: November 2007
	Suitable for Release under FOI? YES	Next Review: July 2013

be given further opportunities, via the alumni magazine and other means of University contact, to opt out of membership.

18. Retention of Data

In general data will be retained for as long as is necessary to comply with the relevant legislation or legitimate business need. However, personal data of statistical or historical value may be retained permanently and staff and student records may be kept for extended periods.

19. Monitoring

Authorised IT Systems Administrators require access to data held on IT equipment or transferred over the network to ensure that networks, systems and services are operating correctly. Any information obtained in the course of such duties will be treated as confidential unless it is thought to indicate an operational problem. Misuse of confidential data may lead to disciplinary action and may amount to gross misconduct.

Information held by staff on the University's systems or premises may be considered to be held by the University for the purposes of the Data Protection and/or Freedom of Information Acts and in order to comply with our legal obligations may be subject to access and possible disclosure. Furthermore, it is permissible and appropriate for the University to keep records of internal communications which are relevant to an individual's ongoing relationship with the institution, whether as a member of staff or student, including information concerning performance and conduct issues, provided such records comply with the Data Protection principles.

It is recognised that emails in particular may be used for such communications and that such emails form part of the University's records. All members of the University need to be aware that:

- the Act applies to emails which contain personal data about individuals which are sent or received by members of the University (other than for their own private purposes as opposed to University purposes);
- subject to certain exceptions, individual data subjects will be entitled to make a data subject access request and have access to emails which contain personal data of which they are the focus; and
- the legislation applies to all emails from and to members of the University which are sent and received for the institution's purposes.

The University therefore reserves the right to access all University information held by any member of staff for the purposes of compliance with legislation including, but not limited to the Freedom of Information Act 2000, Data Protection Act 1998, Environmental Information Regulations 2002, Regulation of Investigatory Powers Act 2000, Computer Misuse Act 1990 and Civil Procedure Rules.

The University may carry out monitoring of employees and students for the purpose of ensuring compliance with University policy and for the prevention/detection of crime.. Monitoring may take the following forms:

University of Wales, Newport	Title: Data Protection Policy	
	Version: 3.5	Approved: Management Board Date: November 2007
	Suitable for Release under FOI? YES	Next Review: July 2013

- CCTV
- e-mail diversion and interception
- monitoring of telephone use
- reviewing computer log-ins and computer files
- reviewing door access logs
- reviewing internet activity logs
- reviewing the destination of telephone calls; and
- recording the number of photocopies being made (in circumstances where photocopying requires an ID card or personal account number).

Monitoring activities will be subject to the authorisation of the Vice Chancellor or an appointed nominee and in most cases the subject of monitoring will be informed that a check is taking place.

Any monitoring activities will take account of the rights under the Human Rights Act 1998 and the Telecommunications (Lawful Business Practice)(Interception of Communications) Regulations 2000

<http://www.legislation.gov.uk/ukxi/2000/2699/introduction/made>

Further information concerning the use of CCTV can be found at the Information Commissioners Web-site at the following address:

http://www.ico.gov.uk/for_organisations/topic_specific_guides/cctv.aspx

20. Responsibility

Compliance with the Data Protection Act 1998 is the responsibility of all members of the University. Any breach of this policy may lead to disciplinary action, access to the University's facilities being withdrawn or criminal prosecution.

The University's Board of Governors is ultimately responsible for this policy and compliance with it. In the first instance however, responsibility for this policy falls to the University's Information Strategy Panel and Management Board.

The Records & Information Manager will maintain this policy document and will issue guidelines to members of the University on compliance with the legislation.

21. Risk of Non Compliance

Non compliance with this policy could result in a material breach of the Data Protection Act which is likely to result in decreased public confidence and the possibility of court actions and claims for compensation where the breach has caused substantial damage or distress to the individuals concerned. Enforcement action by the Information Commissioner's Office is also a possibility which could result in both negative publicity, a formal audit and fines of up to £500,000.

University of Wales, Newport	Title: Data Protection Policy	
	Version: 3.5	Approved: Management Board Date: November 2007
	Suitable for Release under FOI? YES	Next Review: July 2013

22. Complaints/Appeals

Any questions or concerns about the interpretation or operation of this policy should be addressed to :

Records and Information Manager
Governance Team
Registry and University Secretariat
Caerleon Campus
Lodge Road
Newport, NP18 3QT

Compliance@newport.ac.uk

Telephone: 01633 432215

All persons considering making a complaint are encouraged to attempt to resolve the problem in discussion with a relevant member of staff or with the Records & Information Manager before making a formal written complaint.

Students should address formal complaints they may have about this policy or compliance with the Act through the Framework for Amicable Issues Resolution (FAIR). Otherwise, complaints should be made in writing and addressed to the Records & Information Manager who will respond within 40 calendar days of the date of receipt.

The Information Commissioner is the primary enforcer of the Data Protection Act. The Commissioner's website can be found at www.informationcommissioner.gov.uk and his offices can be contacted by writing to:

The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire, SK9 5AF

23. Equality Impact Assessment

This policy has been drafted to reflect the requirements of the Data Protection Act 1998 which directs that data subjects should be provided with any information requested as part of a Subject Access Request in permanent form. Where this is requested in a specific format, consideration will be given as to whether such adjustments are reasonable in line with equality legislation. A full impact assessment has not been undertaken of this policy as it is not considered that it will impact adversely on people of different ages, gender, race, disability status. Information on sexual orientation or religion or belief of students or staff is not held by the University.

University of Wales, Newport	Title: Data Protection Policy	
	Version: 3.5	Approved: Management Board Date: November 2007
	Suitable for Release under FOI? YES	Next Review: July 2013

24. Review

This policy shall be updated as necessary and formally reviewed every two years.

25. Definitions

Personal Data – Data relating to a living person who can be identified from that information of from that data and other information in the possession of the data controller. Personal Data includes name, address, telephone number, ID numbers. Also includes expressions of opinion about the individual and the intentions of the data controller in respect of that individual.

Sensitive Personal Data – Different from ordinary personal data and more biographical in nature and relates to racial or ethnic origin, political opinions, religious beliefs, trade union membership, health, sex life, criminal convictions. Sensitive data are subject to much stricter conditions of processing.

Data Controller – Any person (or organisation) who makes decisions with regard to particular personal data, including decisions regarding the purposes for which personal data are processed and the way in which the personal data are processed. The Data Controller for the University of Wales, Newport is the Vice Chancellor.

Data Subject – Any living individual who is the subject of personal data held by an organisation.

Processing – Any operation related to organisation, retrieval, disclosure and deletion of data and includes:

- Obtaining and recording data
- Accessing data
- Altering data
- Adding to data
- Deleting data
- Retrieval of data
- Consultation or use of data
- Disclosure or otherwise making available of data.

Third Party – Any individual/organisation other than the data subject, the data controller (University) or its agents.

Relevant Filing System – While personal data as defined and covered by the Act can be held in any format, the way in which information is held can have an impact on how we look after it. The Act defines a 'relevant filing system' as any paper filing system or other manual filing system which is structured so that information about an individual is readily accessible.

Policy End

University of Wales, Newport	Title: Data Protection Policy	
	Version: 3.5	Approved: Management Board Date: November 2007
	Suitable for Release under FOI? YES	Next Review: July 2013



SUBJECT ACCESS REQUEST FORM UNDER THE DATA PROTECTION ACT 1998

Are you a member or former member of staff? Yes/No

1. Details of the person requesting the information.

Full name

Address

.....

Telephone number Fax Number

Email

2. Are you the Data Subject?

YES If you are the Data Subject please supply evidence of your identity i.e. library card, driving licence, birth certificate (or photocopy) and, if necessary, a stamped addressed envelope for returning the document (please go to question 5).

NO Are you acting on behalf of the Data Subject with their written authority? If so, that authority must be enclosed together with proof of the data subject's identity (please complete questions 3 and 4)

3. Details of the Data Subject (if different to 1.)

Full name

Address

.....

Telephone number Fax Number

Email

4. Please describe your relationship with the Data Subject that leads you to make this request for information on their behalf.

.....
.....

University of Wales, Newport	Title: Data Protection Policy	
	Version: 3.5	Approved: Management Board Date: November 2007
	Suitable for Release under FOI? YES	Next Review: July 2013

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1. If you wish to see only certain specific document(s), for example a particular examination report, a specific departmental file etc, please describe these below:

.....
.....

2. If you would like a more general search for your student file, please note that the University will normally automatically search the following sections for personal data:

Data Services, Library, Finance Office and the academic unit that you have studied with as part of your qualification. ***Please tick below any other sections/departments that you have been in contact with which you would like to be searched for relevant data.***

Section	Search
University Information Centre	
Admissions	
Careers Service	
Counselling Service	
Disability Support	
Student Fees & Bursaries	
Personal data associated with a complaint you have made (please specify)	

Other(s) Please specify below:
.....
.....
.....
.....
.....

If CCTV search wanted please specify date(s) time(s) and location.

University of Wales, Newport	Title: Data Protection Policy	
	Version: 3.5	Approved: Management Board Date: November 2007
	Suitable for Release under FOI? YES	Next Review: July 2013

Declaration

I, certify that the information given on this application form to the University of Wales, Newport is true. I understand that it is necessary for the University to confirm my/Data Subject's identity and it may be necessary to obtain more detailed information in order to locate the correct information.

Signed Date

Please return the completed form to the Records and Information Manager, University of Wales, Newport, Caerleon Campus, PO Box 179, Newport, NP18 3YG. Documents which must accompany this application are:

- i evidence of your identity
- ii evidence of the Data Subject's identity (if different from above)
- iii evidence of Data Subject's consent to disclose to a third party (if required as indicated above).
- iv a fee of £10 (cheques to be made payable to University of Wales, Newport)
- v stamped addressed envelope for return of proof of identity/authority documents, where appropriate

Please note that the University reserves the right to obscure or suppress information that relates to other third parties (under the terms of Section 7 of the Data Protection Act 1998).

Office use only

Request received:

Date completed:

Notes
.....
.....

University of Wales, Newport	Title: Data Protection Policy	
	Version: 3.5	Approved: Management Board Date: November 2007
	Suitable for Release under FOI? YES	Next Review: July 2013

**University
of Wales,
Newport**

**Prifysgol
Cymru,
Casnewydd**

DATA PROTECTION POLICY

APPENDIX 2

University protocol for sharing student information with third parties

1. Background

- 1.1 The University regularly receives enquiries from parents and relatives regarding students. The University's 'contract' is with the student and we are not obliged to release information to parent(s), guardian(s) or other third parties where the student has not already given their consent. In most cases the law (the Data Protection Act 1998) strictly prevents us from disclosing information without consent even if the third party is contributing to tuition fees. Indeed, even confirming that an individual is a student at the University could be considered a breach of the legislation and may in extreme circumstances result in placing the individual in danger.
- 1.2 Members of staff can provide information to a third party where to do so is a legal requirement or is permissible under the Data Protection Act. It is permissible for sponsors to access information as to the academic progress of sponsored students on the condition that the sponsor can show that the student has consented to the disclosure. Otherwise, personal data will only be disclosed to third parties if the disclosure is for the purpose for which the data were collected and subject to the condition that the data subject is, or would reasonably be expected to be, aware that this was the case.
- 1.3 The University of Wales, Newport does however understand that parents/guardians, partners or other third parties may be concerned about a student and members of staff may discuss University procedures i.e. explain examination procedures, discuss the implications of failing a module, accommodation costs etc.
- 1.4 This protocol is a mechanism for the University to seek the consent of a student to share information about them with a third party where consent has not already been given. If the University gains explicit written consent to discuss a matter with a third party, the privacy and use provisions of the Data Protection Act will be satisfied.

2. Procedure

- 2.1 Where a member of staff is approached by parents, partners and/or other outside parties wishing to discuss any aspect of a student's relationship with the University, the staff member should draw their attention to the Data Protection Policy and this

University of Wales, Newport	Title: Data Protection Policy	
	Version: 3.5	Approved: Management Board Date: November 2007
	Suitable for Release under FOI? YES	Next Review: July 2013

protocol. Where the third party is a student's sponsor and can show consent on the part of the student or other evidence of existing protocols, reference to this protocol is not necessary.

2.2 The staff member should ascertain to what extent information can be shared. The student will need to be seen alone to establish:

- a. That the student has given permission for their academic progress or other form of relationship with the University to be discussed with a parent/parents, a partner or outside parties;
- b. Whether the student wishes to say anything in the absence of the parent(s), partner or outside party, particularly in relation to any factor(s), medical or otherwise, which might have affected their academic progress or other form of relationship with the University;
- c. Those matters that the student gives permission to be discussed with his/her parent(s), partner, or outside parties.

2.3 In order to avoid any misunderstandings it is essential that a standard pro-forma, at Appendix 3 of the University's Data Protection Policy is completed as an agreement between the member of staff and the student indicating matters which can be discussed with or in the presence of parent(s), a partner, or outside parties. The pro-forma should be signed by the member of staff and the student and a copy given to the student to be retained by her/him.

2.4 Although members of staff are not authorised to discuss the University's relationship with a student with third parties in the absence of the student or otherwise in the absence of a student's explicit consent, they may, when approached by a parent, partner or other outside party explain the situation in general by reference to the relevant regulations or procedures. For example, in the case of unfair practice (plagiarism) third parties may be informed of the regulations and procedures that are available in handbooks and on the University web site.

2.5 Staff members should write and retain a contemporaneous record of any meeting or conversation with parents, partners or other outside parties in which they discuss the University's relationship with a student. They should also keep a signed copy of the confidential standard pro-forma (see 2.3 above).

2.6 Disclosures to third parties, including the parents, partners or employers of students, where a data subject has not been consulted and/or has not given their consent are prohibited without the authorisation of the Records & Information Manager, save in the event of a life or death or other emergency situation. Any queries should be directed to the Records & Information Manager:

Records and Information Manager
Governance Team
Registry and University Secretariat
Caerleon Campus
Lodge Road
Newport, NP18 3QT

University of Wales, Newport	Title: Data Protection Policy	
	Version: 3.5	Approved: Management Board Date: November 2007
	Suitable for Release under FOI? YES	Next Review: July 2013

unisec@newport.ac.uk

Telephone: 01633 432215

University of Wales, Newport	Title: Data Protection Policy	
	Version: 3.5	Approved: Management Board Date: November 2007
	Suitable for Release under FOI? YES	Next Review: July 2013



DATA PROTECTION POLICY

APPENDIX 3

CONFIDENTIAL WHEN COMPLETE

TALKING ABOUT YOU: DISCLOSING INFORMATION TO A THIRD PARTY

1. This form is part of the University of Wales, Newport’s Data Protection policy and establishes a means by which we can record your agreement in the case that you agree to the University discussing one or more elements of its relationship with you with your parent(s), guardian(s), partner and/or other outside party (the third party). This could include discussing your academic progress or financial status with the University and it is entirely your choice as to what we can or cannot discuss with the third party. This is however without prejudice to the University’s right to provide information to a third party where that is a legal requirement or is otherwise permissible under the Data Protection Act. Where protocols for disclosure have already been established, these should be followed. In all other cases, these procedures are applicable; they are set out in the document ‘*University protocol for sharing student information with third parties*’, which is Appendix 2 of the University’s Data Protection Policy.
2. This form should be completed in a *private* meeting between the relevant member of staff and the student in order to establish the extent to which information can be shared with third parties (parents, partners etc). Please note that nothing beyond or additional to that identified below should be shared with the third party. The form should be signed in the designated spaces as agreed by *both* the member of academic staff and the student. The student will be given a copy of the signed form to retain.

Please indicate below any information about the student that can be shared in the meeting with parents / partner / other outside parties* present. If separate sheets are used please attach them to this pro-forma.

University of Wales, Newport	Title: Data Protection Policy	
	Version: 3.5	Approved: Management Board Date: November 2007
	Suitable for Release under FOI? YES	Next Review: July 2013

* Please give details of which outside parties information can be shared with:

I understand the procedure to be followed as outlined in paragraph 2 above and in the paper *University protocol for sharing student information with third parties*. I agree that those matters relating to my relationship with the University listed above may be discussed by the member of staff named below and

- **my parent(s)**
- **my partner**
- **other outside parties [please delete those which do not apply]**

Signature of student: _____ Date: _____

Name (CAPITALS) _____

Signature of Staff Member: _____ Date: _____

Name (CAPITALS) _____

University of Wales, Newport	Title: Data Protection Policy	
	Version: 3.5	Approved: Management Board Date: November 2007
	Suitable for Release under FOI? YES	Next Review: July 2013

Appendix 4 – Guidance on Photography and Publication

1. Introduction

- 1.1 This section should be regarded as general guidelines for good practice in the production and processing of photographic images rather than specific guidance on definitive points of law. These guidelines have, however, been drafted with the intention of erring on the side of caution where any doubts arise, in the hope that, should a complaint be filed against the institution, the University can demonstrate that it has acted in good faith and made all reasonable efforts to comply with the spirit of the Data Protection Act. For any specific guidance, or in the case of doubt, please contact the Records and Information Manager.
- 1.2 Under the terms of the Data Protection Act photographs featuring pictures of people and any written consent which accompany them are considered to contain personal information and, as such, should be stored securely.
- 1.3 The terms “published” and “publication” as used below, refer to both printed and electronic media (including web sites, TV and video).

2. Commissioning New Photography

- 2.1 Everyone who agrees to appear in a photograph commissioned by the University, should provide their express (written) consent to publish before the photoshoot begins. They must be fully informed of the consequences of giving their consent (e.g. that this information may be available to countries where their personal information is not protected by law – See Data Protection Principle 8).
- 2.2 For shoots involving a number of different individuals and/or a number of different shots, an accurate note should be kept of who appears in each photograph, to allow the record of consent to be matched up to the appropriate images after the photographs have been processed.
- 2.3 For photographs containing more than one subject, written consent for all those featured should be matched with the photo to which it refers.
- 2.4 Photographs may only be published in accordance with the conditions agreed by the subject in providing their express (written) consent.
- 2.5 Photographs cannot be published if the appropriate consent is lost or mislaid.

3. Protocol and Exceptions

- 3.1 Protocol may dictate that it may be inappropriate to ask subjects to provide the University with the consent outlined above and there are, therefore, some exceptions:
- 3.2 Celebrities and dignitaries will generally expect their photos to be taken and published and should not be asked to provide written consent.

University of Wales, Newport	Title: Data Protection Policy	
	Version: 3.5	Approved: Management Board Date: November 2007
	Suitable for Release under FOI? YES	Next Review: July 2013

- 3.3 For visiting academics and guests of the University a quick explanation along the lines of “Do you mind if we take your picture for our publicity material?” will suffice.
- 3.4 Where photographs may be taken of events involving very large groups, such as Graduation Ceremonies, launches etc, a note should be included within the general documentation sent out to participants to the effect that photographs will be taken at the event for the purposes of publicising the University around the World.
- 3.5 Where photographs may be taken which may include passers-by or others who are incidentally included and not the main focus or subject of the photograph, a notice should be displayed on location reading “University of Wales, Newport: Official Photoshoot. These images will be used to publicise the University around the world.”
- 3.6 The University will continue to ensure that, prior to pupil visits, it will seek express consent where photographs may be taken of children under the age of 16 years and where the child may be the focus, feature or subject of the photograph.

University of Wales, Newport	Title: Data Protection Policy	
	Version: 3.5	Approved: Management Board Date: November 2007
	Suitable for Release under FOI? YES	Next Review: July 2013



3/5 CCTV Code of Practice for University of Wales, Newport to Comply with Data Protection Act 1998

Introduction

This code of practice has been written in order to ensure that the University of Wales, Newport comply with the Data Protection Act 1998 and its principles which are:

That all data recorded on CCTV is:

1. Fairly and lawfully processed;
2. Processed for limited purposes and not in any manner incompatible with those purposes;
3. Adequate, relevant and not excessive;
4. Accurate;
5. Not kept longer than is necessary;
6. Processed in accordance with individuals rights;
7. Stored securely;
8. Not transferred to countries without adequate protection.
9. No data will be disclosed for entertainment purposes

Operational Use of CCTV Systems

The CCTV systems installed by the University on both the Allt-yr-yn and Caerleon Campuses with one exception are for:

Monitoring the University properties and to assist in the Detection of crime. Safeguarding the safety of staff and students and Traffic control.

The CCTV system operating in and around the Nursery is for:

University of Wales, Newport	Title: Data Protection Policy	
	Version: 3.5	Approved: Management Board Date: November 2007
	Suitable for Release under FOI? YES	Next Review: July 2013

Identification and Recognition of individuals in order to safeguard the welfare of the children.

The CCTV systems will be assessed annually against the stated purpose. If the system does not achieve the stated purpose, it will be discontinued or modified.

Any enquiries regarding the operation of the Universities CCTV should be referred to:

Premises Manager 01633 432096

Who will be available during normal office hours to answer any enquiries.

Standards

All CCTV systems will be checked daily by the Campus Supervisor to ensure the equipment in working properly and the results documented.

Any faults found will be reported to the Contract Maintenance Company, who will carry out the repairs and document the works undertaken.

All cameras installed will be, were possible, protected from vandalism to ensure they remain in working order.

Processing of Images

All CCTV images will be kept digitally for one month, unless required for evidential purposes in legal proceedings.

The recorded images relating to the Nursery will be stored for one week only

Access to the stored-recorded images is restricted to the **Premises Manager**.

The **Premises Manager** may delegate authority to access images to a nominated person for operational reasons

All Security staff will be trained in their responsibilities under the Code of Practice, which will include:

University of Wales, Newport	Title: Data Protection Policy	
	Version: 3.5	Approved: Management Board Date: November 2007
	Suitable for Release under FOI? YES	Next Review: July 2013

1. The University's security policies and procedures.
2. The University's disclosure policy.
3. The rights of individuals in relation to recorded images.

Access to and disclosure of images to third parties

Access to recorded images will be restricted to security staff that requires access in order to carry out routine duties

All access to the medium on which the images are recorded will be documented.

All requests for access to images should be made in writing on a **Subject Access Request Form** and referred to the **Premises Manager**

A copy of the Subject Access request form will be sent to the **Data Protection Officer** for information.

A fee of £10 is payable in advance and should be submitted with the Subject Access Request Form

Once a request has been made in writing, and the fee paid, the University has 21 days to respond, in writing, to the request and 40 days to provide the images if access has been granted.

Individuals enquiring about access to CCTV images should be given the following;

A copy of the CCTV Code of Practice.

A Subject Access Request Form.

On receipt of a Subject Access Form, the **Premises Manager** will view the images. If the request is denied the following information will be recorded:

1. The identity of the person making the request.
2. The date of the request.

University of Wales, Newport	Title: Data Protection Policy	
	Version: 3.5	Approved: Management Board Date: November 2007
	Suitable for Release under FOI? YES	Next Review: July 2013

3. The reason for refusing to supply the images requested.
4. The name and signature of the person making the decision.

General

All security staff will be aware of who is responsible to respond to such requests.

The **Premises Manager** will reply in writing within 21 days advising whether or not the request will be granted

A copy of the request and response will be documented.

If the individual is dissatisfied with the decision, they have the right to request, within 21 days, that the decision be reconsidered.

This request must be in written form

On receipt of a request to reconsider a decision, the Data Protection Officer will respond, in writing, within 21 days setting out the steps that they intend to take to comply with the individual's request.

The person responsible for reconsidering the decision shall document the following:

1. The original decision.
2. The request for a review from the individual.
3. Their reasons for allowing or denying access

Monitoring compliance with this Code of Practice

1. This code of practice will form part of the University's Data Protection policy.
2. All enquiries and complaints should be documented to assess the public reaction and opinion to the system.
3. The Premises Manager will review the documented procedures annually to ensure that the provisions of this code are complied with.

University of Wales, Newport	Title: Data Protection Policy	
	Version: 3.5	Approved: Management Board Date: November 2007
	Suitable for Release under FOI? YES	Next Review: July 2013

4. A report on those reviews will be provided to the Data Controller in order that compliance can be monitored.