



Chief Information Office

Data Protection Policy

August 2017

This Policy is subject to a further update in autumn 2017 to incorporate changes under the General Data Protection Regulations (GDPR).

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Data Protection Policy

1. The Principles

1.1 Regent's University London holds and processes information about employees, students, and other data subjects for academic, administrative and commercial purposes. When handling such information, the University, and all staff or others who process or use any personal information, must comply with the Data Protection Principles which are set out in the Data Protection Act 1998 (the Act). In summary these state that personal data shall:

- be processed fairly and lawfully
- be obtained for a specified and lawful purpose and shall not be processed in any manner incompatible with the purpose
- be adequate, relevant and not excessive for the purpose
- be accurate and up-to-date
- not be kept for longer than necessary for the purpose
- be processed in accordance with the data subject's rights
- be kept safe from unauthorised processing, and accidental loss, damage or destruction
- not be transferred to a country outside the European Economic Area, unless that country has equivalent levels of protection for personal data, except in specified circumstances.

1.2 From May 25th 2018, the General Data Protection Regulations (GDPR) will come into effect. The GDPR aims to strengthen the rights of individuals. It does this by retaining rights that already exist under Directive 95/46/EC and introduces new rights of data portability, personal data processing restriction and certain rights in relation to processing. The individual data protection rights under GDPR are:

- The right to be informed
- The right of access
- The right to rectification
- The right to erasure
- The right to restrict processing
- The right to data portability
- The right to object
- The right not to be subject to a decision based solely on automated processing, including profiling.

This Policy will be revised in autumn 2017 to incorporate changes under the GDPR.

1.3 Definitions

“Staff”, “students” and “other data subjects” may include past, present and potential members of those groups.

“Other data subjects” and “third parties” may include contractors, suppliers, contacts, referees, friends or family members.

“Processing” refers to any action involving personal information, including obtaining, viewing, copying, amending, adding, deleting, extracting, storing, disclosing or destroying information.

2. Notification of Data Held

2.1 The University shall notify all staff and students and other relevant data subjects of the types of data held and processed by the University concerning them, and the reasons for which it is processed. The information which is currently held by the University and the purposes for which it is processed are set out in the Appendix 1 to this Policy. When processing for a new or different purpose is introduced the individuals affected by that change will be informed and the Appendix 1 will be amended.

3. Staff Responsibilities

3.1 All staff shall:

- ensure that all personal information which they provide to the University in connection with their employment is accurate and up-to-date
- inform the University of any changes to information, for example, changes of address
- check the information which the University shall make available from time to time, in written or automated form, and inform the University of any errors or, where appropriate, follow procedures for up-dating entries on computer forms. The University shall not be held responsible for errors of which it has not been informed.

3.2 When staff hold or process information about students, colleagues or other data subjects (for example, students' coursework, pastoral files, references to other academic institutions, or details of personal circumstances), they should comply with the Data Protection Guidelines for Academic Staff.

3.3 Staff shall ensure that:

- all personal information is kept securely
- personal information is not disclosed either orally or in writing, accidentally or otherwise to any unauthorised third party. Unauthorised disclosure may be a disciplinary matter, and may be considered gross misconduct in some cases.

3.4 When staff supervise students doing work which involves the processing of personal information, they must ensure that those students are aware of the Data Protection Principles, in particular, the requirement to obtain the data subject's consent where appropriate.

4 Student Responsibilities

4.1 All students shall:

- ensure that all personal information which they provide to the University is accurate and up-to-date
- inform the University of any changes to that information, for example, changes of address
- check the information which the University shall make available from time to time, in written or automated form, and inform the University of any errors or, where appropriate, follow procedures for up-dating entries on computer forms. The University shall not be held responsible for errors of which it has not been informed.

4.2 Students who use the University computer facilities may, from time to time, process personal information (for example, in coursework or research). In those circumstances, they must notify the Data Protection advisor in the relevant School or Directorate, who will provide further information about this requirement.

5 Rights to Access Information

5.1 Staff, students and other data subjects in the University have the right to access any personal data that is being kept about them either on computer or in structured and accessible manual files. Any person may exercise this right by submitting a request in writing to the Company Secretary (e: trustees@regents.ac.uk; t: +44 (0)20 7487 7813).

5.2 The University will make a charge of £10 for each official Subject Access Request under the Act.

5.3 The University aims to comply with requests for access to personal information as quickly as possible, but will ensure that it is provided within 40 days unless there is good reason for delay. In such cases, the reason for the delay will be explained in writing by the Company Secretary (e: trustees@regents.ac.uk; t: +44 (0)20 7487 7813), to the data subject making the request.

6 Subject Consent

6.1 In some cases, such as the handling of sensitive information or the processing of research data, the University is entitled to process personal data only with the consent of the individual. Agreement to the University processing some specified classes of personal data is a condition of acceptance of a student on to any course, and a condition of employment for staff.

7 Sensitive Information

7.1 The University may process sensitive information about a person's health, disabilities, criminal convictions, race or ethnic origin, or trade union membership. For example, some jobs or courses will bring the applicants into contact with children, including young people between the ages of 16 and 18, and the University has a duty under the Children Act 1989

and other enactments to ensure that staff are suitable for the job, and students for the courses offered. The University may also require such information for the administration of the sick pay policy, the absence policy or the equal opportunities policy, or for academic assessment.

7.2 The University also asks for information about particular health needs, such as allergies to particular forms of medication, or conditions such as asthma or diabetes. The University will only use such information to protect the health and safety of the individual, for example, in the event of a medical emergency.

8 The Data Controller and the Designated Data Controllers

8.1 Regent's University London is the data controller under the Act, and the Chief Information Officer and Director of Information Services is responsible for its implementation. Responsibility for day-to-day matters will be delegated to the Company Secretary, Directors, Deans and other named senior managers as designated data controllers. Information and advice about the holding and processing of personal information is available from the Company Secretary (e: trustees@regents.ac.uk; t: +44 (0)20 7487 7813).

9. Assessment Marks

9.1 Students shall be entitled to information about their marks for assessments, however this may take longer than other information to provide. This information may not be withheld.

10. Retention of Data

10.1 The University will keep different types of information for differing lengths of time, depending on legal, academic and operational requirements. Please seek further advice from the Company Secretary (e: trustees@regents.ac.uk; t: +44 (0)20 7487 7813).

11. Compliance

11.1 Compliance with the Act is the responsibility of all students and members of staff. Any deliberate or reckless breach of this Policy may lead to disciplinary, and where appropriate, legal proceedings. Any questions or concerns about the interpretation or operation of this policy should be taken up with the Company Secretary by telephone (+44 (0)20 7487 7813) or by e-mail (trustees@regents.ac.uk).

11.2 Any individual, who considers that the policy has not been followed in respect of personal data about him or herself, should raise the matter with the designated data controller initially. If the matter is not resolved it should be referred to the staff grievance or student complaints procedure.

12. HESA Data Collections

12.1 The Higher Education Statistics Agency (HESA) is the organisation responsible to support the needs of the HE sector, Government and other bodies for accurate and comprehensive statistics about universities, students and other HE bodies. The University is required to provide statutory data to HESA.

12.2 Data about you will be supplied to HESA for the purposes set out below. All information is used in compliance with the Data Protection Act 1998, and from 25 May 2018 with the General Data Protection Regulation (GDPR). The full HESA Data Collection Notice is available from this link: <http://www.hesa.ac.uk/fpn>

Here is a summary:

12.3 HESA collects data about the personal characteristics of students and information about their studies and qualifications. This might include sensitive details about students' personal lives used for equality and diversity monitoring.

12.4 Purpose 1 – Named data used for public functions Your HESA information is used by public authorities for their statutory and/or public functions including funding, regulation and policy-making purposes. Your information is provided by reference to your name, but your information will not be used to make decisions about you.

12.5 Purpose 2 - Administrative uses Your named data may be processed by public authorities for the detection or prosecution of fraud. These uses of your HESA information may result in decisions being made about you.

12.6 Purpose 3 - HESA publications HESA publishes statistics about students in higher education.

12.7 Purpose 4 - Equal opportunity, research, journalism and other processing for statistical and research purposes HESA information is used for research into higher education and the student population. This research can be academic, commercial, journalistic or for personal reasons. HESA prohibits the identification of individual students by those carrying out this research and information is not shared on a named basis.

12.8 Linking of your HESA information to other information HESA information is sometimes linked to other data sources to enable more detailed research and analysis.

12.9 The HESA Initial Teacher Training record ("ITT") Information about teacher training students in England is submitted to the National College of Teaching and Leadership via HESA.

12.10 Student and leaver surveys You may be asked to provide information about your experience as a student and your activities after you graduate as part of national surveys.

12.11 Your rights Data protection legislation gives you rights over your personal data. These include rights to know what information is processed about you and how it is processed. These rights have to be met by HESA and any other organisation which takes decisions about how or why your information is processed.

12.12 Data transfers to other countries Your HESA information may be transferred to countries outside the European Union for the purposes described above.

13. This Policy

13.1 Responsibility for the Data Protection Policy rests with the Chief Information Officer and Director of Information Services. The Policy will be reviewed at least annually and whenever there is a material change in relevant legislation.

Appendix 1

University Information Processing

The University has notified the Information Commissioner that personal information may need to be processed for the following purposes:

- Staff, Agent and Contractor Administration
- Advertising, Marketing, Public Relations, General Advice Services
- Accounts & Records
- Education
- Student and Staff Support Services
- Research
- Other Commercial Services
- Publication of University Magazines
- Crime Prevention and Prosecution of Offenders
- Alumni Relations

Complete details of the University's current entry on the Data Protection Register can be found on the notification section of the Information Commissioner's web site. Select the option to Search Register and when the search form is displayed type Regent's University London into the Name box and then click on Search.

The register entry provides:

- a fuller explanation of the purposes for which personal information may be used
- details of the types of data subjects about whom personal information may be held
- details of the types of personal information that may be processed
- details of the individuals and organisations that may be recipients of personal information collected by the University
- information about transfers of personal information.