

# Data Protection for Students and Third Parties Policy

---



ABERDEEN COLLEGE®

QA31

## Data Protection for Students and Third Parties Policy

Review Date: April 2009

### Introduction

The Data Protection Act 1998 ("the Act") came into effect on 1 March 2000. It governs the processing of information on living individuals ("Personal Data"). Personal Data can be described as data, which either on its own, or together with something you may reasonably come across, enables you to identify a living individual.

According to case law, a person's details will not constitute Personal Data where it does not disclose that person's identity. A person's name appearing in isolation will not usually amount to Personal Data, but where a person's name appears together with other information about the individual such as address, telephone number or information on his interests or preferences then this will constitute Personal Data. Information about a person will also not be considered Personal Data unless held in a relevant filing system (i.e. one which makes it easy to locate specific pieces of information about a person). For further information please visit the Information Commissioner's website at [www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk) or [www.itspublicknowledge.info](http://www.itspublicknowledge.info) for the Scottish Information Commissioner's site.

Aberdeen College respects your privacy and is firmly committed to protecting your Personal Data. The law places certain obligations on the College and additional procedures have been put in place by the College so you can be confident that the data you provide will only be used in a lawful and fair way and that we will never knowingly mislead you about the use of your data. You can be sure that we will never pass your information on to third parties or send you marketing material without your consent.

All computerised records are protected by unique user passwords. The College Data Services (CDS) room is locked with limited access allowed to staff.

Aberdeen College is a Data Controller under the Act and has nominated the Vice Principal and Director of Finance & Administration to be its Data Protection Officer. Whenever we collect data (for students this is usually on the various College forms) we will provide you with information on the purposes for which we intend to process, or otherwise make use of, the data and any other information which is required to ensure fairness in our dealings with you.

## Data Protection for Students and Third Parties Policy

In general we will use your information to:

- Enable Aberdeen College to claim funding appropriately.
- Provide data to third parties, for example SQA, for the purposes of registering, resulting and certification.
- Enable Aberdeen College to fulfil its obligations under any contract.
- Contact you for marketing purposes where we are permitted to do so.
- Enable Aberdeen College to detect plagiarism when it occurs in students assessed work through the use of a third party plagiarism detection service.

The Act deals with three main areas:

### 1. Notification

There is a requirement to register with the Information Commission (called notification) for most businesses which process data. Aberdeen College has registered with the Information Commission and full details of the registration can be seen on the Information Commission website.

### 2. The Data Protection Principles

Anyone processing data is required to comply with the eight Data Protection Principles. These require data to be:

- 2.1 ***Fairly and lawfully processed.***
- 2.2 ***Processed for limited purposes.***
- 2.3 ***Adequate, relevant and not excessive.***
- 2.4 ***Accurate*** and up to date.
- 2.5 ***Not kept longer than necessary.*** In the case of students, it is Aberdeen College's policy to keep records for five years, (i.e. five previous years and the current year). For more information see the Aberdeen College Students Records Retention Policy which is located on the College website. In the case of employee data please see the Data Protection Policy – The Use Of Personal Data Relating to Employees which is available from the Director of Human Resource Management & Development. In the case of third party data

## Data Protection for Students and Third Parties Policy

(i.e. non-student, non-employee data) it is Aberdeen College's policy to keep records for five years.

2.6 ***Processed in accordance with individuals' rights.***

2.7 ***Kept secure.*** The security of your information is crucial to us. Any information we hold will be stored appropriately and safely.

2.8 ***Not transferred to non-EEA countries which do not afford data adequate protection.*** Where there is a right to transfer any data it will not be transferred outside EEA (that is European Economic Area) unless the country to which it is to be transferred offers adequate protection for that information or you have explicitly consented to the transfer.

In order to ensure compliance with these principles we only use your data for the purposes for which it was provided by you. We do not ask for more information than we need and after a reasonable length of time it is securely deleted. Only a limited number of staff who have been properly trained are able to access the data we hold and we have a strict policy of not passing on or selling any data we have collected.

### 3. Access to Data

You can have your data corrected or updated at any time by contacting the College Data Services at the Gallowgate. It is the responsibility of each individual to ensure the information held by the College about them is accurate and up to date.

The Act creates a special right (described as a "subject access request") which allows you to gain access to all the data we hold relating to you (i.e. in which you can be identified).

Requests for subject access should be made in writing to Associate Principal, Data Management and Student Administration. We are entitled to charge a fee for dealing with a subject access requests and at present the maximum fee is £10.00. Our aim is that any subject access request will be dealt with promptly and in any event within forty days from the date we receive the request in writing, and the payment of £10.00 if requested. Any such request must come with confirmation of identity (i.e. any request should be signed. Further identification may be required.) The forty day period for responding will only begin from the date all requirements for the request are met.

## Data Protection for Students and Third Parties Policy

If a subject access request means that Aberdeen College would require to disclose information relating to an individual other than the data subject, and such person can be identified from the information then this information can only be disclosed if that individual consents to the disclosure or it is reasonable in all circumstances to allow disclosure of the information without the individual's consent having regard to any duty of confidentiality owed or steps taken to seek consent. If the information can be amended to prevent disclosure of the person's identity then the data will be provided in this way.

If you make a subject access request we will promptly:

- Tell you whether we hold any personal data relating to you, the purposes for which those data are being processed and those to whom they are or may be disclosed
- Supply you with a copy of all the information that forms any such personal data.

The College is entitled to refuse to grant repeated and/or vexatious requests for information. If an individual feels his or her data are not being handled properly he or she may raise the matter with the Associate Principal, Data Management and Student Administration. If appropriate, formal complaints may also be made to the Information Commissioner.

### Other Issues

#### Confidentiality

We will treat all your information as confidential - even when you are no longer connected with the College. This means that we will not give your information to anyone unless:

- we are required to do so by law
- we have your prior consent (which is not necessarily required to be in writing)
- it is in our legitimate interest to do so (but we will not use this exception as a basis to disclose your details to third parties for their marketing purposes).

We may provide information about you to persons acting on your behalf or to persons to whom we may transfer any of our rights or obligations.

### Use of Data for Marketing Purposes

We may occasionally contact you for the purposes of sending marketing material or other information which we believe you will be interested in. We acknowledge that there are certain types of communication where we must have your prior permission by way of an “opt-in” from you before we may contact you, and others where we may do without such permission **unless** (either now or in the future) you indicate to us your wish to “opt-out” from receiving such further information.

### Monitoring

Equal opportunities monitoring will be carried out using information provided on application forms. This information, which will be anonymous, will be collated and used for monitoring the effectiveness of the College’s Equal and Diversity Policies.

### Specific Data Protection Issues

1. The College utilises CCTV (Closed Circuit Television ) systems to actively maintain both internal and external security of property and buildings. Each individual recording tape is retained for 30 days and is re-used at the same date in the following period. Images recorded during this procedure are treated as confidential and only disclosed in specific and limited circumstances.
2. Students are informed that it is the practice of the College to send a notification of absence and an appointment request on ***an open postcard*** to the student's contact address following an unexplained absence.
3. Students are informed that it is College practice to post examination and assessment results on public notice boards on the College premises. The information posted will comprise the examination or assessment, the student's name and the result achieved.
4. While on work placements within the College, students may have access to information held by the College. All such information is to be treated as confidential by the student and should not be discussed or disclosed except as required in the fulfilment of work placement duties. Students are forbidden

## Data Protection for Students and Third Parties Policy

from seeking to access information which is not directly required for the purpose of their work placement.

5. Information on disabilities or special needs disclosed to the College will be treated with respect and sensitivity. In providing such information, you consent to it being passed on to the appropriate departments within the College for the purpose of assessing your requirements and where appropriate, arranging proper support. Students, their parents or guardians, or if appropriate their current or previous school, may be contacted individually by the appropriate department for this purpose.
  
6. As one of its strategies to ensure fairness in assessment Aberdeen College makes use of a third party plagiarism detection service (Turnitin). In order for this system to operate, some personal information relating to students must be transferred to the Turnitin system as part of the submission of student work. Such information will be kept to the minimum required to identify the student with the piece of work and to enable the system to operate. This may include the name and email address of the student, together with course details and the submitting institution (Aberdeen College). This information will be transferred and stored outside the EU along with the student work itself. Where students include personal information *within the body* of a piece of work submitted for assessment, this will be treated as implicit consent for this information to be transferred to the plagiarism service.

|                            |  |
|----------------------------|--|
| Date of version:           | <b>April 2008</b>  |
| Responsibility for Policy: | <b>Vice Principal and Director of Finance &amp; Administration</b> |
| Review date:               | <b>April 2009</b>  |