

DARWIN COLLEGE – DATA PROTECTION POLICY

Purpose and interpretation

1. The Data Protection Act 1998 ('the Act') regulates the "*processing of information relating to individuals, including the obtaining, holding, use or disclosure of such information*"¹. In short, the Act regulates both how personal information may be held and otherwise processed; and gives rights to those whose data is held.
2. The Act defines eight data protection principles² which:
 - a. provide guidelines on the creation, acquisition, holding, processing, querying, amending, editing, disclosure or transfer and destruction of data;
 - b. prescribes the purposes for which data is gathered and held; and
 - c. enshrines rights for those individuals who are the subject of personal data, known as 'data subjects'³.
3. The College is committed to abiding by not only the letter but also the spirit of the Act. This policy specifies how the College will achieve that aim.
4. In the Act and this policy:⁴
 - a. the College is the 'Data Controller';
 - b. the Dean is the Data Protection Officer *ex officio* and is responsible for the implementation of the Act within College;
 - c. all College members and staff who manage personal data as part of their duties in the College are 'data processors';
 - d. 'personal data' means data which relates to a living individual who can be identified
 - (1) from that data, or
 - (2) from that data and other information which is in the possession of, or is likely to come into the possession of, the data controller,

¹ Taken from the introductory text to the Act.

² s4 and Schedule 1 to the Act and reiterated at Paragraph 6.

³ s1, *ibid*

⁴ s1(1) and 4, s2 and s5, *ibid*.

and includes any expression of opinion about the individual and any indication of the intentions of the data controller or any other person in respect of the individual; and

- e. 'sensitive personal data' means personal data comprising information as to:
 - (1) the racial or ethnic origin of the data subject,
 - (2) his or her political opinions,
 - (3) his or her religious beliefs or other beliefs of a similar nature,
 - (4) whether he or she is a member of a trade union (within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992),
 - (5) his or her physical or mental health or condition,
 - (6) his or her sexual life,
 - (7) the commission or alleged commission by him or her of any offence, or
 - (8) any proceedings for any offence committed or alleged to have been committed by him or her, the disposal of such proceedings or the sentence of any court in such proceedings.

Duties of College Members and Staff

- 5. College members and staff are expected to:
 - a. read and understand this document;
 - b. acquaint themselves with and abide by the Data Protection principles;
 - c. understand how to conform with the Act regarding the creation, acquisition, holding, processing, querying, amending, editing, disclosing or transferring to third parties and the destruction of personal data;
 - d. understand how to conform with the Act regarding the safeguarding of data subject's rights; and
 - e. if in any doubt contact the Data Protection Officer and not to jeopardise a data subject's rights or to risk a contravention of the Act.

The Data Protection Principles⁵

6. The Data Protection Principles are:
- a. Principle I: Personal data shall be processed fairly and lawfully;
 - b. Principle II: 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;
 - c. Principle III: Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed;
 - d. Principle IV: Personal data shall be accurate and, where necessary, kept up to date;
 - e. Principle V: Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes;
 - f. Principle VI: Personal data shall be processed in accordance with the rights of data subjects under this Act;
 - g. Principle VII: 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; and
 - h. Principle VIII: 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.

General Guidelines

Acquisition of personal data (Principles I, II and III)

7. Data processors seeking to obtain personal data must, with regard to data subjects:⁶
- a. inform the data subject of the purpose for which the data is being gathered,

⁵ See footnote 2.

⁶ *Inter alia*, Schedule 2 to the Act.

- b. obtain the data subject's express consent,
 - c. inform the data subject of the identity of any other person to whom the data may be disclosed, and
 - d. inform the data subject and inform the data subject that the College will be the Data Controller.
8. If sensitive personal data is being collected explicit consent is mandatory.⁷
9. No more data than is necessary for the declared purpose should be collected.

Holding, safeguarding and disposal of personal data (Principles IV,V and VII)

10. Data must not be held for longer than is necessary. Personal data should be reviewed periodically to check that it is accurate, up to date and to determine whether retention is necessary.
11. Necessary and sufficient measures should be taken to safeguard data in order to prevent loss, destruction or unauthorised disclosure. The more sensitive the data, the greater the measures that should be taken.

Editing, amending and personal data (Principles I and II)

12. Personal data must not be edited or amended except for the purpose for which it was obtained or a similar analogous purpose. If the new purpose is very different then the data subject's consent should be obtained in accordance with Paragraphs 7 and 8 above.

Disclosures and transfers of personal data (Principles I, II, VII and VIII)

13. Disclosures:
- a. The College's policy is to exercise its discretion under the Act to protect the confidentiality of those whose personal data it holds. Particularly:
 - (1) College members and staff may not disclose any information about applicants, students or other College members or staff, including information as to whether or not any person is or has been an applicant, student or other College member or staff unless that individual is clear that he or she has been authorised by the Data Protection Officer on behalf of the College,

⁷ Schedule 3 to the Act.

- (2) care should be taken regarding posting personal information on the internet,
- (3) no College member or staff should provide a reference to a prospective employer, landlord or similar person without the consent of the data subject concerned, and
- (4) no College member or staff may disclose personal data to the police or any other public authority unless that disclosure has been authorised by the Data Protection Officer or by an order of the court.

14. Transfers:

- a. Personal data should not be transferred outside the College and in particular not to a country outside the EEA:
 - (1) except with the data subject's consent,
 - (2) unless that country's data protection laws provide, in the recorded judgement of the Data Protection Officer, an adequate level of protection,
 - (3) unless adequate safeguards have been put in place to the satisfaction of the Data Protection Officer, or
 - (4) unless the Data Protection Officer is satisfied that other derogations in the Act or its associated guidelines as issued by the Information Commissioner's Office apply.

Destruction of Personal data (Principles V and VII)

15. Personal data must not be held for longer than necessary. When such data has been earmarked for destruction, appropriate measures must be taken to ensure that the data cannot be reconstructed and processed by third parties.

Data subjects' right of access⁸

16. The College is fully committed to facilitating access by data subjects to their personal, while also considering the need to protect other individuals' right of privacy.
17. A data subject who wishes to apply access personal data held by the College must make a subject access request in writing, giving their full name and University email address. If the applicant is not a member of the university

⁸ In accordance with s7 of the Act.

and does not have a University email address, then the applicant must provide sufficient proof of his or her identity. Applications made by third parties must further establish the identity of the third party and the authority of the data subject for the application.

18. In order to assist the College in collating the requested data, applicants should also specify what data he or she wishes to access.
19. Applications must be made to the Data Protection Officer and include payment of a fee of £10.

Review

20. This policy will be reviewed regularly in order to take account of changes in the law and guidance issued by the Information Commissioner.
21. The Data Protection Officer may from time to time issue guidelines that expand or add to this policy.

Data protection contacts

22. Enquiries about the College's Data Protection Policy and formal subject access requests under the Act should be made to :

The Dean (Data Protection Officer)
Darwin College
Silver Street
CAMBRIDGE CB3 9EU
Telephone: 01223 335673
email: deanery@darwin.cam.ac.uk

Disciplinary consequences of this policy

23. Unlawful obtaining or disclosure of personal data (including the transfer of personal data outside the EEA in contravention of Paragraph 14 above) or any other breach of s55 of the Data Protection Act 1998 by staff or students will be treated seriously by the College. For staff, any such breaches may be considered gross misconduct and may lead, following investigation, to dismissal with or without notice.

DR L E A HOWE
Dean
Data Protection Officer
22nd September 2014