

GDPR Policy

Derived from FE Sector GDPR Policy

CBD1

Issue	Date of 1st Issue	Last Reviewed	Date of Next Review	Responsibility of
02	May 2018	March 2019	May 2020	Chief Information Officer

This document can also be produced in alternative formats upon request.

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GDPR Policy

1. Purpose

The aim of the policy is to ensure that all College operations are conducted in a manner which comply with General Data Protection Regulations and the Data Protection Act 2018 (collectively referred to in this document as Data Protection Legislation).

Note that the body of this policy document is derived from that generated by FE Sector together.

2. Scope

This policy has implications in terms of responsibilities for:

- all staff
- governors
- students

3. Responsibilities

Roles and Responsibilities are detailed in the body of the document

4. Introduction

As a public authority, the College has an obligation to protect its information assets and in particular, the information relating to its employees, students and other individuals in whatever form that information is held. The College is responsible for ensuring that Personal Data is properly safeguarded and processed in accordance with the General Data Protection Regulations (GDPR) and the Data Protection Act 2018 (collectively referred to in this document as Data Protection Legislation). The purpose of this policy is to set out the standards of how the College handles Personal Data whether held electronically or manually.

The College is registered as a Data Controller with the Information Commissioners Office (ICO) on an annual basis. The registration number of Northern Regional College is:

Z1019663

The College functions require us to process personal data, primarily to perform our statutory functions to deliver education and training in the Further Education sector to our students and administer contracts with our employees, workers, contractors, agency workers, consultants and suppliers and to comply with our legal obligations (for example health and safety and reporting to the Department for the Economy). Full details of what Personal Data we process, our lawful basis for processing, and the personal data shared with third parties is as set out in the College's Privacy Notices. The College's appropriate Privacy Notice must be presented when the Data Subject first provides the Personal Data.

This policy sets out what the College expects of all its employees, workers, contractors, agency workers, consultants, directors, students, in order to comply with Data Protection legislation.

Refer to APPENDIX 1 Glossary of Terms for definitions.

5. Roles and Responsibilities

5.1. The Board of Governors and Principal and Chief Executive

The Board of Governors and Principal and Chief Executive will endorse and support in assisting in raising the profile of the Data Protection Legislation. They will have ultimate responsibility for ensuring the College complies with Data Protection Legislation.

5.2. Data Protection Officer

The Data Protection Officer (DPO) has responsibility, on behalf of the Principal and Chief Executive, and as defined in Article 39 of the Regulations to:

- Inform and advise the College and its employees about their obligations to comply with the GDPR and other data protection laws.

- Monitor compliance with the GDPR and other data protection laws, including managing internal data protection activities, advise on Privacy Impact Assessments; train employees and conduct internal audits.
- Co-operate with the supervisory authority, the Information Commissioner's Office (ICO).
- To act as the contact point for the ICO on issues relating to processing, including the prior consultation referred to in Article 36.
- Ensure the College is kept informed of legislative changes and that relevant amendments are implemented into the College processes.
- Ensure that employees, students and authorised third parties comply with the GDPR Principles, in respect of data within their remit.
- Ensure that the College Policy, guidelines and security measures are appropriate and up to date for the types of data being processed.
- Be the contact point for the administration of all subject access requests relating to data held by the College.

5.3. Staff Responsibilities

All employees, workers, contractors, agency workers, consultants, directors (collectively referred to as Staff) are responsible for working in compliance with Data Protection Legislation and the conditions set out in this policy.

- Throughout the course of working with the College, Staff will have access to various extracts of Personal Data pertaining to Staff/students, depending on the nature of their role.
- Staff must adhere to all Data Protection related policies and procedures to ensure the confidentiality, integrity and availability of personal data.
- All College Staff must complete mandatory training on GDPR and adhere to regular information updates on new policies and procedures as they become operational.

Compliance is the responsibility of all Staff. Any breach of this Data Protection Policy may lead to disciplinary action being taken, access to College information facilities being withdrawn, or in substantial cases, a criminal prosecution. Any questions or concerns about the interpretation or operation of this policy should be taken up initially with the DPO.

5.4. Data Subject Responsibilities

As Data Subjects, all employees, workers, contractors, agency workers, consultants, directors, students are responsible for:

- ensuring that any personal information they provide to the College in connection with their employment, registration or other contractual agreement is accurate;
- informing the College of any changes to any personal information which they have provided, e.g. changes of address, bank details;
- responding to requests to check the accuracy of the personal information held on them and processed by the College and informing the College of any errors or changes to be made.

The College cannot be held responsible for any errors unless the data subject has informed the College of the changes.

6. Data Protection Principles

The College adheres to the six principles (Article 5(1)) relating to the processing of Personal Data set out in the GDPR and the Data Protection Act 2018 which requires Personal Data to be:

- a) Processed lawfully, fairly and in a transparent manner in relation to the data subject - (Lawfulness, Fairness and transparency)
- b) Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall, in accordance with [Article 89](#) (1), not be considered to be incompatible with the initial purposes – (Purpose limitation)

Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed - (data minimisation)

- c) Accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay – (Accuracy)

- d) Kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89(1) subject to implementation of the appropriate technical and organisational measures required by this Regulation in order to safeguard the rights and freedoms of the data subject – (Storage Limitation)
- e) Processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures - (Integrity and Confidentiality)

Article 5(2) of the GDPR requires that:

The controller shall be responsible for, and be **able to demonstrate** compliance with the Data Protection Principles listed above.

6.1. Lawful Basis for Processing Personal Data

You may only collect, process and share Personal Data fairly and lawfully and for specified purposes.

The College will ensure all processing is affiliated to one or more of the following:

- a) Consent: the Data Subject has given clear consent to process their personal data for a specific purpose.
- b) Contract: the processing is necessary for purposes of a contract with the Data Subject, or with a view to entering into a contract.
- c) Legal obligation: the processing is necessary to comply with legislation (not including contractual obligations).
- d) Vital interests: the processing is necessary to protect someone's life.
- e) Public task: the processing is necessary to perform a task in the public interest or for official functions, and the task or function has a clear basis in law.
- f) Legitimate interests: the processing is necessary for legitimate interests or the legitimate interests of a third party unless there is a good reason to protect the individual's personal data which overrides those legitimate interests. (This

cannot apply if you are a public authority processing data to perform official tasks.)

6.2. Lawful Basis for Processing Special Category Data

- a) explicit consent – consent which can be demonstrated
- b) processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law
- c) processing is carried out in the course of its legitimate activities with appropriate safeguards
- d) processing relates to personal data which are manifestly made public by the data subject
- e) processing is necessary for the establishment, exercise or defence of legal claims
- f) processing is necessary for reasons of substantial public interest
- g) processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems
- h) processing is necessary for reasons of public interest in the area of public health
- i) processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes

6.3. Individual Rights

Data Protection Legislation provides the following rights for individuals which the College will respond to within the provision of the law. These rights are not absolute.

- 1) The right to receive certain information about our Processing activities
- 2) The right of access to Personal Data
- 3) The right to rectification of inaccurate or incomplete data
- 4) The right to ask us to erase their Personal Data if it no longer necessary in relation the purposes for which it was collected or processed

- 5) The right to restrict processing in certain specific circumstances
- 6) The right to data portability in certain specific circumstances
- 7) The right to object in certain specific circumstances (for example to us processing for direct marketing purposes)
- 8) Rights in relation to automated decision making and profiling
- 9) Right to Withdraw Consent
- 10) Right to Complain to the Information Commissioners Office (ICO)

All requests made in relation to the rights listed above should immediately be forwarded to the DPO who will provide advice and assistance on responding to this request. Further information in this regard can be found in the 'Data Subject Rights Procedure'.

6.4. Contracts

Data Controllers and Data Processors are both liable in the event of a data breach therefore individuals and departments who enter into a contract with a third party data processor are responsible for ensuring that all processing of personal data carried out on behalf of the College is done in compliance with this policy. Further guidance is available in the 'GDPR Handbook'.

6.5. Consent

Data Subjects are able to withdraw consent; therefore, it is the College Policy that consent should only be relied on as the lawful basis for processing in exceptional circumstances. Where the College relies on consent as a condition for processing, it will:

- Ensure the consent is clear and unambiguous (e.g. no pre-ticked opt-in boxes)
- Place consent declarations separate from other terms and conditions
- Provide clear and easy ways for subjects to withdraw consent at any time including contact details of a responsible owner
- Act on withdrawals of consent as soon as possible
- Retain records of consent/withdrawals of consent throughout the lifetime of the data processing.

The DPO must be contacted to ensure:

- consent is the appropriate legal basis for the processing in question
- obtaining of consent meets the requirements of GDPR
- open transparency to the data subjects.

Further guidance is available in the 'GDPR Handbook'.

6.6. Disclosures to Third Parties

Personal Data will not be shared with third parties unless certain safeguards or contractual arrangements are in place or where there is a legal or statutory obligation to disclose.

In dealing with a request the College will be sensitive to and give proper consideration to the data subjects' rights and privacy in relation to any 'third party' information contained in the response. Personal data will only be disclosed to a third party where a lawful basis exists.

Special Category personal data will only be disclosed where a lawful basis specific to Special Category data, as defined by Data Protection Legislation, is met.

Personal data will only be disclosed outside of the EEA (the EU Member States together with Iceland, Liechtenstein and Norway) where additional conditions as defined by Data Protection Legislation are met.

Further guidance is available in the 'GDPR Handbook'.

6.7. Disclosure to Parents (Student Information)

The College will not disclose Personal Data of students to parents or next of kin where we have no consent from the student to do so. There may be exceptional circumstances to this rule, for example where it necessary to protect the vital interest of student or someone else.

Guidance in relation to the disclosure of personal data to parents or guardians about their son or daughter is provided in the {Safeguarding Vulnerable Groups Standard Operating Procedure}.

6.8. Disclosures to the Police

In certain circumstances the College may be able to disclose Personal Data to the police for the purposes of the prevention or detection of crime, the apprehension or prosecution of offenders.

Further guidance is available in the 'GDPR Handbook'.

6.9. CCTV

All employees, students and visitors should have a reasonable expectation of being captured on CCTV on a daily basis.

While the use of CCTV is primarily for the following purposes, the College will regulate its use within the provisions of GDPR so as not to become intrusive:

- Deterring, prevention and detection of a crime including misuse/abuse of College equipment.
- Identification, apprehension and prosecution of offenders.
- Security of campus buildings and ground.
- Safeguarding/Health and Safety

In exceptional circumstances the images may be viewed for investigatory purposes.

7. Data Breach

In the event of an actual, suspected or potential breach, the College will take immediate action to secure the information and mitigate any further or possible compromise of data.

If a data security breach occurs, the College will respond to and manage the breach effectively by means of a 5 part process.

- 1) Reporting a Breach
- 2) Containment and Recovery
- 3) Assessing the Risks
- 4) Notification of Breaches
- 5) Evaluation and Response

If you know or suspect that a Personal Data Breach has occurred, do not attempt to investigate the matter yourself. Immediately and without delay contact the DPO. You should preserve all evidence relating to the potential Personal Data Breach.

Suspected or confirmed breaches which may cause damage/distress to the data subjects must be reported to the ICO within 72 hours by the DPO from when the College becomes aware of it. In the event of a sufficiently serious data breach, the College will notify the public without undue delay.

8. Policy Awareness

GDPR awareness is a mandatory element of all employee induction. Policies and procedures will be circulated to all employees and published on the College Intranet/Internet for employees, students and members of the public to view. All employees, workers, contractors, agency workers, consultants, directors, students are required to be familiar with and comply with the policy at all times.

9. Status of the Policy

This policy does not form part of the formal contract of employment, but it is a condition of employment that employees will abide by the rules and policies made by the College from time to time.

Failure to comply with this policy may result in damage to College reputation, data loss and damage and distress to the individuals affected.

10. DPO Role and Deputies

A critical role in all processes and procedures related to data protection is that of DPO.

10.1. The DPO in Northern Regional College is:

Deborah Kerr
Data Protection Officer Northern Regional College
22 Moneymore Road
Magherafelt
Co Londonderry
BT45 6AE
General Telephone Number: 028 7963 2462
Mobile Number: 07713068459
Email: deborah.kerr@nrc.ac.uk

In circumstances where the DPO cannot be contacted due to absence etc., then the following manager will have the responsibilities of the DPO delegated temporarily to them.

Delegated DPO:

Dr Catherine Guy
Northern Regional College
22 Moneymore Road
Magherafelt
Co Londonderry
BT45 6AE
General Telephone Number: 028 7963 2462
Email: Catherine.guy@nrc.ac.uk



11. Quality Assurance

- 11.1. Comments and complaints regarding this document will be handled through the College's comments and complaints mechanisms. If you have a comment or complaint, or require further information regarding the process, please e-mail quality.improvement@nrc.ac.uk.
- 11.2. The following processes must be followed to monitor and review this document:
- a. It will be monitored on an ongoing basis and subject to a full review at least every two years.
 - b. It may also be updated if changes or improvements in processes or procedures are identified.
 - c. In monitoring and reviewing the document, the following will be taken into consideration:
 - feedback regarding the content and format of the document;
 - uptake and usage;
 - comments or complaints regarding the document;
 - Equality information and monitoring data.

12. Links to other Documents

- 12.1. Internal Documents:
- Procedure for Data Breach Management
 - Procedure for Data Subject Rights
 - FE Sector Data Protection Handbook
 - Data Incident Response Plan
- 12.2. External Documents
- Data Protection Act (2018)
 - EU General Data Protection Regulation

Appendix 1 Glossary of Terms

Consent	any freely given, specific, informed and unambiguous indication of the data subject's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her
<u>Data Breach</u>	<ul style="list-style-type: none"> a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed
<u>Data Controller</u>	<ul style="list-style-type: none"> the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data; where the purposes and means of such processing are determined by Union or Member State law, the controller or the specific criteria for its nomination may be provided for by Union or Member State law
<u>Data Processor</u>	<ul style="list-style-type: none"> a natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller
<u>Data Subject</u>	<ul style="list-style-type: none"> Data subject means an individual who is the subject of personal data.
<u>Information Asset</u>	<ul style="list-style-type: none"> A body of information, defined and managed as a single unit so it can be understood, shared, protected and exploited efficiently. Information assets have recognisable and manageable value, risk, content and lifecycles.
<u>Information Commissioner's Office (ICO)</u>	<ul style="list-style-type: none"> The ICO is the supervisory and regulatory authority responsible for upholding individuals' rights and ensuring all Data Controllers process personal data within the provisions of legislation. <p>The ICO contact details are:</p> <p> Information Commissioner's Office Wycliffe House Water Lane Wilmslow Cheshire SK9 5AF  Tel: 0303 123 1113 or 01625 545 745</p>

<u>Personal Data</u>	<ul style="list-style-type: none"> any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.
<u>Process, Processing and Processed</u>	<ul style="list-style-type: none"> any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction
<u>Special Category Data</u>	<ul style="list-style-type: none"> personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation
<u>Third Party</u>	<ul style="list-style-type: none"> a natural or legal person, public authority, agency or body other than the data subject, controller, processor and persons who, under the direct authority of the controller or processor, are authorised to process personal data

Appendix 2 GDPR Principles

Article 5(1) of the GDPR requires that personal data shall be:

1) *Processed lawfully, fairly and in a transparent manner in relation to the data subject - (transparency)*

The first GDPR principle states that personal data must be processed fairly and lawfully. As a means to demonstrate fairness, the College will actively communicate our processing activities to data subjects. This will be visible by means of Privacy Notices, Privacy Impact Assessments (PIA's), website information and information updates if there is an unforeseen change to how we use personal data.

Communications will be concise, easily accessible and written in clear and plain language. This commitment will be compliant with Articles 13 and 14 of GDPR.

2) *Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall, in accordance with [Article 89\(1\)](#), not be considered to be incompatible with the initial purposes – (Purpose limitation)*

The second principle of GDPR signifies the Colleges responsibility to only use information for the purposes for which it was provided.

3) *Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed - (data minimisation)*

The third principle of GDPR means the College will not ask for more information than is necessary to conduct its overall business and statutory obligations. The College may process personal data for the purposes of Public interest, or scientific/historical/research/statistical purposes however consideration will be paid to safeguarding the rights and freedoms of the data subjects.

- 4) Accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay – (Accuracy)**

The fourth Principle places responsibility on the College to ensure the integrity and accuracy of its data. Employees must ensure a high level of accuracy when inputting personal data onto any system. Data is only valuable and decisions accurate where the information is correct and up to date. Each data subject has a responsibility to inform the College of any changes to their personal information for records to be updated. The College cannot be held accountable if it receives data which is inaccurate.

- 5) Kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with [Article 89\(1\)](#) subject to implementation of the appropriate technical and organisational measures required by this Regulation in order to safeguard the rights and freedoms of the data subject – (Storage Limitation)**

The fifth principle relates to storage limitation and the College responsibility to archive or dispose of data in line with the FE Sector Retention and Disposal Schedule. The College will not keep information for longer than is necessary with the exemption of Public interest, or scientific/historical/research/statistical purposes.

Personal Data that is no longer needed for specified purposes should be deleted or anonymised.

- 6) Processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures - (Integrity and Confidentiality)**

The sixth principle places responsibility on all employees, students and any third parties authorised to access the College's personal data sets to ensure that those data, whether held electronically or manually, are kept secure and not disclosed or processed unlawfully, in accordance with GDPR.

Article 5(2) of the GDPR requires that:

7) *The controller shall be responsible for, and be able to demonstrate compliance with the data protection principles listed above.*

The College will demonstrate compliance with the above principles by means of both appropriate organisational and technical measures. These measures may include relevant policies and standard operating procedures, Privacy Impact Assessments (PIA's), Privacy Notices, internal audits, staff training, awareness campaigns and the appointment of a DPO.

Document Development

Please complete with details regarding the development of this Policy.

D1. Working Group

Details of staff who were involved in the development of this policy:

Name	Position
The sector wide policy on which this College document was based, was developed by the GDPR Sector Group, with members listed below under 'Consultation'	
Julie Kerr	Head of Management Information Systems
Steve Brankin	Chief Information Officer

D2. Consultation

Details of staff, external groups or external organisations who were consulted in the development of this policy:

Please refer to Equality Screening Consultation Guidance.

Name	Organisation	Date
Ainslie McMahon	Belfast Metropolitan College	08/05/18
Julie Kerr	Northern Regional College	08/05/18
Michelle Breslin	North West Regional College	08/05/18
Sian Harvey	Southern Regional College	08/05/18
Mairead Gallagher	South West College	08/05/18

D3. Approval Dates:

Details	Date Approved
Equality Screening (<i>please refer to Equality Screening Guidance</i>)	8/5/18
Quality Checked (<i>please refer to Quality Checklist</i>)	10/9/18/ 12/3/19
SLT	17/9/18
Governing Body (<i>SLT to decide if PPS needs to go to Governing Body</i>)	N/A

D4. Communication Plan:

Please provide details and dates as to how this policy will be communicated, implemented and disseminated:

Action:	Action by:	Date:
Upload to College Intranet	QM	Sept 18/March 19
Communicate to staff	DPO	March 19

D5. Document History

Issue no. under review (Please see the front page)	Date of review: (Date)	Who was involved in reviewing the document? (Name/s)	Were changes made to the document after reviewing? (Yes or No)	If changes have been made, please provide brief details:	New Issue No.	If Yes, did the document need to go through consultation again? (Yes*/No)	If Yes, did the document need to be Equality Screened again? (Yes*/No)	If Yes, date those affected by document will be alerted of updated document: (Date)
01	7/9/18	S Brankin/J Kerr		Updated by S Brankin to bring in line with NRC template.	01	No	No	
01	8/3/19	D Kerr	Y	Updated to include named person with delegated DPO responsibility. Re-ordered text (Quality)	02	No	No	

* If you answered 'Yes' in columns E or F, you must forward details of additional consultation and/or screening to the Equality Officer.