

The information and guidelines within this Policy are important and apply to all members, Fellows and staff of the College

1. INTRODUCTION

Like all educational establishments, the College holds and processes information about its Fellows, employees, applicants, students, alumni and other individuals for various purposes (for example, the administration of the admissions process, the effective provision of academic and welfare services, to record academic progress, to operate the payroll and to enable correspondence and communications including the provision of references and certificates).

To comply with data protection law, information must be collected and used fairly, stored safely and not disclosed to any other person unlawfully. This Policy, so far as it is relevant, applies to personal information kept in manual or computerised files, whether or not those files comprise a relevant filing system, and therefore fall within the ambit of the Data Protection Act.

2. NOTIFICATION TO THE DATA PROTECTION COMMISSIONER

The College has an obligation as a Data Controller to notify the Information Commissioner of the purposes for which it processes personal data. Individual data subjects can obtain full details of the College's data protection register entry with the Information Commissioner from the College Data Protection Officer, or from the Information Commissioner's website (www.dataprotection.gov.uk).

3. DATA PROTECTION OFFICER

The College Data Protection Officer is the Bursar. All queries about the College Policy and all requests for access to personal data should be addressed to the Data Protection Officer.

4. DATA PROTECTION PRINCIPLES

The College, as a Data Controller, must comply with the Data Protection Principles which are set out in the 1998 Data Protection Act. In summary these state that personal data shall:

- be processed fairly and lawfully and shall not be obtained or processed unless certain conditions are met;
- be obtained for specified and lawful purposes and shall not be processed in any manner incompatible with those purposes;
- be adequate, relevant and not excessive for those purposes;
- be accurate and kept up to date;
- not be kept for longer than is necessary for those purposes;
- be processed in accordance with the data subject's rights under the 1998 Act;
- be kept safe from unauthorised access, accidental loss or destruction;
- not be transferred to a country outside the European Economic Area, unless that country has equivalent levels of protection for personal data.

5. DATA SECURITY AND DISCLOSURE

All members of College and staff are responsible for ensuring that:

- any personal data which they hold is kept securely;
- personal data is not disclosed either orally or in writing or accidentally or otherwise to any unauthorised third party.

Unauthorised disclosure is a disciplinary matter and may be considered gross misconduct. If in any doubt, consult the College Data Protection Officer.

Personal data must be:

- kept in a locked filing cabinet, drawer or room;
- or if it is computerised, be password-protected or kept only on disk which is itself kept securely.

All appropriate security measures should be taken in addition to the two points above.

In addition to the requirements of the Data Protection legislation, the confidentiality of information about individuals must be respected.

6. PROCESSING

"Processing" in relation to information or data, means obtaining, recording or holding the information or data or carrying out any operation or set of operations on the information or data, including:

- organisation, adaptation or alteration of the information or data;
- retrieval, consultation or use of the information or data;
- disclosure of the information or data by transmission;
- dissemination or otherwise making available;
- alignment, combination, blocking, erasure or destruction of the information or data.

7. RESPONSIBILITIES OF INDIVIDUAL DATA USERS

All members of College and staff who record and/or process personal data in any form (called "Data Users" in this Policy), must ensure that they comply with the requirements of the 1998 Act (including the Data Protection Principles), and with the College's Data Protection Policy (including any procedures and guidelines which may be issued from time to time). A breach of the 1998 Act and/or the College's Data Protection Policy may result in disciplinary proceedings.

In particular, no member of the College or of the College staff may, without the prior written authorisation of the Data Protection Officer, in connection with his or her work in the College:

- develop a new computer system for processing personal data;
- use an existing computer system to process personal data for a purpose other than that already authorised;
- create a new manual filing system containing personal data;

- use an existing manual filing system containing personal data for a purpose other than that already authorised.

The above does not apply to databases which are maintained by individual Data Users within the College for their private domestic uses, i.e. private address books. However, individual Data Users should consider if their private uses fall within the scope of the 1998 Act.

8. DATA AREAS AND DATA AREA CONTACTS

To aid the efficient administration of the College's Data Protection Policy, the data which the College holds/processes has been divided into a number of Data Areas. These are described below, showing who may have access to the data.

In each case, there is also specified a Data Area Contact who will be responsible in relation to the data in the Data Area in question (and thus not simply for the files which he or she maintains), for the following:

- informing the Data Protection Officer of proposed processing of personal data within the College which may need to be notified to the Data Protection Commissioner;
- providing personal data to the Data Protection Officer in response to a subject access request when requested to do so by the Data Protection Officer; and
- maintaining the security of, and access to, personal data within the Data Area;
- the Data Protection Officer may from time to time designate other Data Areas and/or Data Area Contacts.

9. DATA AREAS

Material falls within the ambit of the Data Protection Act only if it is part of a structured filing system.

The information listed below is an indication of the details that may be held on file (both computerised and manual files) and is given as background and does not necessarily mean that they fall within a relevant filing system and, therefore, within the ambit of the Data Protection Act.

(a) Personnel Files in respect of Senior Members of the College and other academic staff

These are maintained and kept by the Finance Manager and Master. They may be consulted on a day-to-day basis by the Master, the Bursar, and their Assistants. All other requests for access to these files must be authorised by the Bursar and/or Master.

Data Area Contact: Bursar and Master

(b) Files relating to loans, insurance issues, grants and allowances in respect of senior and junior members of the College and staff

These are maintained and kept by the Bursar, Fellow for Grants and the Finance Manager.

(i) Files relating to senior members of College and staff may be consulted on a day-to-day basis by the Master (and Master's Assistant), the Bursar, (and the Bursar's Assistant), and the Finance Manager.

(ii) Files relating to junior members of College may be consulted on a day-to-day basis by Tutors, the Bursar and Senior Tutor, (and their Assistants).

All other requests for access to these files must be authorised by the Senior Tutor.

Data Area Contacts: Bursar, Master and Senior Tutor

(c) Files relating to medical insurance scheme

These are maintained and kept by the Finance Manager. They may be consulted on a day-to-day basis by the Bursar.

Data Area Contact: Finance Manager

(d) Fellowship applications and Fellows' personnel files

These are maintained and kept by the Master. They may be consulted on a day-to-day basis by the Master and his Assistant. All other requests for access to these files must be authorised by the Master.

For successful candidates, the application material is included in a personnel file. For unsuccessful candidates the application documentation is archived for a period of 18 months for subsequent research into the application process. Members of Council or Governing Body may individually retain application material for 18 months.

Data Area Contact: Master

(e) Fellows' Appraisal Material

These are maintained and kept by the Master who may consult them on a day-to-day basis. All other requests for access to these files must be authorised by the Master.

Data Area Contact: Master

(f) Tutorial Files

Tutorial files are maintained in respect of students' academic progress and welfare. The purpose for which they are maintained include the relevant students' applications for employment, professional training or admission to other educational establishments. The files may also contain financial and medical data. Medical notes are maintained for health and safety reasons, to assist in meeting the needs of students with disabilities, or for reasons connected with absences from College, poor performance, applications to the University or to charities, etc.

Current Tutorial files are to be kept by the Senior Tutor and the individual student's Tutor. Tutorial files may be consulted on a day-to-day basis by the Senior Tutor, the student's own Tutor, the Chaplain, Director of Studies and their Assistants/Secretaries.

Data Area Contact: Senior Tutor

(g) Admissions Files

Admissions files are maintained in order to assess candidates for admissions. For successful candidates the admissions documentation is included in a Tutorial file. For unsuccessful candidates the admissions documentation is archived for a period of 18 months for subsequent research into the admissions process.

During the admissions process files are maintained and kept by the Admissions Tutors and the Tutors for Advanced Students and their Assistants/Secretaries. During the admissions process, admissions files may be consulted by the Senior Tutor, the Admissions Tutors, the Tutors for Advanced Students, their assistants, any Director of Studies and any other interviewers.

Data Area Contacts: The Admissions Tutors (in respect of undergraduate applicants)
The Tutors for Advanced Students (in respect of graduate applicants)

(h) Files in respect of any disciplinary matters involving students

Such files are maintained and kept by the Dean (or his assistant), either of whom may consult them on a day-to-day basis. All requests for access must be authorised by the Dean. During the disciplinary process members of the Disciplinary Committee may individually retain notes for a period of 18 months.

Data Area Contact: Dean

(i) Pastoral notes in respect of Fellows, students and staff Pastoral notes

These are maintained and kept by the Chaplain and may be consulted on a day-to-day basis by the Chaplain who must authorise all other requests for access.

Data Area Contact: The Chaplain

(j) Medical notes in respect of Fellows, students and staff

Medical files are maintained and kept by the College Nurse and may be consulted on a day-to-day basis by the College Nurse and her staff. All other requests for access to medical files must be authorised by the College Nurse.

Data Area Contact: College Nurse

(k) Central Personnel Files in respect of employed staff of the College

Central personnel files are maintained and kept by the HR Officer and Finance Manager. These files may be consulted on a day-to-day basis by the Bursar, HR Officer, Finance Manager (and the staff in College Office). The Bursar or Finance Manager should authorise all other requests for access.

Unsuccessful applications for staff posts are retained by the HR Officer for eight months for subsequent monitoring/follow-up of the selection process.

Files relating to former members of staff are held in the College's record store for a period of five years from the date their employment ceased.

Data Area Contact: HR Officer

(l) Other Staff Personnel Files

Files relating to staff, together with applications for posts within the department, may be maintained by the relevant Head of Department. Such files may be consulted on a day-to-day basis by the Head of Department, the Deputy and their Assistants/Secretaries. All other requests for access to Departmental personnel files must be authorised by the Head of Department or Deputy.

Data Area Contact: Relevant Head of Department

(m) Payroll files/information for Fellows, other academic staff and non-academic staff

Payroll files/information are kept and maintained by the Finance Manager and may be consulted on a day-to-day basis by the Finance Manager. All other requests for access to files/information must be authorised by the Finance Manager.

Data Area Contact: Finance Manager

(n) Files relating to tenancies of College rooms and properties

Files containing correspondence and signed leases for those accommodated in College furnished rooms/properties are kept and maintained by the Bursar. These files may be consulted on a day-to-day basis by the Bursar or his Assistant, who must authorise all other requests for access.

Data Area Contact: Bursar

(o) Files in respect of College Alumni (excluding Tutorial files)

The Alumni Database is maintained by the Development Officer. The files/database may be consulted on a day-to-day basis by the Development Office Staff. The Development Director holds paper files about Alumni.

Data Area Contacts: Development Officer (Database Enquiries)
Development Director (Alumni Files)

(p) Files relating to tenancies of College properties, suppliers of goods and services to the College, and other third parties not otherwise dealt with in this policy document

These are maintained and kept by the Bursar, and his staff, who may each consult the same on a day-to-day basis. All other requests for access must be authorised by the Bursar.

Data Area Contact: Bursar

(q) College Archive Files: Fellows

The individual files relating to Fellows of the College are retained indefinitely for reference and research purposes. Files are held with the Master's Assistant and at some point after a Fellow leaves the College, his or her file will be transferred to the College's archives. The timing of such transfer will differ between the Data Area Contacts depending on a number of factors. All requests for access to any archived file must be authorised by the Master.

All personal records are exempt for disclosure. Disclosure of information will only be considered if the subject is deceased, or the information is published and publicly available, or to a researcher carrying out general research who will anonymise the data and sign a Data Protection Form.

Data Area Contact: Master

(r) College Archive Files: Students

The individual files relating to students of the College are the basis of the alumni records and detailed historical archives of the College, and are retained indefinitely for reference and research purposes. At some point after a member leaves the College, his or her files will be transferred to the College's archives. The timing of such transfer will differ between the Data Area Contacts depending on a number of factors. Until such transfer,

files/information may be consulted on a day-to-day basis in accordance with the procedures set down for the individual Data Area Contacts and thereafter by them or the College's Archivist. All other requests for access to any archived file must be authorised by the Bursar, or by the Archivist.

Data Area Contact: Senior Tutor

(s) Library Patron Database

There is an electronic database which holds individual records of each registered library user. The records are part of the University-wide Voyager system and are created and partially maintained by the University Library. Records of the transactions within Selwyn Library are kept and maintained by the Librarian and consulted on a day-to-day basis by the Assistant Librarian and Library Assistant. Applications for access are made to the Librarian.

Data Area Contact: College Librarian

10. COMPUTER DATABASES

Certain of the files referred to above are maintained in electronic databases as well as or instead of paper files. Access to such databases is restricted in the same manner as access to paper files under the relevant Data Area Contacts.

In addition, however, the IT Manager and members of the College's IT Department may have day-to-day access to the electronic databases for the purposes of administering and maintaining the same.

11. MEMBERS, STAFF AND CANDIDATES

Members, staff and candidates must ensure that any personal data provided to the College is accurate and up to date. They must ensure that any changes of address or other personal details are notified to the relevant College Department/Data Area Contact. Members and staff who use the College computer facilities must not hold or process personal data about others except as authorised. To do so may constitute a disciplinary offence if such personal data is processed unless in connection with the legitimate duties or activities of the College and also, in the case of sensitive personal data, if the Data Subject has not given their explicit consent or some other authority does not exist under the Data Protection Act 1998.

12. DATA SUBJECTS' CONSENT

(a) Fellows, Alumni and Staff

The College will only hold and process personal data as is necessary for its proper purposes and does not need, therefore, except for sensitive personal data to seek the consent of individual data subjects. In addition, all staff now consent explicitly to the processing by the College and the University of personal data (including sensitive personal data) about them for employment purposes.

(b) Junior Members

The same processing criteria apply to junior members as set out in (a) above. In addition all junior members now, on matriculation, consent explicitly to the processing by the

College and the University of personal data (including sensitive personal data) about them for the proper purposes of the College and the University.

13. RIGHT TO ACCESS PERSONAL DATA

Members, staff and other individuals have the right under the 1998 Act to access any personal data that is being held about them either in an "automatically processable form" (mainly computer records) or in "relevant filing systems" (i.e. highly structured files which enable personal data relating to a particular individual to be readily accessible) or to request the correction of such data where incorrect. An individual who wishes to exercise his/her right of access should complete the College "Access to Personal Data" form which is available from the Bursar's Office and forward it to the Bursar.

Any inaccuracies in data disclosed in this way should be communicated immediately to the Data Protection Officer who will take appropriate steps to make the necessary amendments.

The College will make a charge of £10 (or other such charge as is permitted from time to time by the Data Protection Act 1998) on each occasion that access is requested and this fee should accompany the Access to Personal Data form. In accordance with the 1998 Act, the College reserves the right to refuse repeated requests where a reasonable period has not elapsed between requests.

The College will normally respond to the request for access to personal data within 40 days of the receipt of a valid request or payment of the fee, whichever is the later. A request is only valid if it fulfils the following criteria:

- payment of the £10 fee (or other such charge as is permitted from time to time by the Data Protection Act 1998);
- production of adequate identification (copy of passport or current University ID card);
- provision of sufficient information to help the College identify what is being requested;
- the request is made on the appropriate form available from the Data Protection Officer.

The provisions of the 1998 Act and individuals' rights will not come into effect fully until 23 October 2007. The Freedom of Information Act 2000 gives individuals extended rights of access in certain circumstances to information which is not held on computer or in a relevant filing system.

Please contact the Data Protection Officer for further information.

14. DISCLOSURE OUTSIDE OF THE EEA

The College may, from time to time and for its proper purposes, desire to transfer personal data to countries or territories outside of the European Economic Area. For this purpose the College will be placing names and contact details at the College of senior members and certain members of staff on a website. Personal data, even if it would otherwise constitute fair processing, must not be disclosed or transferred outside the EEA without an individual data subject's consent, if the College is not satisfied that the country or territory in question ensures an adequate level of protection for the rights and freedoms of data subjects.

15. SENSITIVE PERSONAL DATA

The College may from time to time process "*sensitive personal data*" relating to members, staff and candidates.

"Sensitive personal data" is information as to a Data Subject's racial or ethnic origin, political opinions, religious beliefs or beliefs of a similar nature, trade union membership, physical or mental health or condition, sexual life, offences or alleged offences, and information relating to any proceedings for offences committed or allegedly committed by the data subject, including the outcome of those proceedings.

Currently, the College envisages that the need to process sensitive personal data might include the following: data relating to the ethnic origin of members or staff of the College may be processed for the purposes of equal opportunities monitoring, for any necessary dietary requirements and possible sources of financial assistance. Medical records need to be processed by healthcare professionals for the provision of healthcare and general welfare, for any necessary dietary requirements and accommodation issues and to assist in meeting the needs of members of the College and staff with disabilities.

In exceptional circumstances, the College may need to process information regarding criminal convictions or alleged offences in connection, for example, with any disciplinary proceedings or other legal obligations.

In other circumstances, where sensitive personal data is to be held or processed, the College will seek the explicit consent of the member or staff member in question unless one of the limited exemptions provided in the Data Protection Act 1998 applies (such as to perform a legal duty regarding employees or to protect the data subject's or a third party's vital interests).

16. DATA PROCESSED FOR RESEARCH PURPOSES

Personal data held by the College may be processed for research purposes, including statistical or historical purposes. Personal data must not be used in this way if to do so would, or would be likely to, cause substantial damage or substantial distress to the individual Data Subject(s). Accordingly, it is the College's policy for prior written approval to be obtained from the College Data Protection Officer for any research involving personal data held by the College. Personal data used for research purposes must not be published or disclosed in any way in which the individual data subject can be identified.

Please see also the sections headed Retention of Data – Archives and Alumni Relations and Development (paragraph 19(d) below).

17. CCTV

The College operates a number of CCTV cameras in order to assist with security for members of the College and staff and in respect of College property. Any queries regarding the operation of the CCTV system should be raised with the Data Protection Officer. An individual who wishes to exercise his/her right of access to any personal data about them on the CCTV system should complete the College "Access to Personal Data" form which is available from the Bursar's Office, and give it to the Bursar with the requisite £10 fee. As much information as possible should be given on the form to enable the data to be located (including, if possible, details of the relevant camera, date and time).

18. E-MAIL

It is permissible and appropriate for the College to keep records of internal communications which are relevant to an individual's ongoing relationship with the College, whether as a Fellow, 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 e-mail is used for such communications and that such e-mails should form part of the College's records. It goes beyond the scope of this policy document to address the appropriate use of e-mail in the proper functioning of the College, and the limitations and legal implications with this mode of communication. However, all members of the College and staff need to be aware that:

- the 1998 Act applies to e-mails which contain personal data about individuals which are sent or received by members of the College and staff (other than for their own private purposes as opposed to College purposes);
- subject to certain exceptions, individual Data Subjects will be entitled to make a data subject access request and have access to e-mails which contain personal data concerning them, provided that the individual subject can provide sufficient information for the College to locate the personal data in the e-mails; and
- the legislation applies to all e-mails from and to members of the College and staff which are sent and received for College purposes, whether or not the e-mails are sent through the College e-mail system, or on an individual's own e-mail account.

19. RETENTION OF DATA

(a) **Archives** – see paragraph 9(q) above

(b) **Staff** – individual staff files will be kept for five years after they leave the College.

(c) **General** - the College retains a complete archive of miscellaneous written records/lists in respect of its members, staff and candidates for reference and research purposes, including supervision reports, academic records, Senior Tutor's records and correspondence. The confidentiality of these records will be respected. Permission to access archived records must be obtained from the Data Protection Officer and/or College Archivist.

(d) **Alumni Relations and Development**

Manual and computer-based files are maintained in respect of current and former Fellows, current students, alumni, and other current, past and potential donors to the College. Files are to be kept in the locked Development Office. Development Office staff may consult the manual and computer based files on a day-to-day basis. The Senior Tutor's Office may consult the computerised records on a day-to-day basis. Requests by others to view these files must be authorised by the Development Officer.

Data will be used for a full range of alumni activities, including the sending of College publications, promotion of benefits and services (including those being made available by external organisations), notification of alumni activities and fund raising programmes (which might include direct marketing).

The College exchanges address information with the University Development Office.

If an individual has an objection to their data being used for alumni or fund raising purposes they should give written notice to the Development Officer.

The following classes of information will be included on the College alumni database (including Cambridge in America):

- contact details
- academic achievements & establishments
- career details
- family information
- donations to the College
- attendance at events
- publications
- general achievements
- other information as considered necessary for the College to carry out its aims and objectives or information provided by the data subject.

20. CLUBS AND SOCIETIES

It is the responsibility of each Club or Society to ensure that any personal data held or processed on their members is carried out in accordance with the Data Protection Act. The College accepts no responsibility in this regard.

21. THE MASTER

The Master has the right to consult all files as and when he deems appropriate.

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