

City University London Students' Union

Data Protection Policy

Approved by:	Trustee Board
Date of Approval:	11 th August 2015
Implementation Date:	11 th August 2015
Review Date (no later than):	10 th August 2018
Responsible for Implementation	Chief Executive
Responsible for Interpretation	Trustee Board

1. Policy Statement

1.1. City University London Students' Union (CULSU) is a "data controller" under the provisions of the Data Protection Act and recognises its members have the right to know what information is held about them, and that any data held is in compliance with the Data Protection Acts 1984 and 1998. CULSU processes personal information about its members and staff in accordance with the eight principles of the Data Protection Act and makes sure that personal information is:

- Fairly and lawfully processed
- Processed for limited purposes
- Adequate, relevant and not excessive
- Accurate and up to date
- Not kept for longer than is necessary
- Processed in line with your rights
- Secure
- Not transferred to other countries without adequate protection

1.2. Complaints can lead to enforcement action being taken so it is vital that CULSU has a workable and robust data protection policy that is understood and practiced across all sections of the organisation.

2. Background

2.1. The Data Protection Acts 1994 and 1998 (DPA) define a legal basis for the handling of information relating to people living within the UK. It is the main piece of legislation that governs the protection of personal data in the UK. The Act provides a way in which individuals can enforce the control of information about themselves.

2.2. CULSU is obliged to answer any subject access requests received from individuals. These may be staff, students or any individual who has an association with CULSU. They have important rights, including the right to find out what personal information is held on computer and most paper records.

2.3. To comply with the first data protection principle of the Act you have to tell individuals what their personal information will be used for, in particular:

- Who you are
- What you will use their information for; and

- Anything else necessary to make sure you are using their information fairly, including whether you plan to pass your marketing lists to other organisations and how you will be contacting people, such as by post, phone or email
- 2.4. Any individual with concerns about how their data may be treated is able to contact and discuss the issue with CULSU

3. Management Responsibility

- 3.1. The Chief Executive Officer is responsible for the general development, promotion and adherence to this policy, and ultimate responsibility for compliance by all career and student staff.
- 3.2. The Data Protection Act 1998 does not specify periods for the retention of personal data. It is left to staff that manage data to decide how long personal data should be retained, taking into account the Data Protection Principles, business needs and any professional guidelines. A Data Retention Schedule has been compiled at Appendix 1.
- 3.3. All staff who process personal data are expected to understand and adhere to the eight Data Protection Principles set out in the Act and to ensure that they dispose of and/or destroy confidentially where necessary those records that have reached the end of their retention period.
- 3.4. The Chief Executive is responsible for ensuring that adequate and appropriate knowledge of the Act and CULSU's legal obligation is available across the organisation. This is achieved by making available this policy and procedures, making training available to relevant groups, making new staff aware through their contracts of employment and working with CULSU senior leadership team to raise relevant data protection issues for discussion, resolution and to communicate lessons learnt across the organisation.

4. Data Collection within CULSU

- 4.1. Support Staff and Student Staff consent to City University London Students' Union using their data when they commence employment. The data collected includes personal, banking, health, disciplinary and equal opportunities information. You should inform HR of any changes to information that you have previously provided, for example, changes of address or new information relevant to employment.
- 4.2. A confidential reference given to a third party for the purposes of:
 - The education, training or employment, or prospective education, training or employment, of the data subject
 - The appointment, or prospective employment of the data subject to any office, or
 - The provision, or prospective provision, by the data subject of any service

Will remain confidential, and is exempt from the subject access provisions, in that the subject cannot gain access from the person providing the reference. References should be marked confidential.

References may be accessible to the data subject if received from a third party. Your reference could become accessible from the person to whom it is sent. Care should be taken to ensure that any reference given by you is founded on fact and that viewpoints expressed can be justified.

- 4.3. CULSU Union Support Service has a Confidentiality Policy and their service users consent to us contacting third parties when they sign a form of authority. Personal data will only ever be processed in accordance with these consents.
- 4.4. Other CULSU departments hold information in relation to its members in order to contact students with information which may be of value to them. This can be related to volunteering placements, employment placements and media contacts. Members have the option to opt out of CULSU but by joining give their consent to such information being collected. Information is also collected via our website for those joining student societies.

5. Data Sharing, Data Security and Disposal

- 5.1. In order to prevent unauthorised processing, or accidental loss, damage or destruction, records that hold personal data are stored in locked filing cabinets, and access to IT drives, applications and servers is managed by password only.
- 5.2. Data is shared across business functions and between staff of CULSU only when it is required in order for them to perform their work function. Data is shared with external agencies, such as local authorities, the police upon request, and other organisations for volunteer and work placements. As far as possible data is transmitted solely over the secure network and the transmission of data via paper, post or independent electronic devices is strongly discouraged. The CULSU network is a secure system with fully managed access control, back-up and recovery processes in place, managed by City University London.
- 5.3. Where the information held on a laptop or other portable device could be used to cause an individual damage or distress, in particular where it contains financial or medical information, they will be encrypted. The level of protection provided by the encryption should be reviewed and updated periodically to ensure that it is sufficient if the device was lost or stolen; you may need to seek specialist technical advice. In addition to technical security, organisations must have policies on the appropriate use and security of portable devices and ensure their staff are properly trained in these. If it is brought to the Commissioner's attention that laptops that have been lost or stolen have not been protected with suitable encryption s/he will consider using enforcement powers.
- 5.4. Data is retained and disposed of according to need and in conjunction with the Data Records Retention Schedule. At the end of the retention period data are disposed of and/or destroyed, confidentially where necessary. Manual files are shredded and electronic data is deleted from central systems.

6. Sharing Data Routinely with Other Organisations

- 6.1. CULSU has no responsibility for the management of personal data processed by City University London, which is solely responsible for its own compliance with the Act. City University London provides a separate notification to the Information Commissioner and is responsible for responding to requests for access to information in its possession.
- 6.2. CULSU reserves the right to share information with the City University London as necessary to pursue its legitimate interests, or to ensure the smooth operation of procedures and practices in the interests of students, staff and other individuals connected to CULSU. Disclosure of personal data is always made in accordance with the Data Protection Act and never prejudices an individual's rights or freedoms.
- 6.3. Under circumstances relating to disciplinary activity both CULSU and the City University London reserve the right to pass necessary information (including [City University London Students' Union, Northampton Square, London EC1V 0HB](mailto:studentsunion@city.ac.uk)
[020 70405600](tel:02070405600) | studentsunion@city.ac.uk | www.culsu.co.uk

personal data) to the other in order to uphold and enforce disciplinary procedures.

7. Requests for Information

- 7.1. In order to fulfil their responsibilities under the act the organisation may, before responding to any request, seek proof of the requestor's identity and any further information required to locate the personal data requested
- 7.2. On receipt of a request the Students' Union's Senior Leadership Team will automatically be asked to supply copies of any data concerning the individual which they hold.
- 7.3. Individuals have the right to request what personal information is held about them on computer and can get access to most paper records. The Data Protection Act gives you, as a "Data subject" the right, on payment of an "access fee" to receive details of all personal information which concerns you and which is stored and processed by CULSU. Requests for such information should be made by completing the form attached at Appendix 3 and forwarding it to the Chief Executive. It should be accompanied by a cheque, made payable to City University London, in payment of the access fee, which currently stands at £10. The Data Protection Act requires CULSU to provide information to you within 40 days.
- 7.4. As an unincorporated association of members, the CULSU is not a "public authority" in the sense of the Freedom of Information (FoI) Act. This means that records of the CULSU itself will not be covered by Freedom of Information, and cannot be requested under FoI. It is also unlikely that the Union would be considered to be covered by the Environmental Information Regulations (the definition of a "public authority" in the Regulations is broader and vaguer than that in the Freedom of Information Act).
- 7.5. Records which the University holds about the Students' Union, including communications with the Union and information provided to the University by the Students' Union, are covered by the Freedom of Information Act and the Environmental Information Regulations, and can be requested from the University.

8. Complaints

- 8.1. Individuals concerned about any aspect of the management of personal data at CULSU are able to raise their concerns in a fair and equal way. Complaints can be registered with the Chief Executive. If an individual is not satisfied that their complaint has been properly dealt with they should contact the Chair of the CULSU Trustee Board.
- 8.2. If an individual feels they are being denied access to personal information they are entitled to, or feel that their information has not been handled according to the eight principles, they can contact the Information Commissioners Office:
The Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.
Tel: 01625 545700
Website: www.informationcommissioner.gov.uk

Appendix 1

Data Retention Schedule

Description of data in Personnel	Retention Period	Reason for Retention Period	Action Following Retention Period
Staff application forms; interview notes (unsuccessful applicants)	12 months from the date of interviews	Limitation period for litigation	Shred hard copy files, delete data files
Personnel files containing training records, absence history, details of contractual changes and reasons for leaving	Minimum 6 years from the end of employment (up to 10 years – space permitting)	Provision of references and limitation period for litigation	Shred hard copy files, delete data files
Facts relating to redundancies	3 years from the date of redundancies	Limitation period for litigation	Shred hard copy files, delete data files
Income Tax and NI returns, correspondence with Tax Office	6 years after the end of the financial year to which the records relate	Income Tax (Employment) Regulations 1993	Shred hard copy files, delete data files
Statutory Maternity Pay records and calculations	3 years after the end of the financial year to which the records relate	Statutory Maternity Pay (General) Regulations 1986	Shred hard copy files, delete data files
Wages and salary records	6 years from the last date of employment	date of employment Taxes Management Act 1970	t Act 1970 Shred hard copy files, delete data files
Medical Records kept by reason of the Control of Substances Hazardous to Health	40 years	COSHH 1994	Shred hard copy files, delete data files
Membership information, including society/sports/volunteers/media	Up to 3 years from the date of membership	For period of membership	Shred hard copy files, delete data files
Suppliers	7 years after the end of the financial year to which the records relate		Shred hard copy files, delete data files
Advice Casework	7 years from date of last contact		Shred hard copy files, delete data files



Appendix 2

Form of Authority for Union Support Service

To whom it may concern,

I hereby authorise the appropriate CULSU Staff and Officers to undertake casework on my behalf and to communicate with staff of City University London and other appropriate third parties for this purpose.

The following staff should not be contacted:

The following third party organisations should not be contacted:

This includes verbal, written and electronic communications.

Name: -----

Course: -----

Year: -----

Course dates: -----

Student Status: Current | Leave of absence | Withdrawn | Completed

Signed: -----



Appendix 3

Data Subject Access Request Form for Students and Staff

I, _____ wish to have access to data which the City University London Students' Union has about me in the following categories: (Please tick as appropriate.)

- Employment references
 - Disciplinary grievance and capability records
 - Health and medical matters
 - Political, religious or trade union information
 - Any statements of opinion about my abilities or performance
 - Personal details including name, address, date of birth etc
 - Other information: please list below
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