

# DATA PROTECTION POLICY

## POLICY STATEMENT

The University intends to fully comply with all requirements of the Data Protection Act 2018 ('Act') and the General Data Protection Regulation (Regulation (EU) 2016/679) ('GDPR') in so far as they affect the University's activities. This policy sets out how the University manages those requirements.

The Act shall supplement the GDPR by addressing those personal data processing activities that are not addressed by the GDPR. The GDPR forms part of the data protection regime in the UK together with the Act and must be read alongside each other with the former prevailing.

## SCOPE

This Data Protection Policy:

- covers the processing of all personal information controlled by the University.
- covers all personal information handled, stored, processed or shared by the University whether organised and stored in physical or IT based record systems.
- applies to all staff, applicants, students, contractors, partnership organisations and partner staff of the University.
- covers the procedures to be followed by any student, staff, contractor, partnership organisation, partner staff or individual that processes, accesses, uses or manages personal data on behalf of the University in reporting information security incidents and data breaches to the University so it may comply with its legal obligation and ensure the risk to individuals, the University and others can be contained and prevented where possible. **See paragraph 8 – Personal Data Security Breaches.**

## INTRODUCTION

The University needs to collect and use data for a number of purposes about potential staff and students (applicants), current staff and students, former staff and students and other individuals who come into contact with the University. In collecting and using this data, the University is committed to protecting an individual's right to privacy with regard to the processing of personal data and this policy has been implemented to support this commitment.

This policy sets out the rules that all University staff, students, contractors, partnership organisations and partner staff who process or use any personal information on behalf of the University are subject to in order to ensure that the University is compliant with its data protection obligations.

The Act and the GDPR govern the collection, holding, processing and retention of all personal data relating to living individuals. The purpose being to ensure that those organisations and individuals, who collect, store and use that data do not abuse it, and process the data in accordance with the following Data Protection Principles, that personal data shall:

- i) be processed lawfully, fairly and in a transparent manner;
- ii) be collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes;
- iii) be adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
- iv) be accurate and kept up to date;
- v) not be kept for longer than is necessary for those purposes;
- vi) be 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.

The University and its staff, students, contractors, partnership organisations and partner staff that process or use personal data on behalf of the University must comply and be able to demonstrate compliance with these principles and ensure that they are followed at all times.

The Act and the GDPR covers **all personal data that is held electronically, including databases, email and the Internet as well as manual filing systems eg. paper records.**

## **POLICY STATEMENTS**

### **1. Policy Status**

This policy is not part of the formal contract of employment, but it is a condition of all employment contracts that employees will familiarise themselves with and follow the policies and procedures of the University from time to time. Failure to follow the policy can result in disciplinary action being taken.

Compliance with this policy is a condition of the student contract to abide by the University's regulations, policies and procedures. Failure to follow the policy can result in disciplinary action being taken.

All partner and contractor agreements must include appropriate data protection clauses relating to the University's Data Protection Policy and approved procedures for recording, using and/or processing personal data.

### **2. Responsibilities**

The legal responsibility for compliance lies with the University who is the 'data controller' as registered with the Information Commissioner's Office (Registration Number No. Z5888188) and any 'data processor' that processes personal data on behalf of the University.

Responsibility for compliance is delegated to senior management members and data protection champions within the Centres, Academic Schools and

Professional Support Services who are responsible for encouraging and facilitating data processing best practice within the University. However, compliance with this policy is the responsibility of everyone within the University who processes personal information.

### **3. Lawful Basis for Processing**

The University may only process personal data fairly and lawfully and for specified purposes to ensure that personal data is processed without prejudicing the rights and freedoms of data subjects.

In order to process non-special category personal data, processing activities must meet at least one of the following lawful bases:

- consent of the data subject;
- necessary for the performance of a contract with the data subject;
- necessary due to a legal obligation;
- necessary to protect someone's vital interests;
- necessary for the performance of a task carried out in the public interest or in the exercise of official authority;
- necessary for the legitimate interests of the University or a third party.

It is necessary for the University to collect, process and use student data in order to perform the contract between the student and the University in providing teaching and education support services and a condition of staff employment that they agree to the University processing certain personal information as part of the University's obligations.

"Special category personal data" includes information about an individual's racial or ethnic origin, political opinions, gender, religion and beliefs, sexual orientation, physical or mental health, trade union membership, genetic or biometric data.

In order to process personal data that is categorised as "special category personal data" at least one of the following conditions must be met (together with one of the legal bases for processing non-special category personal data, as listed above):

- explicit consent of the data subject;
- necessary for employment or social security and social protection law;
- necessary to protect someone's vital interests;
- necessary for the establishment, exercise or defence of a legal claim;
- necessary for reasons of substantial public interest;
- necessary for purposes of medical or health care;
- relates to personal data that is manifestly made public by the data subject;
- necessary for reasons of substantial public interest (provided that it is proportionate to the aim pursued and takes into account the privacy rights of the data subject);
- necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes if it is subject to certain safeguards;

- necessary for reasons of public health;
- necessary for the purposes of medicine, the provision of health or social care.

Personal data relating to criminal convictions and offences including the alleged commission of offences or proceedings for offences or alleged offences should be treated in the same way to “special category personal data”.

Any processing will be proportionate and relate to the provision of services by the University.

#### **4. Information Disclosure**

The University requires all staff, students, contractors, partnership organisations and partner staff to be vigilant and exercise caution when asked to provide personal data held on another individual. In particular, they must ensure that personal information is not disclosed either orally or in writing to any unauthorised personnel.

It is a **criminal offence** under the Act to knowingly or recklessly:

- handle personal data without the consent of the data controller;
- procure or disclose the personal data of another person without the consent of the data controller; or
- retain personal data, after it has been obtained, without the consent of the data controller.

#### **5. Data Processing**

As and when staff, students, contractors, partnership organisations and partner staff are required to collect personal data, they must adhere to the requirements of this policy and any applicable local guidelines.

Students may process personal data in connection with their studies. This applies whether or not those activities are carried out on equipment owned by the University and whether or not they are carried out on University premises. If they do, they should be advised to inform their tutor, who will make any necessary enquiries with the Data Protection Officer.

#### **6. Data Security**

The University is committed to data protection by design and default. All staff, students, contractors, partnership organisations and partner staff must ensure that any personal information, which they hold, is kept securely and that they take appropriate technical and organisational security precautions by seeking to ensure the following:

- personal information is not disclosed orally or in writing, or in any other way, intentionally or otherwise to any unauthorised personnel (internally or externally);
- source documents are kept in a lockable cabinet or drawer or room;
- computerised data is password protected;
- data kept on discs or data storage devices are stored securely and encrypted;

- ensure individual passwords are kept confidential and are not disclosed to other personnel enabling log-in under another individual's personal username and password;
- logged on PCs are not left unattended where personal data is visible on screen to unauthorised personnel;
- screensavers are used at all times;
- paper-based records containing personal data must never be left where unauthorised personnel can read or gain access to them.

When manual records are no longer required, they should be shredded or bagged and disposed of securely and the hard drives of redundant PCs should be wiped clean.

Off-site use of personal data presents a greater risk of loss, theft or damage and the institutional and personal liability that may accrue from the off-site use of personal data is similarly increased. For these reasons, staff and others should:

- only take personal data off-site when absolutely necessary and for the shortest possible time;
- take particular care when laptops or personal machines are used to process personal data at home or in locations outside of the University, they are kept secure at all times.

Different types of information require different security measures. Proper classification is vital to ensuring effective data security and management. The **Information Classification Guidance** at **Appendix 1** determines how different types of information should be managed and is applicable to all information held by the University.

It is a **criminal offence** under the Act to knowingly or recklessly:

- re-identify de-identified personal data without the consent of the data controller who de-identified the personal data; or
- process personal data that has been re-identified without the consent of the data controller responsible for the de-identification.

The [Information Security Policy](#), [Internet Security Policy](#), [Acceptable Use Policy](#) and [Guidance on Security with Mobile Devices](#) must be read in conjunction with this policy.

## 7. Information Asset Register

In order to understand and manage the risks to the University's information it is necessary for the University to keep and maintain an information asset register detailing the personal information that the University holds and processes in all areas of the University.

Responsibility for maintaining and keeping up-to-date schedules of the information asset register, which relate to the areas of activity in the University, shall be delegated to the Data Protection Champion of each area. The Data Protection Officer shall be custodian of the institutional information asset register, comprised of the consolidated schedules, and will undertake an annual review of the schedules with the Data Protection Champion.

## 8. Personal Data Security Breaches

The University has a legal requirement to report certain types of personal data breach to the Information Commissioner's Office within **72 hours** of becoming aware of the breach, where feasible, and if there is the likelihood of a **high risk** to an individual's rights and freedoms, the breach must be reported to those that have been affected. Failure to notify a breach when required to do so may result in the University incurring a significant fine.

A personal data breach means **'a breach of security leading to the destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed'**. A personal data breach can be broadly defined as a security incident that has affected the confidentiality, integrity or availability of personal data.

**Any student, staff, contractor, partnership organisation, partner staff or individual that processes, accesses, uses or manages personal data on behalf of the University is responsible for immediately reporting information security incidents and data breaches to the University so it may comply with this legal obligation and ensure the risk to individuals, the University and others can be contained and prevented where possible.**

Information security incidents and data breaches **must** be immediately reported to the Data Protection Officer at [dpo@bolton.ac.uk](mailto:dpo@bolton.ac.uk), [Head of Information Systems and Technology](#) and Registrar following the **Data Breach Management Procedure at Appendix 2**.

All staff and students should be aware that any breach of the Act and the GDPR could result in the University's disciplinary procedures being invoked.

## 9. Rights of Individuals

An individual has the following rights:

- i) to withdraw consent where that is the legal basis of the University processing personal data;
- ii) to request access to information held about them, the purpose for which the information is being used and those to whom it is, has or can be disclosed to;
- iii) to prevent data processing for direct marketing reasons;
- iv) to restrict the processing of personal data in certain situations eg. where there is a complaint about accuracy;
- v) to object to the processing of personal data in certain situations eg. sending and receipt of direct marketing material;
- vi) to be forgotten, that is their details to be removed from systems that the University uses to process personal data:

- if it is no longer necessary in relation to the purposes for which it was collected or otherwise processed;
  - if the legal basis of processing is consent and that consent has been withdrawn and there is no other legal basis on which to process that personal data;
  - if the data subject objects to processing where the legal basis is the pursuit of a legitimate interest or public interest and there is no overriding legitimate grounds or interest;
  - if the data subject has objected to processing for direct marketing purposes;
  - if the processing is unlawful.
- vii) to take action to stop the use of, rectify, erase or dispose of inaccurate information;
- viii) to object to automated decision making and profiling – object to decisions made by automated means without human intervention in certain circumstances;
- ix) to be informed about the reasons behind any automatic decision made;
- x) to prevent data processing that is likely to cause distress or damage;
- xi) to seek compensation if they suffer damage as a result of any breach by the Data Controller or Data Processor;
- xii) to ask the Information Commissioner to assess if any personal data processing has not been followed in accordance with the data protection principles; and
- xiii) to data portability - obtain a copy of their data in a commonly used electronic form in order to provide it to other organisations.

## 10. Access to Personal Data

Subject to exemptions, any individual who has personal data kept about them at the University has the right to request, in writing, a copy of the information held relating to the individual in electronic format and also in manual filing systems. Any person who wants to exercise this right should in the first instance make a written request to the University, using the University's '[Subject Access Request Form](#)'.

The University will provide the information free of charge. However, a fee may be charged when a request is manifestly unfounded, excessive or repetitive taking into account the administrative costs of providing the information or the University may refuse to respond to the request. A fee may also be charged for further copies of the same information.

After receipt of a written request, the fee (if applicable) and any information needed as proof of identity of the person making the request, the University will ensure that the individual receives the information within 30 calendar days, unless there is a valid reason for delay or an exemption is applicable.

An individual can make a subject access request via a third party, including by a solicitor acting on behalf of a client. In these cases and prior to the disclosure of any personal information, the University would need to be satisfied that the third party making the request is entitled to act on behalf of the individual and would require evidence of this entitlement.

Whilst there is no limit to the number of subject access requests an individual can make to any organisation, the University is not obliged to comply with an identical or similar request to one already dealt with, unless a reasonable interval has elapsed between the first request and any subsequent ones.

It is a **criminal offence** to:

- alter, deface, block, erase, destroy or conceal information with the intention of preventing disclosure of the information that a data subject is entitled to receive.

#### **11. Direct Marketing (the communication by whatever means of any advertising or marketing material which is directed to individuals)**

The University is subject to certain rules and privacy laws when marketing to applicants, students, alumni and other potential users of University services.

An individual has the right to prevent his/her personal data being processed for direct marketing. An individual can, at any time, give written notice to stop (or not begin) using their personal data for direct marketing. Any individual can exercise this right, and if the University receives a notice then it must comply within a reasonable period.

#### **12. Accuracy of Data**

Staff are responsible for:

- i) ensuring that any information they provide to the University relating to their employment is accurate and up to date;
- ii) informing the University of any information changes, eg. change of address; and
- iii) checking the information that the University may send out from time to time giving details of information kept and processed about staff.

Students are responsible for:

- i) ensuring that all data provided to the University is accurate and up-to-date by either notifying Student Data Management at [sdmenquiries@bolton.ac.uk](mailto:sdmenquiries@bolton.ac.uk) or updating their student record online with any changes to their address or personal details.

The University cannot be held responsible for any errors unless the member of staff or student has informed the University about them.

#### **13. Retention and Disposal of Data**

The University is not permitted to keep personal information of either students or staff for longer than is required for its purpose. However, some data will be kept longer to comply with statutory or funding body requirements.

Personal and confidential information will be disposed of by means that protect the rights of those individuals ie. shredding, disposal of confidential waste, secure electronic deletion.

Personal data must be kept in accordance with the University's Records Retention and Disposal Policy and Records Retention Schedule, available at:

- [Records Retention and Disposal policy](#)
- [Records Retention Schedule](#)

#### **14. Complaints**

The University is dedicated to being compliant with the Act and the GDPR. Individuals, any member of staff, applicant or a student wishing to report concerns should, in the first instance, contact the University's Data Protection Officer who will aim to resolve any issue:

Data Protection Officer  
The University of Bolton  
Deane Road  
Bolton  
BL3 5AB

Email: [dpo@bolton.ac.uk](mailto:dpo@bolton.ac.uk)

If the individual, member of staff or student feels the complaint has not been dealt with to their satisfaction, he/she can formally complain to the Registrar.

The individual also has the right to complain to the Information Commissioner's Office:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF  
Tel: 0303 123 1113  
Internet: [www.ico.org.uk](http://www.ico.org.uk)

#### **OTHER RELATED AND RELEVANT INFORMATION AND REGULATION**

- [Student Privacy Notice](#)
- [Staff Privacy Notice](#)
- [Data Privacy Impact Assessment Guidance](#)
- [Data Privacy Impact Assessment](#)
- [Data Privacy by Design and Default Guidance](#)
- [Information Security Policy](#)
- [Internet Security Policy](#)
- [Acceptable Use Policy](#)

- [Guidance on Security with Mobile Devices](#)
- [Library Code of Conduct](#)
- [Code of Practice for Ethical Standards in Research](#)
- [Human Resources Policies and Procedures](#)
- [Freedom of Information Act Publication Scheme](#)
- [Academic Policies, Procedures and Regulations](#)
- [Student Policies, Procedures and Regulations](#)
- [Privacy and Electronic Communications Regulations](#)

[This is not an exhaustive list.]

### **LOCATION, ACCESS AND DISSEMINATION OF THE POLICY**

Overall responsibility for the policy implementation rests with the Registrar. However, all staff and/or students are obliged to adhere to, support and implement this policy.

The University reserves the right to change this policy at any time without notice so please check regularly to obtain the latest copy.

For useful information and advice on data protection contact: [www.ico.org.uk](http://www.ico.org.uk)

The following Officers will be responsible for providing advice to staff and students on the application of the policy to specific cases in the first instance:

- Data Protection Officer
- Data Protection Champions

This policy will be made available on the University website.

<b>TITLE OF POLICY:</b> Data Protection Policy	
Policy Ref	VC/08/2018
Version Number	5.0
Version Date	June 2018
Name of Developer/Reviewer	Contracts and Legal Compliance Adviser/DPO (Developer) Registrar (Reviewer)
Policy Owner (Group/Centre/Unit)	Vice Chancellor's Office
Person responsible for implementation (postholder)	Registrar Contracts and Legal Compliance Adviser/DPO
Approving Committee/Board	Executive Board
Date Approved	
Effective from	
Dissemination method (eg website)	Website
Review Frequency	As and when required.
Reviewing Committee	Executive Board
Consultation history (individuals/group consulted and dates)	
Document History (e.g. rationale for and dates of previous amendments)	Updated to reflect the General Data Protection Regulation and Data Protection Act 2018

## **APPENDIX 1**

### Information Classification Guidance

<https://www.bolton.ac.uk/wp-content/uploads/2018/04/Information-Classification-Guidance- April-2018.pdf>

## **APPENDIX 2**

Data Breach Management Procedure

[https://www.bolton.ac.uk/wp-content/uploads/2018/04/UoB-Data-Breach-Management-Procedure\\_April-2018.pdf](https://www.bolton.ac.uk/wp-content/uploads/2018/04/UoB-Data-Breach-Management-Procedure_April-2018.pdf)