

Data Protection Policy

1.0 Policy

- 1.1 This policy applies to all members of the University of Wolverhampton (“the University”). For the purposes of this policy, the term “Staff” means all members of University staff including permanent, fixed term, and temporary staff, governors, secondees, any third party representatives, agency workers, volunteers, interns, agents and sponsors engaged with the University in the UK or overseas. This policy also applies to all members of staff employed by any of the University’s subsidiary companies.
- 1.2 All contractors and agents acting for or on behalf of the University should be made aware of this policy.
- 1.3 This policy applies to all personal and sensitive personal data processed on computers and stored in manual (paper based) files. It aims to protect and promote the rights of individuals and the University.
- (i) **Personal Data:** Any information which relates to a living individual who can be identified from the information. It also extends to any information which may identify the individual. Examples of personal data:
- A person’s name and address (postal and email)
 - Date of birth
 - Statement of fact
 - Any expression or opinion communicated about an individual
 - Minutes of meetings, reports
 - Emails, file notes, handwritten notes, sticky notes
 - CCTV footage if an individual can be identified by the footage
 - Employment and student applications
 - Spreadsheets and/or databases with any list of people set up by code or student/staff number
 - Employment or education history
- (ii) **Sensitive Personal Data:** Any information relating to an individual’s:
- Ethnicity
 - Gender
 - Religious or other beliefs
 - Political opinions
 - Membership of a trade union
 - Sexual orientation
 - Medical history
 - Offences committed or alleged to have been committed by that individual

3.0 Definition

3.1 The Data Protection Act 1998 is designed to protect individuals and personal data, which is held and processed on their behalf. The Act defines the individual as the 'data subject' and their personal information as 'data'. These are further defined as:

- (i) **Data Subject:** Any living individual who is the subject of personal data whether in a personal or business capacity
- (ii) **Data:** Any personal information which relates to a living individual who can be identified. This includes any expression of opinion about the individual.
- (iii) Data is information stored electronically i.e. on computer, including word processing documents, emails, computer records, CCTV images, microfilmed documents, backed up files or databases, faxes and information recorded on telephone logging systems
- (iv) Manual records which are structured, accessible and form part of a 'relevant filing systems' (filed by subject, reference, dividers or content), where individuals can be identified and personal data easily accessed without the need to trawl through a file.

4.0 General Principles

4.1 The Data Protection Act 1998 sets legislative requirements for organisations processing personal data (referred to under the Act as 'Data Controllers'). The University will be open and transparent when processing and using private and confidential information by ensuring we follow the 8 Data Protection Principles of good data handling:

- (i) **Principle 1:** Personal data shall be obtained and processed fairly and lawfully.
- (ii) **Principle 2:** Personal data shall be obtained only for the specified and lawful purposes and shall be processed for limited purposes.
- (iii) **Principle 3:** Personal data shall be adequate, relevant and not excessive in relation to the purpose for which it is obtained.
- (iv) **Principle 4:** Personal data shall be accurate and kept up to date.
- (v) **Principle 5:** Personal data shall not be kept for longer than necessary.

- (vi) **Principle 6:** Personal data shall be processed in accordance with the rights of the data subject under the Data Protection Act 1998.
 - (vii) **Principle 7:** Personal data (manual and electronic) must be kept secure.
 - (viii) **Principle 8:** Personal data shall not be transferred outside the European Union unless that country provides adequate levels of protection for the rights of the data subject.
- 4.2 The University recognises and understands the consequences of failure to comply with the requirements of the Data Protection Act 1998 may result in:
- Criminal and civil action;
 - Fines and damages;
 - Personal accountability and liability;
 - Suspension/withdrawal of the right to process personal data by the Information Commissioners Office (ICO);
 - Loss of confidence in the integrity of the University's systems and procedures;
 - Irreparable damage to the University's reputation.
- 4.3 The University may also consider taking action, in accordance with the University's Disciplinary Procedure, where staff do not comply with the Data Protection Act 1998.

5.0 Roles and Responsibilities

- 5.1 Staff will not attempt to gain access to information that is not necessary to hold, know or process. All information which is held will be relevant and accurate for the purpose for which it is required. The information will not be kept for longer than is necessary and will be kept secure at all times.
- 5.2 The University will ensure that all personal or sensitive personal information is anonymised as part of any evaluation of assets and liability assessments except as required by law.
- 5.3 Staff who manage and process personal or sensitive personal information will ensure that it is kept secure and where necessary confidential. Sensitive personal information will only be processed fairly and lawfully and in line with the provisions set out in the Data Protection Act 1998 and only processed in accordance with instructions set out by the respective Data Controllers.

- 5.4 The University will ensure that all staff are made aware of the reasons why personal and sensitive personal data is being processed:
- how it will be processed
 - who will process it
 - how it will be stored and
 - how it will be disposed of when no longer required.

6.0 Data Subjects Rights

- 6.1 The University acknowledges individuals (data subjects) rights under the Data Protection Act to access any personal data held on our systems and in our files upon their request, or to delete and/or correct this information if it is proven to be inaccurate, excessive or out of date.
- 6.2 The University recognises that individuals have the right to make a request in writing and upon payment of a fee, obtain a copy of their personal information, if held on our systems and files.
- 6.3 The University recognises that individuals have the right to prevent data processing where it is causing them damage or distress, or to opt out of automated decision making and stop direct marketing.

7.0 University (Data Controllers) Obligations

- 7.1 The University will follow Code of Practice issued by the ICO when developing policies and procedure in relation to data protection.
- 7.2 The University will ensure that Data Processing Agreements are applied to all contracts and management agreements where the University is the data controller contracting out services and processing of personal data to third parties (data processors). The University will ensure this agreement clearly outlines the roles and responsibilities of both the data controller and the data processor.
- 7.3 The University will adhere to and follow the 8 principles of data protection when conducting surveys, marketing activities etc., where the University collects, processes, stores and records all types of personal data.
- 7.4 The University will not transfer or share personal information with countries outside of the European Economic Area (EEA) unless that country has a recognised adequate level of protection in place in line with the recommendations outlined in the Data Protection Act.
- 7.5 The University will ensure all staff are provided with data protection training and promote the awareness of the University's data protection and information security policies, procedures and processes.

8.0 Complaints

- 8.1 Complaints relating to breaches of the Data Protection Act 1998 and/or complaints that an individual's personal information is not being processed in line with the 8 principles of data protection will be managed and processed by The Registrar.
- 8.2 All complaints of dissatisfaction will also be processed in accordance with the University's Complaints Process and should be sent to:

Head of the Conduct & Appeals Unit:

c/o MB Building, City Campus South
University of Wolverhampton
The George
Wolverhampton
West Midlands WV1 1LY

9.0 Confidentiality and Information Sharing

- 9.1 The University will only share information in accordance with the provisions set out in the Data Protection Act 1998.
- 9.2 Where applicable the University will inform individuals of the identity of third parties to whom we may share, disclose or be required to pass on information to, whilst accounting for any exemptions which may apply under the Data Protection Act 1998.

VERSION:	1.1	AUTHOR/ OWNER:	Sonia Hawley, Information Officer
Approved Date:	April 2013	Approved By:	Helen Wildman, The Registrar
Review Date:	April 2015		