

Data Protection Principles for Service Providers

The Data Protection Act applies to personal data. The Data Protection Act means that, by law, you, as a Service provider, must keep personal data secure.

Personal data can be factual data about an individual (such as name, address or phone number), details of where an individual was/will be at a certain time, opinions about an individual or a photograph in which an individual can be identified.

Sensitive personal data is data about racial/ethnic origin, political opinions, religious beliefs, trade union membership, physical or mental health, sexual life or the commission/alleged commission of an offence and any related proceedings.

Although all personal data should be held securely, there are even stricter requirements for the careful management of sensitive personal data.

The following are examples of documents that you may hold and may contain personal, or sensitive personal data, about students/clients:

- Emails (and attachments) that you have sent or received about students/clients, including any from students directly, providing student/client contact details
- Handwritten notes that you have made about students, such as following a meeting with them
- Copies of forms that you have completed about students
- Photographs

Students must be told what you are going to do with their personal data before you do it

For example, if a student/client declares to you that they have a disability or health issue, you must inform them if you intend to disclose this information to the college or the University's disability service or any other third party.

It is good practice to have your students/clients sign a 'consent to disclose' form so that you as a service provider can share information about anticipatory reasonable adjustments to university staff, for example, tutors, library service, examination office, academic departments, placement contacts; or within a work context to supervisors.

With student/client consent, and in accordance with institutional protocols, it may also be appropriate for specialist tutors to liaise with individual staff.

See Patoss Sample Student/Client Disclosure & Data Protection Agreement

Personal data, and especially sensitive personal data, must be held physically secure

You must ensure that personal data cannot be accessed by anyone without appropriate authority to do so. This includes family, friends, colleagues or any third party. Simple steps to help achieve this include ensuring that:

- You use an email account for your specialist tutoring role to which only you have access.
- Use passwords where relevant to prevent access to electronic documents
- Assure your pc or mobile computing device (smartphone, ipad) is locked when not in use
- Keep paper documents locked away

Personal data must be kept confidential

Confidential matters must not be discussed with anyone unless there is a clear and justifiable requirement to do so. No third party (and this includes the police, the council and the UK Border Agency) has a right to demand access to personal data without appropriate conditions being met in writing. In a life or death situation it is permissible to pass personal data to a third party without seeking to meet certain conditions.

Any references you provide for students in your role as a specialist tutor should be personal character references only.

Personal data must not be held longer than necessary

You should only keep information about students for as long as it's required for your role as a specialist tutor.

All other information must be destroyed. Paper documents should be shredded. Electronic documents should be deleted.

Individuals, including students, have the right to request formally a copy of the information you hold about them in your role as a specialist tutor

You must respond to such a request within 40 calendar days.

There are some circumstances where information can be withheld:

- If the effort in doing so would be disproportionate, or if the same or similar data have already been provided
- It would cost too much or take too much staff time to deal with the request.
- The request is vexatious.
- The request repeats a previous request from the same person.

Additional information can be found on the Information Commissioner's Website

<https://ico.org.uk/for-organisations/guide-to-data-protection/>

Information Management

You can help yourself to comply with the Data Protection Act by managing information well. The Good practice includes:

- Creating and/or holding only that information about students that is necessary for you to perform your role as a college mentor, and no more
- Ensuring that the information you create is accurate and can be defended if the individual should ask to see it
- Ensuring that you use appropriate tone and language in your communications with (or about) students
- Keeping information (paper and electronic) secure and away from unauthorised access
- Keeping information only as long as necessary

Data Protection Sample Statement

Any personal information you give to us will be processed in accordance with the UK Data Protection Act 1998. We will use your personal information:

- to provide you with any services you have requested;
- for administration purposes;
- to enable the us to compile statistics, or to assist other organisations to do so, provided that no statistical information that would identify you as an individual will be published.