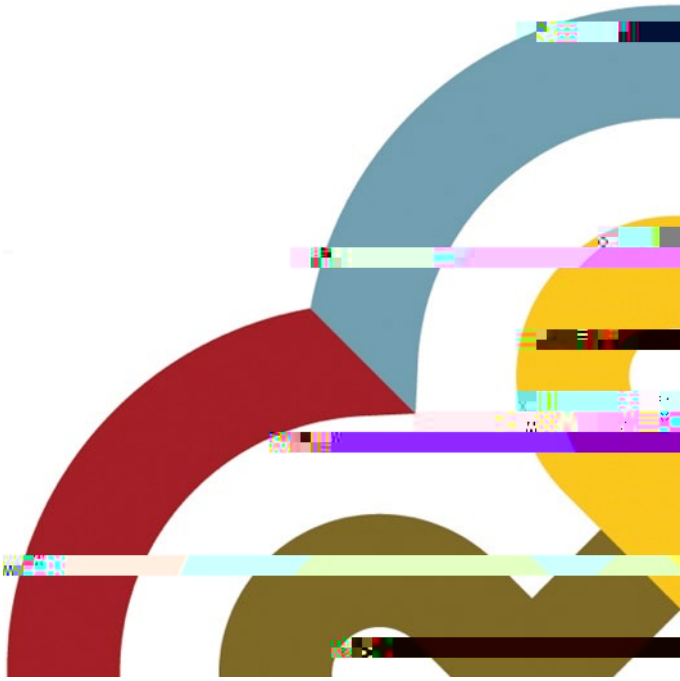
Bolton College

Data Protection Policy 2022-23



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Programme / Business Area:	Information & Technical Services
Prepared By:	Assistant Principal Curriculum Development, Information & Technical Services
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1. Overview

The College's reputation and future growth are dependent on the way the College manages and protects Personal Data. Protecting the confidentiality and integrity of Personal Data is a key responsibility of everyone within the College.

As an organisation that collects, uses and stores Personal Data relating to individuals and organisations including employees, students, suppliers, visitors and .9 (t)-6.7 (udentf6 (t)-6.6nal-0.8

Controller of include employee details or information the College collects relating to students. The College will be viewed as a Controller of Personal Data if it decides what Personal Data the College is going to collect and how it will use it. A common misconception is that individuals within organisations are the Controllers. This is not the case it is the organisation itself which is the Controller.

Data Protection Laws – The Data Protection Act 2018 sets out the framework for data protection law in the UK. It came into effect on 25 May 2018 and was subsequently amended on 01 January 2021 by regulations under the European Union (Withdrawal) Act 2018, to reflect the UK's status outside the EU. It sits alongside and supplements the UK GDPR which is a UK law which came into effect on 01 January 2021. It sets out the key principles, rights and obligations for most processing of personal data in the UK, except for law enforcement and intelligence agencies. It is based on the EU GDPR (General Data Protection Regulation (EU) 2016/679) which applied in the UK before that date, with some changes to make it work more effectively in a UK context. Where any overseas data was collected before 01 January 2021 (referred to as 'legacy data'), this will be subject to the EU GDPR as it stood on 31 December 2020 (known as 'frozen GDPR'). The Privacy and Electronic Communications Regulations (PECR) sit alongside the Data Protection Act and the UK GDPR. This gives people specific privacy rights in relation to electronic communications.

Data Protection Officer – The College Data Protection Officer can be contacted at: 01204 482020 or dpo@bolton.ac.uk.

as trade union membership, genetic data and religious beliefs. These more sensitive types of data are called “Special Categories of Personal Data” and are defined below. Special Categories of Personal Data are given extra protection by Data Protection Laws.

Processor – Any entity (e.g. company, organisation or person) which accesses or uses Personal Data on the instruction of a Controller.

A Processor is a third party that processes Personal Data on behalf of a Controller. This is usually as a result of the outsourcing of a service by the Controller or the provision of services by the Processor which involve access to or use of Personal Data. Examples include: where software support for a system, which contains Personal Data, is provided by someone outside the business; cloud arrangements; and mail fulfilment services.

Special Categories of Personal Data – Personal Data that reveals a person’s racial or ethnic origin, political opinions,

- kept for no longer than is necessary for the purposes for which it is being processed;
- 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, using appropriate technical or organisational measures.

These principles are considered in more detail in the remainder of this Policy.

In addition to complying with the above requirements the College also has to demonstrate in writing that it complies with them. The College has a number of policies and procedures in place, including this Policy and the documentation referred to in it, to ensure that the College can demonstrate its compliance.

6. Lawful Use of Personal Data

In order to collect and/or use Personal Data lawfully the College needs to be able to show that its use

8. Data Quality – Ensuring the Use of Accurate, Up to Date, Relevant Personal Data

Data Protection Laws require that the College only collects and processes Personal Data to the extent that it is required for the specific purpose(s) notified to the Individual in a privacy notice (see paragraph 7 above) and as set out in the College's record of how it uses Personal Data. The College is also required to ensure that the Personal Data the College holds is accurate and kept up to date.

All College Personnel that collect and record Personal Data shall ensure that the Personal Data is recorded accurately, is kept up to date and shall also ensure that they limit the collection and recording of Personal Data to that which is adequate, relevant and limited to what is necessary in relation to the purpose for which it is collected and used.

All College Personnel that obtain Personal Data from sources outside the College shall take reasonable steps to ensure that the Personal Data is recorded accurately, is up to date and limited to that which is adequate, relevant and limited to what is necessary in relation to the purpose for which it is collected and used. This does not require College Personnel to independently check the Personal Data obtained.

In order to maintain the quality of Personal Data, all College Personnel that access Personal Data shall ensure that they review, maintain and update it to ensure that it remains accurate, up to date, adequate, relevant and limited to what is necessary in relation to the purpose for which it is collected and used. Please note that this does not apply to Personal Data which the College must keep in its original form (e.g. for legal reasons or that which is relevant to an investigation).

The College recognises the importance of ensuring that Personal Data is amended, rectified, erased or its use restricted where this is appropriate under Data Protection Laws. Any request from an individual for the amendment, rectification, erasure or restriction of the use of their Personal Data should be dealt with in accordance with the appropriate section within this document.

9. Data Retention

Data Protection Laws require that the College does not keep Personal Data longer than is necessary for the purpose or purposes for which the College collected it.

The College has assessed the types of Personal Data that it holds and the purposes it uses it for and has set retention periods for the different types of Personal Data processed by the College, the reasons for those retention periods and how the College securely deletes Personal Data at the end of those periods. These are set out in the Data Use and Retention Schedule.

If College Personnel feel that a particular item of Personal Data needs to be kept for more or less time than the retention period set out in the Data Use and Retention Policy, for example because there is a requirement of law, or if College Personnel have any questions about this Policy or the College's Personal Data retention practices, they should contact the Data Protection Officer for guidance.

Any contract where an organisation appoints a Processor must be in writing.

You are considered as having appointed a Processor where you engage someone to perform a service for you and as part of it they may get access to your Personal Data. Where you appoint a Processor you, as Controller remain responsible for what happens to the Personal Data.

UK GDPR requires the contract with a Processor to contain the following obligations as a minimum:

- to only act on the written instructions of the Controller;
- to not export Personal Data without the Controller's instruction;
- to ensure staff are subj4 -0eye70.5 (D)2.6 (a(on 7 Td6 (o)10.-6 (oc)-2 cl-6 (oc)-2 cen5 ( )10.8 (t)-6)-

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When an individual asks the College to delete their Personal Data, the College is required to

Profiling happens where the College automatically use