

## ST. PETER'S COLLEGE

### POLICY ON DATA PROTECTION

The primary purpose of current data protection legislation is to protect individuals against possible misuse of information about them held by others. Under the provisions of the Data Protection Act 1984, specific legislation was introduced in relation to automated data. The impact of the legislation has now been considerably widened under the terms of the Data Protection Act 1998 which came into force on the 1 March 2000. It is the policy of the College to ensure that members of the College and its staff are aware of the requirements of data protection legislation in relation to their individual responsibilities.

The 1998 Act covers personal data, whether held on computer or in a "relevant filing system". Separate guidance as to the definition of personal data, the inclusion of manual records and the transitional relief that applies to some processing are covered on the University's web site which can be found at:

<http://www.admin.ox.ac.uk/councilsec/oxonly/dp>

The College is obliged to abide by the data protection principles embodied in the Act. These principles require that personal data is:

- 1. Processed fairly and lawfully
- 2. Held only for specified purposes and not used or disclosed in any way incompatible with those purposes
- 3. Adequate, relevant and not excessive
- 4. Accurate and kept up-to-date
- 5. Not kept for longer than is necessary for the particular purpose
- 6. Processed in accordance with data subjects' rights
- 7. Kept secure
- 8. Not transferred outside the European Economic Area unless the recipient country and institution can ensure an adequate level of protection

The Act provides individuals with rights in connection with personal data held about them. It provides individuals with the right of access to data concerning themselves (subject to a fee, relevant transitional relief and the rights of third parties). It also includes the right to seek compensation through the courts for damages and distress suffered by reason of inaccuracy, the unauthorised destruction or the wrongful disclosure of relevant data. Requests for access to personal data will be handled by the Bursar, the College's Data Protection Officer.

Under the terms of the 1998 Act, 'processing' data includes gathering, recording, organising, adapting, erasing, using and passing the data to a third party. All those who have access to, or who use, personal data, have a responsibility to exercise reasonable care in the treatment of that data and to ensure that such information is not disclosed to an unauthorised person.

Personal data includes contact details as well as individual files. Processing of such information must be done in accordance with the principles outlined above. In order to comply with the first principle (fair and lawful processing), at least one of the following conditions must be met:

- The individual has given his or her consent to the processing
- The processing is necessary for the performance of a contract with the individual
- Processing is required under a legal obligation
- Processing is necessary to protect the vital interests of the individual
- Processing is necessary to carry out public functions
- Processing is necessary in order to pursue the legitimate interests of the controller or third parties (unless it could prejudice the interests of the individual)

In the case of sensitive personal data, which includes information about racial or ethnic origins; political beliefs; religious or other beliefs; trade union membership; health; sex life; criminal allegations, proceedings or convictions, there are additional restrictions and explicit consent to process such data will normally be required. Further detail of the requirements for consent may be sought from the Data Protection Officer.

In relation to security (Principle 7), the Data Controller (the College) will take appropriate technical and organisational measures against unauthorised or unlawful processing of personal data and against accidental loss or destruction of or damage to personal data and will establish rules for the security of relevant data. Staff and members of the College will be aware that guidelines and regulations relating to the security of manual filing systems and the preservation of secure passwords for access to relevant data held on computer should be strictly observed.

Staff should also note that special arrangements apply to the provision of data to third parties (which include outside bodies).

One effect of Principle 8 which restricts the transfer of material outside the European Area, is that personal data about an individual placed on the world wide web could breach the provisions of the Act unless the individual whose data is used has given his or her explicit consent. It is important that those preparing web pages, address lists and the like are aware of these provisions. Advice is available from the Data Protection Officer.

The Act specifies arrangements for the notification of processing undertaken by an organisation. The University has in place wide ranging registrations under the 1984 Act which will be reflected in its notification under the provisions of the new Act in due course. A member of the College who is uncertain as to whether activities proposed have been registered or notified (as appropriate) may wish to contact the Data Protection Officer.

A failure to comply with the provisions of the Data Protection Act may render the College, University or in certain circumstances the individuals involved, liable to prosecution as well as giving rise to civil liabilities. Individuals are encouraged to familiarise themselves with the general aspects of Data Protection contained in the University's guidelines to the Act, referred to above and with any specific measures recommended by the University, their Department or College relevant to the particular nature of their work. Further information and advice may be obtained from the College's Data Protection Officer, Departmental Data Protection Representatives or from the University's Data Protection Officer.