



# **DATA PROTECTION POLICY: STUDENTS**

Varndean College Policies and Procedures

## Data Protection Policy: Students

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### 1. Introduction

Varndean College is registered under the Data Protection Act. The College needs to keep certain information about you, its students, to allow it to, for example:

- record your progress and achievements
- send you important information

We also have to provide certain information to our funding body, the EFA; to the Local Authority, Ofsted and the government. To do this, the College will comply with the Data Protection Principles which are set out in the Data Protection Act 1998 (amended in 2002). In summary these state that personal data will:

- be obtained and processed lawfully and will not be processed unless certain conditions are met
- be obtained for a specified and lawful purpose and will not be processed for any other purpose
- be adequate, relevant and not excessive for those purposes
- be accurate and kept up to date
- not be kept for longer than is necessary for that purpose
- be processed in accordance with the data subject's rights
- be kept safe from unauthorised access, accidental loss or destruction
- not be transferred to a country outside the European Economic Area, unless that country has equivalent levels of protection for personal data

To ensure that the College meets its responsibilities under the Act, we have appointed a Data Controller. The Data Controller is normally the Executive Director Resources.

### 2. Notification of Data Held and Processed

As a student at the College you are entitled to know:

- what information the College holds and processes about you and why
- how to gain access to it
- how to keep it up to date
- what the College is doing to comply with its obligations under the 1998 Act

At the beginning of your course Varndean College will provide you with a standard form of notification. This will state all the types of data the College holds and processes about you, and the reasons for which it is processed.

### 3. Student Obligations

You should ensure that all personal data provided to the College is accurate and up to date. You should make sure that changes of address, etc. are notified to the student registry.

When you use the College computer facilities you may, from time to time, process personal data. If you do you must notify the Data Controller. If you need further clarification about this, you should contact the IT Manager.

### 4. Rights to Access Information

You have the right to access any personal information that is being kept about you either on computer or in certain files. If you wish to exercise this right, you should complete the College "Access to Information" form and give it to the Data Controller.

Before you gain access to the information held about you, you may wish to know what information is currently being held. You can make this request in writing using the standard form attached.

The College makes a charge at cost on each occasion that access is requested, although the College has the discretion to waive this in certain circumstances.

The College aims to provide access to personal information as quickly as possible, but will ensure that it is provided within 21 days unless there is good reason for delay. In such cases, the reason for the delay will be explained in writing to you.

Information that is already in the public domain is exempt from the 1998 Act. It is Varndean College policy to make as much information public as possible in line with its Freedom of Information Publication Scheme.

### 5. Your Consent

We can only process personal data with your consent. However, we cannot operate as a College without certain information about you. Agreement to Varndean College processing certain types of personal data is a condition of your acceptance as a student at the College. This includes information about previous criminal convictions.

Some courses will bring you into contact with children. Varndean College has a duty under the Children Act to ensure that you are suitable for these courses and will ask the Disclosure and Barring Service to check your suitability. We also have a duty of care to all staff and students, and must, therefore, make sure that those who use Varndean College facilities do not pose a threat or danger to other users.

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We will also ask for information about particular health needs, such as allergies to particular forms of medication, or any conditions such as asthma or diabetes. We will only use the information in the protection of your health and safety, but will need your **consent to process** in the case of a medical emergency, for example. Consequently, all prospective students will be asked to sign a Consent to Process form, regarding particular types of information when an offer of a course place is made. A refusal to sign such a form could result in the offer being withdrawn.

### 6. Processing Sensitive Information

In some cases, if data is sensitive, we have to obtain your **express consent**. Sometimes it is necessary to process information about your health, criminal convictions, race, ethnicity, gender and family details. This may be to ensure Varndean College is a safe place for everyone, or to operate other Varndean College policies, such as the equality and diversity policy. Because this information is considered sensitive, and it is recognised that the processing of it may cause particular concern or distress, you will be asked to give express consent for Varndean College to do this.

### 7. Sharing Sensitive information

*In some rare cases we may need to share information about you with other public bodies where not to do so could threaten your safety or that of others. We will always seek your agreement before we share the information and take your wishes into consideration. However, if you or those whose safety is threatened are under 18, our consideration for your safety is paramount.*

### 8. Examination Results

You are entitled to information about your marks for both coursework and examinations. However, this may take longer than other information to provide. Varndean College may withhold certificates, accreditation or references in the event that the full course fees have not been paid.

### 9. Retention of Data

We have to keep some forms of information for longer than others. Information about you cannot be kept indefinitely. In general, information about you will be kept for a maximum of **five years** after you leave Varndean College. This will include your

- Name and address,
- Academic achievements, including marks for coursework and
- Copies of any reference written.