



Data Protection and Freedom of Information Policy

**General Data Protection Regulations
Data Protection Act 2018
Freedom of Information Act 2000**

June 2016 (May 2018)

This policy applies to :	All staff, students, general public
Author/Department:	Business Support Manager
Area/Person responsible:	Principal
Date approved:	9 th June 2016
Related Documents/ Policies:	Staff Acceptable Use Policy, Student Acceptable Use Policy, Retention Policy, Information Security Procedures
Date of Next Review:	1 st May 2019

Date of most recent review:	1 st May 2018
Changes made:	Updated to reflect changes in legislation (Data Protection Act 2018 and GDPR).

The Equality Act 2010: The Equality Duty

The College has a duty to consider the needs of all individuals in our day-to-day work – in shaping policy, in delivering services and in relation to our employees. The Equality Duty has three aims, which require the College to have due regard to the need to:

- **Eliminate unlawful discrimination**, harassment, victimisation and any other conduct prohibited by the Act;
- **Advance equality of opportunity** between people who share a protected characteristic and people who do not share it; and
- **Foster good relations** between people who share a protected characteristic and people who do not share it.

Does the policy support the aims of the Equality Duty?	Yes	x	No		N/A	
If no, please state which groups may be affected and complete a full equalities impact assessment (guidance and forms available on the intranet)						
Impact Assessment Reference:						

Initial Impact Assessment Completed	
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Date	
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Review of Policy	
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Date	
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1 Introduction

- 1.1. As an organisation, the College is subject to requirements set out in legislation and monitored by the Information Commissioner's Office under the EU's General Data Protection Regulations (GDPR) and the Data Protection Act 2018.
- 1.2. As a public authority, the College is also subject to requirements set out in legislation and monitored by the Information Commissioner's Office under the Freedom of Information Act 2000.
- 1.3. The College is registered with the Information Commissioner's Office as a Data Controller (registration reference Z4694881). A copy of the register entry can be viewed at the Information Commissioner's Office website at www.ico.org.uk.
- 1.4. Under the EU's General Data Protection Regulation (GDPR) the data protection principles set out the main responsibilities which the College must comply with. Article 5 of the GDPR requires that personal data shall be:
 - a) *Processed lawfully, fairly and in a transparent manner in relation to individuals;*
 - b) *Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further rprocessing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes;*
 - c) *Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;*
 - d) *Accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal dta that are inaccurate, having regard to the purposes for which they are processd, are erased or recitified without delay;*
 - e) *Kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals; and*
 - f) *Processed in a manner that ensures appropriate security of the personal data, including proptection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures."*
- 1.5. The Freedom of Information Act 2000 requires that the College provide general access to some classes of information through a publication scheme, and provides any person with the right to make a request for information not already published or protected by exemption (for example, personal information protected under the Data Protection Act). The Act also sets out procedures for dealing with requests, such as time limits for compliance and fees which may be charged.

2 Our Commitment

- 2.1. The College is committed to the principles of the Freedom of Information Act 2000. The Information Commissioner's Office have produced an extensive selection of documents to support organisations, and the College will make reference to the following in meeting our

obligations:

- a. *The Guide to Freedom of Information* (<https://ico.org.uk/for-organisations/guide-to-freedom-of-information/>)
- b. *Model Publication Scheme* (<https://ico.org.uk/media/for-organisations/documents/1153/model-publication-scheme.pdf>)
- c. *Definition document for the governing bodies of maintained and other state-funded schools in England* (<https://ico.org.uk/media/1235/definition-document-schools-in-england.pdf>)
- d. *Receiving a Request and Request Handling Flowchart* <https://ico.org.uk/for-organisations/guide-to-freedom-of-information/receiving-a-request/>)
- e. *Refusing a Request* (<https://ico.org.uk/for-organisations/guide-to-freedom-of-information/refusing-a-request/>)

2.2. The College is committed to the principles of the General Data Protection Regulations and the Data Protection Act 2018. The Information Commissioner's Office have produced an extensive selection of documents and codes of practice to support organisations, and the College will make reference to the following in meeting our obligations:

- a. *Guide to the General Data Protection Regulations* (<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/>)
- b. *Subject Access Requests* (<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/right-of-access/>)
- c. *Data Sharing Code of Practice* (https://ico.org.uk/media/for-organisations/documents/1068/data_sharing_code_of_practice.pdf) *Please note: This code has not been updated since the Data Protection Act 2018 became law. The ICO are working on updating the code and have launched a call for views. The updated code will explain and advise on changes to data protection legislation where these changes are relevant to data sharing. It will address key aspects of the new legislation including transparency, lawful bases for processing, the new accountability principle and the requirement to record processing activities.*
- d. *Data Sharing Checklist* (https://ico.org.uk/media/for-organisations/documents/1067/data_sharing_checklists.pdf)
- e. *Privacy by Design* (<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/accountability-and-governance/data-protection-by-design-and-default/>)
- f. *Data Protection Impact Assessments* (<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/accountability-and-governance/data-protection-impact-assessments/>)
- g. *Privacy Notices* (<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/right-to-be-informed/>)

- 2.3. The links provided in this policy are not meant to be exhaustive; the College will always seek the guidance of the ICO when considering data protection obligations.
- 2.4. Any queries regarding the College's obligations, procedures and practices under GDPR, the Data Protection Act 2018 and the Freedom of Information Act 2000 should be directed to:

Carolyn Wright
Data Protection Officer
Ashton Sixth Form College
Darnton Road
Ashton-under-Lyne
OL6 9RL

Or by email to contact@asfc.ac.uk, marked for the attention of Carolyn Wright, Data Protection Officer. The DPO can also be emailed directly at carolyn.wright@asfc.ac.uk or contacted by telephone on 0161 330 2330.