DATA PROTECTION POLICY

Vice Chancellor's Office

POLICY SCHEDULE	
Policy title	Data Protection Policy
Policy owner	University Secretary
Policy lead contact	Data Protection Officer
Approving body	Business Assurance Board
Date of approval	10 October 2022
Date of implementation	10 October 2022
Version no.	2.0
Related Guidelines, Procedures etc.	Information Governance guidance Information Security Policy
Review interval	Two yearly

Contents

1. Introduction

The University processes personal data about its students, employees, applicants, alumni, contractors, research participants and other third parties. This policy outlines the University's responsibilities under data protection legislation and how it will comply.

The University is guided by the six data protection principles which require that personal data is:

- processed fairly, lawfully and in a transparent manner;
- used only for limited, specified stated purposes and not used or disclosed in any way incompatible with those purposes;
- adequate, relevant, and limited to what is necessary;
- accurate and, where necessary, up to date;
- not kept for longer than necessary; and
- kept safe and secure.

There is an additional accountability principle that requires the University to evidence its compliance with the above principles and ensure it does not put individuals at risk when processing their personal data.

To meet these obligations, staff have access to the overarching Information Governance guidance and Information Security Policy.

2. Definitions

Controller
Organisation that determines the purposes and means of processing personal data. If two or more controllers jointly determine the purposes and means of the processing of the same personal data, they are joint controllers but are not joint controllers if they are processing the same data for different purposes.

Criminal offences data
Personal data relating to criminal offenders or suspected offenders and can include information relating to criminal activity, allegations, investigations and proceedings.

Data protection legislation
The UK GDPR and Data Protection Act 2018.

Data subject
Any living individual who is the subject of personal data.

Personal data
Any information relating to an individual who can be identified, directly or indirectly, from that data. This includes identifiers such as name, identification number, location or online identifier or any factors specific to an individual such as their physical, physiological, mental, economic, cultural, or social identity.

Personal data breach
A breach of security leading to the accidental, or unlawful, destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored, or processed in any manner.

Process
Anything done with personal data, such as collection, recording, storage, adaptation or alteration, retrieval, use, disclosure, deletion, or destruction.

Special category data
Personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade-union membership, genetic, biometric, health, sex life or sexual orientation of an individual.

Processor
Organisation other than an employee of the controller, who processes personal data on behalf of the controller.

Pseudonymised data
Personal data can no longer be attributed to a specific data subject without the use of additional information or 'key', provided that the additional information is kept separately to ensure that the personal data cannot be attributed to an individual.

3. Policy

This policy applies to all personal data, including special category and criminal offence data which the University processes in any media or format both as a controller or processor. It applies whether personal data is collected directly or indirectly from individuals and includes pseudonymized data.

Special category and criminal offence data is more sensitive and should be given more protection.

All members of staff, students and other users of the University's data must comply with this policy. Disciplinary action can be taken in cases of non-compliance particularly when there has been deliberate or negligent disregard of the policy.

Failure to comply with Data Protection legislation, can result in reputational damage, or financial implications due to fines.

4. University Procedures

The University has procedures in place to ensure that it complies with data protection legislation. These are summarised as follows:

i. *Privacy Notices*

The University has published a General Privacy Notice and provides specific privacy information when necessary. Privacy notices are communicated in a timely manner and updated when necessary.

ii. Training and Awareness

All staff are required to complete mandatory training on information security and data protection every 2 years. There is a dedicated Information Governance guidance for staff and means for them to ask for additional advice and guidance from the Data Protection Officer if needed.

iii. Record of Processing Activities (ROPA)

The University maintains a record of processing activities as required under data protection legislation. This includes the lawful basis for processing, how long we keep personal data for and whom we share it with.

iv. Personal Data Breaches

There is a personal data breach reporting process in place which sets out how breaches are reported and how they are assessed to determine whether the Information Commissioner's Office or individuals should be informed. The process includes a breach response plan detailing how to follow up on reported breaches.

v. Contracts

There are procedures and guidance in place to ensure that contracts with processors and other controllers meet data protection legislation requirements.

vi. Data Sharing

There is a procedure for recording and responding to ad hoc requests for personal data.

vii. Data Protection by Design and Default

There are procedures and guidance for assessing any processing that may be of high risk to individual and where a Data Protection Impact Assessment (DPIA) should be carried out

viii. Data Subject Rights

A dedicated team handles subject access requests and other data subjects' requests. Any requests should be sent to gdpr@cumbria.ac.uk in the first instance and if unsatisfied, individuals may complain to the Information Commissioner's Office.

5. Roles and Responsibilities

i. University Secretary

Responsible for our compliance with data protection legislation.

ii. Business Assurance Board

Responsible for the overview and scrutiny of data protection governance arrangements.

iii. Data Protection Officer (DPO)

Responsible for advising on and assessing compliance with the data protection legislation. The DPO's responsibilities are set out in the UK GDPR and DPA 2018. The DPO can be contacted at gdpr@cumbria.ac.uk.

iv. Institute and Professional Services Directors

Responsible for developing and encouraging good information handling practices within the University. Where appropriate, responsibilities are set out in individual job descriptions.

v. Managers

Responsible for implementing and ensuring compliance with data protection procedures. This includes the requirement to take all reasonable steps to ensure compliance by third parties, considering data protection implications when setting up new policies and procedures, ensuring their staff complete data protection training, and contacting the DPO if unsure about compliance with data protection legislation.

vi. All Staff

Responsible for familiarising themselves with this policy and completing the mandatory training and any other training as required. Disciplinary action can be taken in cases of non-compliance particularly when there has been deliberate or negligent disregard of the policy.

6. Monitoring and Review

Compliance with this policy will be monitored by the DPO and reported to the Business Assurance Board and Audit and Risk Committee. This policy will be reviewed every two years or when the legislation changes.

Version Control

DATE	Version	CHANGE	Made by
29 April 2019	V 1.0	Creation	JB
10 October 2022	V 2.0	Format, responsibilities, and legislation updated	RK