

DATA PROTECTION POLICY AND GUIDELINES

Policy Statement

The College is committed in all its actions to comply with the UK General Data Protection Regulation (UK GDPR), the Data Protection Act 2018, and the Data (Use and Access) Act 2025 and its amendments, and will put in place responsibilities and processes that underpin this commitment.

1. Introduction

The UK GDPR regulations regulate the way in which certain information is held. Burnley College considers that many of the principles in the regulation represent good practice. The College needs to collect and use personal data about staff, students and other users to allow it to monitor performance, achievements, and for health and safety reasons. This policy gives useful information about the type of information that the College keeps and the purposes for which it keeps them. It applies to all formats (digital and hard copy) and covers all processing activities.

2. Lawful Bases for Processing

We process personal data under the following lawful bases:

- Contract (employment or student agreements)
- Legal obligation (e.g., HMRC reporting)
- Consent (e.g., marketing communications)
- Vital interests (e.g., health emergencies)
- Public task (education delivery)
- Legitimate interests and Recognised Legitimate Interests (DUAA 2025) – documented via Legitimate Interests Assessments (LIAs)

3. Records – Staffing

Burnley College believes that the following list of records and their use are consistent with the employment relationship and principles of the UK GDPR. The information will be held for our management and administrative use only, but there may be occasions when we need to disclose some information we hold to a relevant third party especially where we are legally obliged to do so (for example the Inland Revenue). We may also transfer information to another organisation, but this would be connected with an employee's career or due to the management of the employment relationship; for example to our external provider of payroll services so that staff may be paid.

- Examples of information the College is responsible for:
- Information gathered about a member of staff and any references obtained during recruitment
- Details of terms of employment
- Payroll, tax and National Insurance information
- Performance related information
- Details of grade and job duties
- Health records
- Absence records, including holidays and self-certification forms
- Details of disciplinary investigations and proceedings
- Training records
- Contact name and addresses

Any other information provided to the College in connection with employment Information relating to a member of staff's health in relation to health and safety, reasonable adjustments under the Disability Discrimination Act and personnel records and administration. Specialist agencies such as our occupational health providers will also keep data related to health and this will be kept in line with the principles of the UK General Data Protection Regulation and Medical Records Act

- Any data in connection with the requirement to undertake a criminal records/disclosure and barring service check to enable the College to assess an employee's suitability for employment (see Rehabilitation of Offenders Policy).

Members of Staff are responsible for:

- Ensuring that any information that they provide to the College in connection with their employment is accurate and up to date
- Informing the College of any changes to information, which they provide, for example, change of address
- If as part of their job, members of staff collect information about other living people, they must comply with this Data Protection Policy and Guidelines
- Ensuring that personal data is not disclosed either orally or in writing or accidentally or otherwise to any unauthorised third party

4. Records – Students

Burnley College believes that the following list of records and their use are consistent with the student relationship and principles of the UK GDPR.

The information will be held for our management, administrative and marketing use, together with disclosure of some of the information we hold to relevant third parties where we are obliged to do so (for example, the Education Skills Funding Agency). When using student data for marketing purposes, prior consent is sought.

For under-18 learners, we apply age-appropriate privacy notices and verify parental consent where required for online services.

Data will also be transferred to other organisations where necessary (for example internal and external auditors).

Examples:

- Basic personal information gathered about a student (name, address, gender, DOB)
- Sensitive information gathered about a student (Ethnicity, Disability, Learning Difficulties)
- Student photograph
- Details of a student's programme of learning
- Examination details relating to a student (entries and results)
- Attendance details for a student
- Student discipline records
- Information relating to school/career history and future destinations of students on completion of their courses
- Case studies highlighting successful students
- Any data in connection with the requirement to undertake a criminal records check to enable the College to assess a student's suitability for recruitment onto a particular course

Students are responsible for:

- Ensuring that information they provide to the College in connection with their study is accurate and up to date Informing the College of any changes to information, which they provide, for example, change of address.

5. Location

Our members of staff and students are mainly located in the Burnley area, but from time to time the College may transfer some or all information to any of its establishments for operational reasons. Likewise, information/records may also need to be transferred to any agency that provides funding to the College.

Transfers outside the UK will comply with DUAA adequacy standards: recipient country protections must be not materially lower than UK standards. Appropriate safeguards will be applied.

6. Reports

Data may be used from time to time for organisational reporting, for example, to monitor employment trends, provide headcount, recruitment, absence and turnover statistics with regard to staffing matters. Alternatively, reports on progression destinations, retention, attendance and achievements are likely to be reported for student matters.

7. Confidentiality

Burnley College requires all members of staff to comply with the UK General data Protection Regulation in relation to the information it holds. Failure to maintain confidentiality e.g. unauthorised, inappropriate or excessive disclosure of or obtaining information about individuals, will be regarded as serious misconduct and will be dealt with in accordance with the College's disciplinary policy and procedure. Where a member of staff has specific responsibility for the management of personal sensitive data they will be given additional guidance on their obligations. However, members of staff must ask if they are unsure. The College operates a whistle blowing policy which gives effect to our wish that no member of staff should feel reluctant for fear of management's response, to give information about any wrongdoings within the College.

8. Staff and Students' Rights

Members of staff and students (Data Subject) have rights under the UK GDPR. In particular, they have the right of access to personal data held about them by the College and the right to have inaccurate personal data corrected.

Data Subjects have other rights which include:

- The right to access their data
- The right of rectification of their data
- The right to erasure of their data
- The right to restrict processing
- The right of data portability
- The right to object to data processing

However, staff and students must note that there are a number of circumstances where the College does not have to comply with a request for access to personal data, these include:

- Where disclosure of information refers to another individual who can be identified from that information
- References given in confidence by the College for education, training or employment purposes
- References relating to the appointment of staff which are given in confidence

9. Closed Circuit Television (CCTV)

The College uses CCTV to assist in the prevention of crime and also to ensure the safety and wellbeing of students, staff and visitors. CCTV notices are displayed at ALL entrances and exits, and notices are displayed consistently throughout the day on the internal digital screens.

Recordings are stored in a secure location and accessed when required by the appropriate members of College staff.

CCTV images are only used for the purpose for which they are collected, and are retained for a maximum period of 12 days.

10. Cookies and Online Tracking

DUAA permits certain analytics/performance cookies without consent. Our cookie notice reflects this and provides opt-out options for non-essential cookies.

11. Data Protection Responsibility

The persons with overall responsibility for compliance as the Data Controller for matters relating to the General Data Protection Regulation is the Head of Central Services.

12. Making an Enquiry

To obtain a copy of information held about you, to which the General Data Protection Regulation applies, a College 'Data Subject Access Request' form must be completed and sent to the Data Protection Officer. The College will comply with the request within 1 Calendar month of receiving the form unless there is good reason for the delay. In such cases, the reason will be explained in writing/email to the person making the request. A fee will not be charged, unless documentation to be provided is excessive, in which case the College would charge accordingly.

Individuals may raise complaints by contacting the Data Protection Officer. If unresolved, complaints can be escalated to the ICO.

All enquiries or complaints should be addressed to:

The Data Protection Officer, Burnley College, Princess Way, Burnley, Lancashire, BB12 0AN

13. Associated Documents

- Records Management Policy
- Freedom of Information
- Rehabilitation of Offenders Policy
- Data Breach Process (OnePlace)

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| Owner: | Data Protection Officer |
| Last revised: | September 2025 |
| College website: | September 2025 |
| Review date: | July 2026 |

DATA SUBJECT ACCESS REQUEST FORM



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|---|
| <p>I. Details of the person requesting information</p> <p>Full name _____</p> |
| <p>Address _____</p> |
| <p>Telephone (_____) _____ Fax No (_____) _____</p> |
| <p>E-mail _____</p> |
| <p>Student Number or Staff Payroll Number* _____</p> |
| <p>School/Department of study/employment* _____</p> |
| <p>Dates of study/employment* From _____ To _____</p> |
| <p>2. Are you the Data Subject?</p> <p>YES If you are the Data Subject, please supply evidence of your identity e.g. Smart ID card, photocard driving licence, passport (or photocopy) and, if necessary, a stamped addressed envelope for returning the document (please go to question 5).</p> <p>NO Are you acting on behalf of the Data Subject with their written authority? If so, that authority must be enclosed (please complete questions 3 and 4).</p> |
| <p>3. Details of the Data Subject (if different to I)</p> <p>Full name _____</p> |
| <p>Address _____</p> |
| <p>Telephone (_____) _____ Fax No (_____) _____</p> |
| <p>E-mail _____</p> |
| <p>Student Number or Staff Payroll Number* _____</p> |
| <p>School/Department of study/employment* _____</p> |
| <p>Dates of study/employment* From _____ To _____</p> |

4. Please describe your relationship with the Data Subject that leads you to make this request for information on their behalf:

5. If you wish to see only certain specific document(s), for example, a particular examination report, a specific departmental file etc please describe these below.

* If applicable

Please note that the College reserves the right to redact information that relates to other third parties (ref: General Data Protection Regulation, 2018).

6. If you would like a more general search please note that the College will normally search the following sections for personal data:

For students:

Information contained within student records.

For staff:

Human Resources or any departmental records in which the data subject has worked.

Please specify below the Division or Department where you have worked or studied.

Declaration

I _____ certify that the information given on this application form to Burnley College is true. I understand that it is necessary for the College to confirm my/Data Subject's identity and it may be necessary to obtain more detailed information in order to locate the correct information.

Signed: _____ Date: _____

Please return the completed form to:

The Data Protection Officer
Burnley College
Princess Way
BURNLEY
Lancs
BB12 0AN

Documents which must accompany this application are:

Evidence of your identity

Evidence of the data subject's identity (if different from above)

Evidence of the data subject's consent to disclosure to a third party (if required as indicated above)

A stamped addressed envelope for return of proof of identity/authority documents, if required.

OFFICE USE ONLY

Date request received: _____

Date completed: _____

Notes: _____

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