

# Shetland UHI, University of the Highlands and Islands

Data Protection and Confidentiality Policy

**QA 010 PO**

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| Lead Officer (Post): | Principal and CEO |
| Responsible Office/ Department: | Senior Management Group |
| Responsible Committee/Group: | GDPR Working Group Reporting to QIC |
| Review Officer (Post): | Data Protection Manager |
| Date policy approved: | 01/08/2021 |
| Date policy last reviewed and updated: | 22/09/2023 |
| Date policy due for review: | 01/09/2026 |
| Date of Equality Impact Assessment: | 01/08/2021 |
| Date of Privacy Impact Assessment: | n/a |

Accessible versions of this policy are available upon request

Policy Summary

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| Overview | To ensure data is handled in accordance with GDPR and Data Protection Legislation and Guidance |
| Purpose | To ensure data is held and handled securely within legislative guidelines |
| Scope | All data held and obtained with Shetland UHI |
| Consultation | Who has been consulted on the policy, and who will be notified? |
| Implementation and Monitoring | All staff |
| Risk Implications | Data breach, inability to meet necessary standards of data protection or timely Subject data request. Fines, reputational damage. |
| Impact Assessment | Equality Impact Assessment: |
| Privacy Impact Assessment: |

# Policy Statement

* + - Shetland UHI needs to collect and use certain types of information about people with whom it deals, in order to operate. These include current, past and prospective employees, suppliers, students/customers and others with whom it communicates. In addition, it is required by law to collect and use certain types of information to comply with its own sector duties and requirements and the requirements of Government departments for business data, for example. This personal information must be dealt with correctly however it is collected, recorded and used - whether on paper, in a computer, or recorded on other material - and Shetland UHI have safeguards in place to ensure this in line with General Data Protection Regulations 2018 and UK General Data Protection Regulation (UK GDPR)

# Definitions

* 1. **Personal data** is information that relates to an identified or identifiable individual.

# Purpose

* 1. Shetland UHI regards the lawful and correct treatment of personal information as very important to successful operations, and to maintaining confidence between those with whom it deals and itself. The College must ensure that it treats personal information lawfully and correctly.
     + To this end, Shetland UHI fully endorses and adheres to the Principles of data protection, as enumerated in the GDPR 2018 and UK General Data Protection Regulation (UK GDPR).
     1. Specifically, the Principles require that personal information:
     2. shall be processed fairly, lawfully and transparently and shall not be processed in a manner that is incompatible with those purposes.
     3. shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.
     4. shall be accurate and, where necessary, kept up to date.
     5. shall not be kept for longer than is necessary for that purpose or those purposes. 3.1.7.shall be processed in a manner that ensures appropriate security of the personal data. 3.1.8.appropriate technical and organisational measures shall be taken against unauthorised

or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.

3.1.9.shall not be transferred to a country or territory outside the European Economic Area (EEA) unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

# Scope

* 1. Therefore, and in order to meet these principal aims, Shetland UHI, through appropriate management and strict application of criteria and controls, endorses the following objectives:
     1. observe fully conditions regarding the fair collection and use of information.
     2. meet its legal obligations to specify the purposes for which information is used.
     3. collect and process appropriate information, and only to the extent that it is needed to fulfil operational needs or to comply with any legal requirements.
     4. ensure the quality of information used.
     5. apply strict checks to determine the length of time information is held.
     6. ensure that the rights of people about whom information is held can be fully exercised under the Act (these include the right to be informed that processing is being

undertaken, the rights of access to one’s personal information, the right to prevent processing in certain circumstances, the right to correct, rectify, block or erase information which is regarded as wrong information).

* + 1. take appropriate technical and organisational security measures to safeguard personal information.
    2. ensure that personal information is not transferred abroad without suitable safeguards.
    3. Ensure that all staff who handle personal data are adequately trained to handle personal data.

# Roles and Responsibilities

* 1. Shetland UHI is responsible for ensuring that there is someone with specific responsibility for data protection in the organisation whose role is to deal with Notification issues and advise all departments on complying with the GDP Regulations 2018 and Data Protection Act 1998 with a view to ensuring compliance with the Data Protection Act 1998. Currently, the nominated post within Shetland UHI is the Data Protection Manager and the college’s DPO is James Nock at UHI Inverness.
  2. The College’s Data Protection Manager will ensure that:
     1. everyone managing and handling personal information understands that they are contractually responsible for following good data protection practice.
     2. everyone managing and handling personal information is appropriately trained to do so. 5.2.3.everyone managing and handling personal information is appropriately supervised.
     3. anyone wishing to make enquiries about handling personal information knows what to do.
     4. queries about handling personal information are promptly and courteously dealt with. 5.2.6.methods of handling personal information are clearly described.

5.2.7.a regular review and audit is made of the way personal information is managed. 5.2.8.methods of handling personal information are regularly assessed and evaluated. 5.2.9.performance with handling personal information is regularly assessed and evaluated.

5.2.10. The Data Protection Manager shall be responsible for, and be able to demonstrate, compliance with the principles.

5.3. The GDPR Group is responsible for rapidly responding, in conjunction to the Data Protection

Manager and DPO, to any data breaches, data access requests and data corrections as well as

scrutinizing policies, procedures and forms before wider circulation.

5.4 The Operations and Estates Committee is responsible for approving GDPR documentation

before they go to SMG for final approval and distribution.

* 1. The Principal and CEO is responsible for ensuring that Shetland UHI perform its legal obligations in regard to personal Data handling
  2. Shetland UHI is responsible for ensuring that all staff are trained in General Data Protection Regulation legislation and that sufficient policies and procedures are in place.
  3. Employees of the Shetland UHI are responsible for ensuring any processing of Personal Data in the course of their duties or by students under their supervision is conducted in accordance with the General Data Protection Regulation and other applicable legislation.
     1. All staff are responsible for reporting all breaches immediately to the Data Protection Manager.
     2. All staff who collect data using Consent must list the information on the Consent Register and ensure that the data is used and stored in compliance with the consent given.
     3. All staff disclosing Student Information to third parties must ensure they comply with the UHI Disclosure of Student Information policy.

5.8. Students processing Personal Data, for example as part of research work or independent study,

must ensure that they have sought and implemented advice concerning the Personal Data

implications of their studies and the methods used to further those studies.

5.9. The University of Highlands and Islands (UHI) is responsible for providing guidance and

operational support on data protection matters.

# Handling of Information

## Electronic Material

* The Data Protection Act 1998 and GDPR 2018 covers the handling and storing of data. The Shetland UHI Data Protection and Confidentiality Policy must be observed and adhered to by staff at all times.
* Access to electronic records containing confidential or other sensitive material must not be made available to unauthorised personnel. Passwords and login details must remain secure. Workstations much be locked when not in use.
* The Shetland UHI ICT Security Policy must be adhered to by staff at all times.

## Written Material

* + 1. Written material of a confidential nature should:
       - Not be left in areas where reading by unauthorised persons may occur
       - Be passed directly from the user and enclosed in a sealed envelope marked

‘Confidential’ if necessary

* + - * Be stored in a secure place, the keys of which are to be controlled by authorised personnel. All cabinets should be locked at the end of each working day and the keys locked in the key box.
      * Additional drafts, copies and related notes are destroyed when no longer required. Where possible this should be done by a shredder but if not, staff are to ensure material is disposed of in such a way as to render it unreadable.

# Legislative Framework

* 1. This policy is aligned with the following legislation:
     + General Data Protection Act 2018 (DPA 2018)
     + UK General Data Protection Regulation (UK GDPR)

1. Version Control and Change History

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| --- | --- | --- | --- | --- |
| Version | Date | Approved by | Amendment(s) | Author |
| 1 | 22/9/2023 | GDPR Group | Updated post merger | Angela Sutherland |
| 2 |  |  |  |  |
| 3 |  |  |  |  |
| 4 |  |  |  |  |