

# Data Protection Policy

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## 1. Policy Statement.

- 1.1 Trinity Laban Conservatoire of Music and Dance is committed to protecting the rights and freedoms of individuals in accordance with the provisions of the Data Protection Act (DPA) 1998. The Information Commissioners Office (ICO) has confirmed that the General Data Protection Regulation (**GDPR**) will become part of UK law on 25<sup>th</sup> May 2018.
- 1.2 The requirements to which Conservatoire staff and student who process personal data must adhere are set out in the Conservatoire's Data Protection Policy sections 1-22. The Conservatoire explains the main purposes for which it processes the personal data of staff, students and persons who are neither staff nor students in Appendix 1 (Staff), Appendix 2 (Students) and Appendix 3 (Neither Staff nor Students).
- 1.3 This policy and its related provisions is also applicable to relevant subsidiary companies of Trinity Laban Conservatoire of Music and Dance (e.g. Blackheath Halls Ltd).

## 2. Status of the Policy.

- 2.1 The Conservatoire's *Data Protection Policy* was approved by the Principal's Management Group (PMG) in December 2017. The content is reviewed annually by the Data Protection Officer in consultation with relevant parties including the Executive Directors, Human Resources, IT and Marcomms.
- 2.2 A breach of this policy by staff or students of the Conservatoire may result in disciplinary action under the relevant Conservatoire procedures.

## 3. Introduction and Definitions.

- 3.1 The Data Protection Act 1998 (hereafter referred to as "the Act") came into force on 1st March 2000. It applies to all personal data held electronically and to that personal data held manually in a "relevant, structured filing system" or otherwise easily accessible format.
- 3.2 The Act defines personal data as "data which relate to a living individual who can be identified
  - a. from those data, or
  - b. from those data and other information which is in the possession of, or is likely to come into the possession of, the data controller, and includes any expression of opinion about the individual and any indication of the intentions of the data controller or any other person in respect of the individual."
- 3.3 Individuals and organisations that determine the purposes for which and the manner in which personal data are processed are termed "data controllers" and are subject to the Act. Trinity Laban Conservatoire is a data controller.
- 3.4 The act of "processing" personal data is a wide-ranging activity that includes obtaining, recording, holding or storing personal data and carrying out any operations on it such as adaptation, alteration, use, disclosure, transfer, erasure and destruction.
- 3.5 The Act defines both "personal data", such as name, date of birth and photographs and "sensitive personal data", such as ethnicity and mental health. Sensitive personal data has even greater conditions for processing. The data controller must not just have the

consent of the data subject, it must have explicit consent. Explicit consent generally requires a greater certainty that the individual has given consent freely, is fully informed about the circumstances and is able to withdraw consent if necessary. Unambiguous consent is best achieved by gaining written consent from the data subject, regardless of whether the data is personal data or sensitive personal data.

## 4. The 8 Data Protection Principles.

4.1 At the heart of the Act are the 8 Data Protection Principles. All Conservatoire staff and students who process personal data must comply with them. The Principles are as follows:

1. Personal data shall be processed fairly and lawfully.
2. Personal data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes.
3. Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.
4. Personal data shall be accurate and, where necessary, kept up to date.
5. Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.
6. Personal data shall be processed in accordance with the rights of data subjects under this Act.
7. 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.
8. Personal data shall not be transferred to a country or territory outside the European Economic Area 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.

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4.2 Processors must have particular regard for the protection of sensitive personal data:

- racial or ethnic origin.
- political opinions.
- religious beliefs or other beliefs of a similar nature.
- trade union membership (within the meaning of the [1992 c. 52.] Trade Union and Labour Relations (Consolidation) Act 1992).
- physical or mental health or condition.
- sexual life.
- the commission, or alleged commission, of any offence or any proceedings for any offence committed or alleged to have been committed, the disposal of such proceedings or the sentence of any court in such proceedings.

4.3 Under the GDPR, the data protection principles set out the main responsibilities for

organisations. The principles are similar to those in the DPA, with added detail at certain points and a new accountability requirement. The GDPR does not have principles relating to individuals' rights or overseas transfers of personal data - these are specifically addressed in separate articles.

4.4 The most significant addition is the accountability principle. The GDPR requires Trinity Laban to show how it complies with the principles – for example by documenting the decisions it takes about a processing activity.

4.5 **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 processing 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 data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified 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;
- f) ***processed in a manner that ensures appropriate security of the personal data***, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.
- g) Article 5(2) requires that:
- h) “the controller shall be responsible for, and be able to demonstrate, compliance with the principles.”

## 5. Role of the Conservatoire Data Protection Officer.

5.1 The Conservatoire will ensure that it always has a nominated Data Protection Officer (DPO) who is the Director of Operations and Business Enterprise.

5.2 The Principal has delegated responsibility to the Data Protection Officer to co-ordinate corporate data protection compliance across the Conservatoire.

5.3 The Data Protection Officer should be the first point of contact for:

- Queries regarding the Conservatoire's data protection responsibilities.
- Advice to Conservatoire staff regarding data protection compliance.
- Subject access requests.
- Liaison with the Information Commissioner's Office (ICO), including preparation and submission of the Conservatoire's annual data protection notification.

## 6. Responsibilities of Staff.

6.1 Staff are required to:

- Abide by the Conservatoire *Data Protection Policy*.
- Abide by the Conservatoire *Policy on the Management of Information Off-Campus*.
- Abide by the *Code of Conduct for Handling Personal Data Using Information Technology Systems* within the I.T. Regulations.
- Allow the Conservatoire to process their personal data as outlined in the *Statement on the Processing of Staff Personal Data* in **Appendix 1**.

6.2 All members of staff are responsible for ensuring that they adhere to the Act in the course of their employment. Staff are also responsible for ensuring that the personal data the Conservatoire holds about them is accurate and up-to-date by informing the Conservatoire of any changes or errors immediately.

6.3 Staff who process personal data in connection with their Trinity Laban Conservatoire employment are permitted to do so under the Conservatoire's notification to the ICO.

6.4 Heads of academic departments, faculties and support departments are responsible for ensuring that their respective departments and faculties comply with the Conservatoire's data protection policy and procedures and shall actively promote compliance to their staff. Heads of departments and Faculties are also responsible for ensuring that they nominate a departmental or college representative who will undertake specialist data protection training provided by the Conservatoire and work with Governance and Executive Support to respond to subject access requests. All staff who process personal data and/or line manage staff who process personal data will be required to undertake general staff training provided by the Conservatoire.

6.5 Further information to help staff comply with the Data Protection Act 1998 can be found via the sources referenced in Section 22 of this policy.

## 7. Responsibilities of Students.

7.1 Students agree to abide by the Conservatoire's current data protection policy each year when they enrol.

7.2 Students are required to:

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- Abide by the Conservatoire *Data Protection Policy*.
- Abide by the Conservatoire *Policy on the Management of Information Off- Campus*.
- Abide by the *Code of Conduct for Handling Personal Data Using Information Technology Systems* within the I.T. Regulations.
- Allow the Conservatoire to process their personal data as outlined in the *Statement on the Processing of Student Personal Data* in **Appendix 2**.

- 7.3 All students are responsible for ensuring that they adhere to the Act. They are also responsible for ensuring that the personal data the Conservatoire holds about them is accurate and up-to-date by informing the Conservatoire of any changes or errors immediately.
- 7.4 Students who process personal data in connection with their Trinity Laban course of study or extra-curricular, social or other activities undertaken as a Trinity Laban student or acting as a representative of the student body within their Faculty or department, are permitted to do so under the Conservatoire's notification to the ICO.
- 7.5 The processing of personal data by Trinity Laban Student Union is permitted under the Conservatoire's notification to the Information Commissioner's Office (see section 10).
- 7.6 Further information to help students comply with the Data Protection Act 1998 can be found via the sources referenced in section 22 of this policy.

## 8. Use of Personal Data by Contractors and Consultants.

Where a third party such as a consultant or contractor undertakes work on behalf of the Conservatoire which involves the processing of personal data, the Conservatoire remains the data controller of that data. The Conservatoire's procurement processes set out requirements for data protection compliance by consultants or contractors processing personal data on behalf of the Conservatoire.

## 9. Training.

The Conservatoire will provide specialist data protection training to a representative of each department, as nominated by each Head of department. The Conservatoire will also make general data protection awareness training and information available to all staff.

## 10. Notification to the Information Commissioner's Office.

- 10.1 The Conservatoire will annually notify the Information Commissioner's Office (ICO) of its personal data processing activities. The notification process includes informing the ICO of the following:
- The purposes for which the Conservatoire processes personal data.
  - The types of individuals (or "data subjects") to whom this personal data relates.
  - The types of data (or "data classes") processed.
  - The individuals or organisations to whom this personal data is disclosed, or intended to be disclosed.
  - The countries or territories outside of the European Economic Area, if any, to which personal data is transferred, or intended to be transferred.
- 10.2 The Conservatoire's current notification can be viewed on the website of the **ICO**.
- 10.3 The Data Protection Officer will undertake an annual data protection audit to ensure that the

Conservatoire's notification remains up-to-date.

- 10.4 Staff and students must only process personal data for the purposes listed within the Conservatoire's current notification. Staff or students who wish to process personal data for any other purpose must discuss their proposal with the Data Protection Officer before they begin so that, if appropriate, the Conservatoire's notification can first be amended appropriately. Processing undertaken outside of the Conservatoire's notification is unlawful.

## **11. Transfer of Data to Third Parties.**

- 11.1 Personal data must not be disclosed to any third party (including family members and the police) except in the following circumstances:

- The data subject has given consent. This is unambiguously achieved by gaining written consent.
- It is necessary to protect the vital interests of the data subject.
- It is necessary to prevent serious harm to a third party.
- It is required to safeguard national security.
- It is necessary for the prevention or detection of crime, the apprehension or prosecution of offenders, or the assessment or collection of any tax or duty.
- It is necessary for the discharge of regulatory functions including securing the health, safety and welfare of persons at work.
- It is to be used for research purposes, subject to the requirements outlined below in section 14.
- It is available to the public anyway by law.
- It is necessary to establish, exercise or defend legal rights.
- It has been published.

- 11.2 The Conservatoire has legal and statutory responsibility to disclose personal data to some third parties (see Appendices).

## **12. Security of Personal Data and Security Breaches**

- 12.1 The new GDPR imposes a new statutory obligation on data processors to implement appropriate security measures to protect the personal data made available to them by organisations and individuals. In addition, data processors have an express obligation to notify the Conservatoire, organization and/or individual of security incidents "without undue delay"

- 12.2 The Conservatoire corporately, and its staff and students individually, are responsible for ensuring that the Seventh Data Protection Principle is upheld (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).

- 12.3 Staff and students must ensure that they employ safeguards for personal data proportional to the risks presented in their processing activities.

- 12.4 Trinity Laban must notify the ICO of a security incident (unless a low risk incident or one not involving personal data) **within 72 hours of becoming aware of it** "where feasible". Individuals must also be notified where the occurrence of the incident could cause high risk to their privacy rights/serious harm.

- 12.5 Any staff or students who discover a potential or actual security breach must immediately inform the

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Conservatoire's Data Protection Officer and, if appropriate, the Conservatoire's Head of IT. For example, anyone who finds a discarded memory stick holding unencrypted personal data should report the find immediately to both officers.

- 12.6 Conservatoire staff and students must not take personal data off-campus unless absolutely necessary and with the permission of their head of department. Staff and students who must take personal data off-campus must abide by the Conservatoire's *Policy on Off-Campus Data Protection* and any related technical policies or procedures produced by IT Department.

### 13. Summatively Assessed Work.

- 13.1 The Conservatoire will provide copies of examiners'/markers' comments regarding performance in examinations or other summatively assessed work, if so requested by a student. Where a request is made prior to the announcement of results, the information will be provided within 5 months of the request or 40 days from the announcement of results, whichever is the earlier.
- 13.2 Such requests should be addressed to the Registrar and/or Data Protection Officer. Further guidance on the disclosure of marks and feedback to students is available from the Registrar.

### 14. Re-use of Personal Data.

- 14.1 Staff and students are made aware in the Conservatoire's *Statement on the Processing of Staff Personal Data* (Appendix 1) and *Statement on the Processing of Student Personal Data* (Appendix 2) that the Conservatoire may process their personal data (not including sensitive personal data) for academic research purposes (i.e. where there is only benefit to the researcher alone or the researcher and Conservatoire combined) on the basis that the results of that research will not lead to decision-making about an individual or groups of individuals. Where a researcher wishes to use sensitive personal data, such as ethnicity or health, explicit consent must be sought beforehand from the individuals concerned. The research results may be published or shared with a third party as long as no individual can be identified by them.
- 14.2 Where academic researchers - staff or students - wish to process any personal data, they must carefully consider the data protection implications of the use of personal data in research before undertaking the research. Where a student wishes to process personal data, the supervisor must ensure that the Conservatoire's data protection obligations can be met before the student's choice of research subject is approved. Wherever possible, researchers should use anonymised data in order to safeguard individual privacy, although anonymous data remains personal data (and subject to the Act) if it can be linked to an identifiable individual using any other data held by the Conservatoire or likely to come into its possession. Researchers and supervisors must ensure that they are familiar with the Data Protection Principles. The Conservatoire's Data Protection Officer should be consulted where further advice is required.
- 14.3 Where personal data is processed, research staff and students must adhere to the personal data processing requirements set out in this policy.
- 14.4 Personal data collected by the Conservatoire for another purpose may be processed by staff for research purposes by means of the exemption under section 33 of the Data Protection Act 1998 (Research, history and statistics) where there is a clear and purely administrative benefit to Trinity Laban (such as analysing student admissions statistics in order to assess whether a diversity policy has been successful), subject to the following conditions:
- That the data are not processed to support measures or decisions with respect to particular individuals.
  - That the processing neither causes – nor is likely to cause - substantial damage or substantial

distress to any data subject.

14.5 The research results may be published or shared with a third party as long as no individual can be identified by them.

14.6 For personal data processed under section 33 of the Data Protection Act 1998:

- It may be kept indefinitely.
- Where the research results do not identify individuals, individuals have no right of access to the personal data that was processed.

## **15. Confidential References.**

15.1 Copies of confidential references about staff or students **written by Conservatoire employees** and relating to education, training or employment will not be provided in response to subject access requests, as provision of copies of such references are exempted under the Data Protection Act 1998.

15.2 Confidential references about staff or students **written by third parties**, received by the Conservatoire and relating to education, training or employment are not exempted. The Conservatoire will make reasonable attempts to gain consent from referees prior to release. If consent cannot or will not be given, the Conservatoire's Data Protection Officer will permit release if satisfied that to do so would not prejudice or harm the interests of the referee.

## **16. Transfers of Personal Data to non-EEA Countries and Territories.**

16.1 The Conservatoire will not release personal data to any country or territory outside of the European Economic Area (EEA) unless that country or territory ensures an adequate level of protection to data subjects, except where the transfer of staff or student personal data to institutions outside of the EEA for the purpose of study, employment or placement is required (see Appendices 2 (staff) and 3 (students)).

16.2 Staff and students must not transfer data outside of the EEA before contacting the Data Protection Officer to establish whether adequate national data protection laws exist or adequate organisational policies or agreements have been put in place.

## **17. Electronic Records and the Internet.**

17.1 Unrestricted internet publishing of personal data makes that personal data available outside of the EEA in contravention of the Data Protection Act 1998. Such publishing is only permissible either:

- Where the data subject has given consent. This is unambiguously achieved by gaining written consent.
- Where the personal data is already publicly available in another form. In this case it is best practice to inform the data subject of the intention to web publish.

17.2 Guidance on internet publishing of committee minutes, papers and agendas, which may contain personal data is available from the Secretary and Clerk to the Board.

## **18. Collection and Processing of Sensitive Personal Data of Students.**

- 18.1 The Data Protection Act 1998 defines certain personal data as “sensitive personal data”. This includes ethnicity and physical or mental health. The Conservatoire holds such data, for instance, for equal opportunities monitoring and for the provision of student support services to individuals.
- 18.2 The Conservatoire’s policies on the collection and processing of sensitive personal data of students are available within documents produced by the Academic Office, such as the Conservatoire’s Privacy Statement (Student Services Dep’t).

## **19. The Right to Access Personal Data.**

- 19.1 The Conservatoire recognises that under the Data Protection Act 1998 any data subject (including a member of staff or a student) has a right to request access to his/her personal data. Such a request is known as a “subject access request”.
- 19.2 All subject access requests should be addressed to the Conservatoire Data Protection Officer. Any other staff who receive such a request must immediately forward it to the Data Protection Officer.
- 19.3 The Conservatoire will not charge an administration fee per subject access request. The Conservatoire will not process a request until it is in receipt of the request in writing, proof of identity. Once the Conservatoire has received these, the **one month** response time will begin. The clock will stop if the Conservatoire contacts the data subject to request additional information in order to process the request. The clock will start again once that additional information is received. If the request is a complex one then the Conservatoire may request a further two months in which to respond fully.

## **20. The Right to Request that Personal Data are not Processed.**

- 20.1 The Conservatoire recognises that under the Data Protection Act 1998 an individual can request that his/her personal data is not processed for one or more purposes by a data controller. Trinity Laban Conservatoire is a data controller. However, in some cases, the Conservatoire may decline such a request. The Conservatoire asserts that individuals should be aware that in exercising this right they may disadvantage themselves or, in extreme cases, may be unable to begin/continue their studies or employment with the Conservatoire.

## **21. Retention and Disposal of Records containing Personal Data.**

- 21.1 Staff and students must only retain personal data for the length of time they are required for the specific purpose they were collected.
- 21.2 Staff and students must consult the Conservatoire Records Retention Schedule (available on the Intranet) for guidance on the length of time records should be retained and then, when expired, whether to archive or destroy them.
- 21.3 The Conservatoire will normally transfer core details of staff and students to the Conservatoire Archive for permanent preservation as a historical record.
- 21.4 Staff and students must ensure that the destruction of personal data is carried out confidentially and completely. Where multiple copies of the data exist, all paper and electronic copies must be

destroyed. Where personal data is recorded in paper form, the paper must be securely shredded or incinerated.

## **22. Further Information.**

- 22.1 Further information can be found on the Conservatoire's [Data Protection webpages](#) and on the [ICO](#) website.
- 22.2 Specific queries about Data Protection and requests for copies of this policy in alternative format should be emailed to [DataProtection@trinitylaban.ac.uk](mailto:DataProtection@trinitylaban.ac.uk) or posted to:

Director of Operations and Business Enterprise  
Trinity Laban Conservatoire of Music and Dance  
King Charles Court  
Old Royal Naval College  
Greenwich  
LONDON SE10 9JF

## **Appendix 1:**

### **Statement on the Processing of Staff Personal Data.**

Trinity Laban Conservatoire of Music and Dance processes the personal data of staff in line with its notification to the Information Commissioner's Office (ICO). The main contents of this notification that are relevant to staff are summarised and explained below.

#### **1. Introduction.**

Trinity Laban processes personal data about staff for various administrative purposes. Personal data are processed under the Data Protection Act 1998, which requires the Conservatoire to ensure that personal data are:

- Processed fairly and lawfully and only if certain conditions are met.
- Obtained only for specified and lawful purposes.
- Adequate, relevant and not excessive.
- Accurate and, where necessary, kept up to date.
- Kept no longer than necessary.
- Processed in accordance with the rights of the individual.
- Kept secure.
- Only transferred outside of the EEA where adequate protection exists.

The following are examples of how a member of staff's personal data may be used:

- Providing facilities, such as the IT service and Library service.
- Managing Human Resources processes such as recruitment and promotion.
- Managing the absence control policy.
- Monitoring equal opportunities.
- Preventing and detecting crime, such as using CCTV or attaching photos to ID cards.
- Maintaining contact with past employees.
- Fundraising and marketing.
- Making external/statutory returns, such as to the Higher Education Statistics Agency (HESA).

Personal data are normally initially provided to the Conservatoire by a member of staff on a job application form. The Conservatoire will add further data during the course of employment in line with the business purposes specified in its data protection notification (see section 10). After employment ends, staff records are retained and disposed of in line with the Conservatoire's Records Retention Schedule. The personal data of unsuccessful job applicants are also retained and disposed of in line with the Conservatoire's Records Retention Schedule.

#### **2. Sensitive Personal Data.**

The Data Protection Act 1998 defines certain personal data as "sensitive personal data". This includes ethnicity and physical or mental health. The Conservatoire holds such data, for instance, for equal opportunities monitoring and for the provision of occupational health services to individuals.

#### **3. Health Information.**

Information on a member of staff's health may be required as a condition of employment. The Conservatoire may also, in exceptional circumstances, contact third parties, such as medical professionals or next of kin, concerning the health of a member of staff when it believes it is reasonable and/or in the best interests of the member of staff to do so. The Conservatoire will attempt to gain the prior consent from the member of staff but where consent cannot or will not be given it may act without consent. The Assistant Director (Human Resources) should be consulted before any contact is made with third parties.

Personal data is also shared as necessary across the Conservatoire with respect to the absence monitoring system.

#### **4. Published Personal Data.**

Registration with Information Technology Department (IT) means that a member of staff's name, department/section, job title, email address and telephone number will appear in the Conservatoire's electronic email and telephone directory which can be viewed on the World Wide Web. In exceptional circumstances individuals can opt-out of the directory (in full or in part, such as declining contact details), either at the point of first registering with IT when completing an IT Registration form, or later by contacting the Conservatoire's Data Protection Officer who will inform IT. Members of staff also have their name and academic qualifications published in the Trinity Laban Prospectus and may have their name, academic qualifications and contact details published in external academic-related publications.

#### **5. Study, Employment and Placements at another Organisation.**

Where a member of staff's employment with the Conservatoire requires study, employment or a placement at another organisation it will be necessary for the Conservatoire to transfer personal data to the external Conservatoire or employer, whether this is within the UK or abroad. Staff should be aware that some countries outside of the EEA may have lower standards for the protection of personal data than those within the EEA.

#### **6. Visual Images.**

Each member of staff is required to provide a digital image of themselves to IT for reproduction on their Trinity Laban ID card, which will be used for the purpose of identification.

The Conservatoire may commission photography on campus or at specific events, such as award ceremonies, for use in its promotional material. Staff may appear on the resulting images, which may be published.

#### **7. IT Facilities.**

The Conservatoire routinely logs information about use of IT facilities for statistical purposes and to ensure effective systems operations. The Conservatoire may also monitor electronic communications to ensure that they are being used in accordance with the Conservatoire's *Acceptable Use Policy* and related regulations for the use of Trinity Laban IT Facilities and, specifically, to prevent or detect crime. All activities comply with the Data Protection Act 1998 and the Regulations of Investigatory Powers Act 2000.

## **8. Criminal Convictions and Disclosure and Barring Service (DBS) Checks.**

The Conservatoire is required to obtain information about past criminal convictions as a condition of employment for certain posts. The Conservatoire also undertakes DBS checks on those staff who work with young and/or vulnerable people.

## **9. Re-use of Personal Data.**

Staff personal data (not including sensitive personal data) may be processed for academic research purposes (i.e. where there is only benefit to the researcher alone or the researcher and Conservatoire combined) on the basis that the results of the research will not lead to decision-making about an individual or groups of individuals. Where a researcher wishes to use sensitive personal data, such as ethnicity or health, explicit consent will be sought beforehand from the individuals concerned.

## **10. Disclosures to Third Parties.**

The Conservatoire may need to disclose the personal data of members of staff to organisations contracted to work on its behalf, which could include its pension providers, insurers or legal consultants. The Conservatoire may also disclose data to auditors undertaking investigations, selected individuals acting on behalf of the Conservatoire such as alumni organising alumni events, external organisations undertaking market research or academic researchers provided no personal data is published. In certain circumstances the Conservatoire passes the personal data of staff debtors to an external debt collection agency if the Conservatoire has been unable to recover the debt by normal internal financial or HR processes.

The Conservatoire has a statutory requirement to disclose staff personal data to the Higher Education Funding Council for England (HEFCE) and the Higher Education Statistics Agency (HESA) and/or their nominees/successors. The Conservatoire may also disclose personal data to HEFCE and its partner bodies during the Research Excellence Framework (REF).

### **10.1. Further Information about Disclosures to HESA.**

Every year, the Conservatoire sends some staff personal data to HESA. The data is sent in coded form and staff names are not given. For each anonymous individual, a HESA record is created. The HESA staff record is used for three broad purposes:

#### **Statutory functions.**

The HESA record is used by the organisations listed below, or agents acting on their behalf, to carry out their public functions connected with education in the UK:

- Department for Business, Innovation, and Skills.
- Welsh Assembly Government.
- Scottish Government.
- Department for Employment and Learning, Northern Ireland.
- Higher Education Funding Council for England.
- Higher Education Funding Council for Wales.
- Scottish Further and Higher Education Funding Council.
- Training and Development Agency for Schools.

- Research Councils.
- Department for Children, Schools and Families.

The HESA record may also be used by the Office for National Statistics and the National Audit Office to fulfil their statutory functions of measuring population levels and monitoring public expenditure.

### **HESA publications.**

HESA use the HESA record to produce anonymised data in annual statistical publications. These include some National Statistics publications and online management information services.

### **Research, equal opportunity, journalism, other legitimate interest/public function.**

HESA will also supply anonymised data to third parties for the following purposes:

- Equal opportunities monitoring – the HESA record may contain details of ethnic group and any disabilities. This data is only used where it is needed to promote or maintain equality of opportunity or treatment between persons of different racial or ethnic origins, religious beliefs or different states of physical or mental conditions.
- Research – this may be academic research, commercial research or other statistical research into education where this is of benefit to the public interest.
- Journalism – where the relevant publications would be in the public interest e.g. league tables.

Anonymised data for the above purposes is supplied by HESA to the following types of user:

- Local, regional and national government bodies who have an interest in higher education.
- Higher education sector bodies.
- Higher education institutions.
- Academic researchers and students.
- Commercial organisations (e.g. recruitment firms, housing providers, graduate employers).
- Unions.
- Non-governmental organisations and charities.
- Journalists.

HESA will take precautions to ensure that individuals are not identified from the anonymised data which they process.

Under the Data Protection Act 1998, an individual has the right to a copy of the information HESA holds about them. Because the information HESA holds about individuals does not include names and is a copy of the information held by the Conservatoire, individuals should contact the Conservatoire if they wish to see the information. If individuals have any concerns about their information being used by HESA, please contact HESA directly by emailing [data.protection@hesa.ac.uk](mailto:data.protection@hesa.ac.uk).

Further information about the HESA record is available at [www.hesa.ac.uk/dataprot](http://www.hesa.ac.uk/dataprot). Individuals who wish to opt out of any non-statutory purposes should request their HESA number from the Conservatoire and then contact HESA directly.



## **Appendix 2:**

### **Statement on the Processing of Student Personal Data.**

Trinity Laban Conservatoire of Music and Dance processes the personal data of students in line with its notification to the Information Commissioner's Office. The main contents of the notification that are relevant to students are summarised and explained below.

#### **1. Introduction.**

Trinity Laban processes personal data about students for various teaching, research and administrative purposes. Personal data are processed under the Data Protection Act 1998, which requires the Conservatoire to ensure that personal data are:

- Processed fairly and lawfully and only if certain conditions are met.
- Obtained only for specified and lawful purposes.
- Adequate, relevant and not excessive.
- Accurate and, where necessary, kept up to date.
- Kept no longer than necessary.
- Processed in accordance with the rights of the individual.
- Kept secure.
- Only transferred outside of the EEA where adequate protection exists.

The following are examples of how a student's personal data may be used:

- Administering study, such as recording of achievements, determination of award.
- Providing student support services, such as counselling or careers advice or services for students with disabilities.
- Providing facilities, such as the IT service and Library service.
- Contacting students electronically, such as by SMS text messaging, to forward high priority or emergency information.
- Administering finance, such as payment of fees.
- Administering tenancies of Conservatoire-owned properties.
- Monitoring equal opportunities.
- Preventing and detecting crime, such as using CCTV or attaching photos to ID cards. A student involved in serious misconduct in a licenced premises may have their details passed to a Pubwatch Scheme.
- Maintaining contact with alumni and past employees.
- Fundraising and marketing (including postal appeals to friends and family of students)
- Processing student academic appeals and student discipline cases.

Personal data are normally initially provided to the Conservatoire by a prospective student on an UCAS or Postgraduate application form. For successful applicants, the Conservatoire will add further data at registration and then during the course of the student's education in line with the business purposes specified in its data protection notification (see section 10). After graduation/termination of studies, some data are

passed to the Alumni function for approved purposes and then the records are retained and disposed of in line with the Conservatoire's Records Retention Schedule. The personal data of unsuccessful applicants are also retained and disposed of in line with the Conservatoire's Records Retention Schedule.

## **2. Sensitive Personal Data.**

The Data Protection Act 1998 defines certain personal data as "sensitive personal data". This includes ethnicity and physical or mental health. The Conservatoire holds such data, for instance, for equal opportunities monitoring and for the provision of student support services to individuals.

## **3. Health Information.**

Information on a student's health may be required prior to admission to certain programmes of study, for purposes linked with academic progress and examinations or as a condition of employment.

Information on a student's health may also be required by the Conservatoire when a student undertakes work off-site, such as for health and safety or insurance purposes.

The Conservatoire may, in order to protect the vital interests of the student or another person, contact third parties, such as medical professionals or next of kin, concerning the health of a student when it believes it is reasonable and/or in the best interests of the student to do so. The Conservatoire will attempt to gain the prior consent from the student to do so but where consent cannot or will not be given it might act without consent.

## **4. Published Personal Data.**

It is normal practice for the Conservatoire to publish examinations results and details of academic awards, for instance on campus noticeboards and in award ceremony programmes, respectively. The Conservatoire also publishes pass and progression lists on its website which can be viewed on the World Wide Web. Names of students are often included in lists posted in departments or colleges.

Registration with Information Technology Department (IT) means that a student's name, college, course of study and email address will appear in Trinity Laban's electronic email and telephone directory which may be viewed on the World Wide Web. In exceptional circumstances individuals can opt-out of the directory either at the point of first registering with IT when completing an IT Registration form, or later by contacting the Conservatoire's Data Protection Officer who will inform IT.

## **5. Sponsors.**

Where a student's funding organisation requests progress reports, the Conservatoire will normally comply. Any queries about the provision of such reports should be addressed to the funding organisation.

## **6. Points Based Immigration System.**

The Conservatoire is an Approved Education Provider for the purposes of the Points Based Immigration System. The Conservatoire will provide data about students on the Tier 4 Student Visa to the UK Border Agency in order to fulfil our duties as an Approved Education Provider.

## **7. Fraud and Plagiarism, Disciplinary Procedures and Academic Appeals.**

The Conservatoire may process a student's personal data for the purpose of the prevention and detection of fraud, particularly plagiarism (this may involve disclosure to third parties e.g. in the use of plagiarism detection software). It may also process a student's personal data in the course of disciplinary procedures or academic appeals (this may involve disclosure to third parties e.g. to seek legal advice).

## **8. Study, Employment and Placements at another Organisation.**

Where a student's course of study at the Conservatoire requires study, employment or a placement at another organisation it will be necessary for the Conservatoire to transfer personal data to the external Conservatoire or employer, whether this is within the UK or abroad. Students should be aware that some countries outside of the EEA may have lower standards for the protection of personal data than those within the EEA.

## **9. Collaborative Programmes.**

Where Trinity Laban manages admissions procedures it will provide partners with details of the students attending courses. Where required, Trinity Laban will provide progress reports to partners or other relevant bodies. Where a student chooses to make use of the Conservatoire's complaints and academic appeals processes, the Conservatoire will process personal data necessary for the purpose of administering the case and then retain such records in line with its Conservatoire Records Retention Schedule.

## **10. Visual Images.**

Each student is required to provide a digital image of themselves to IT for reproduction on their Trinity Laban ID card, which will be used for the purpose of identification. The digital image may also be:

- Used on college or departmental lists or picture-boards that may be displayed in public buildings within the Conservatoire.
- Attached to electronic student records that can be viewed by any member of Conservatoire staff.
- Attached to hard copy student personal records that are stored securely and accessible only to those members of staff who require access.
- Published on a faculty or department website, where the page is password protected and accessible only to those members of staff who require access.

The Conservatoire may commission photography on campus or at specific events, such as award ceremonies, for use in its promotional material. Students may appear on the resulting images, and the resulting images may be published.

## **11. Promotional Materials.**

The Conservatoire may distribute its own promotional material or that of other organisations to students which it believes may be of interest to them.

## **12. IT Facilities.**

The Conservatoire routinely logs information about use of IT facilities for statistical purposes and to ensure effective systems operations. The Conservatoire may also monitor electronic communications to ensure that they are being used in accordance with the Conservatoire's *Acceptable Use Policy* and related regulations for the use of Conservatoire IT Facilities and, specifically, to prevent or detect crime. All activities comply with the Data Protection Act 1998 and the Regulations of Investigatory Powers (RIP) Act 2000.

## **13. Criminal Convictions and Disclosure and Barring Service (DBS) Checks.**

The Conservatoire is required to obtain information about past criminal convictions prior to offering a place on some of its programmes and as a condition of employment for certain posts. The Conservatoire also undertakes DBS checks on those students who work with young and/or vulnerable people.

## **14. Trinity Laban Students Union.**

The Trinity Laban Students Union (TLSU) is a separate entity from Trinity Laban but for the purposes of data protection falls under the authority of Trinity Laban as the data controller. The Conservatoire may share student personal data with TLSU in order for the Union to administer membership of TLSU and its clubs and societies, to communicate with members, to hold elections of officers, to ensure the safety and security of members (including identification of individual members), to provide welfare services, to market services provided directly by TLSU and to analyse TLSU service provision and membership needs.

## **15. Re-use of Personal Data**

Student personal data (not including sensitive personal data) may be processed for academic research purposes (i.e. where there is only benefit to the researcher alone or the researcher and Conservatoire combined) on the basis that the results of the research will not lead to decision-making about an individual or groups of individuals. Where a researcher wishes to use sensitive personal data, such as ethnicity or health, explicit consent will be sought beforehand from the individuals concerned.

## **16. Disclosures to Third Parties.**

The Conservatoire may need to disclose students' personal data to organisations contracted to work on its behalf, which could include its insurers or legal consultants. In certain circumstances the Conservatoire passes the personal data of student debtors to an external debt collection agency if the Conservatoire has been unable to recover the debt by normal internal processes. The Conservatoire may also disclose data to auditors undertaking investigations, selected individuals acting on behalf of the Conservatoire such as alumni organising alumni events, external organisations undertaking market research or academic researchers provided no personal data is published.

The Conservatoire is legally obliged to provide student personal data to Council Tax Registration Officers and has a statutory requirement to disclose student personal data to the following and/or their nominees/successors: Higher Education Funding Council for England (HEFCE); the Higher Education Statistics Agency (HESA); the Learning and Skills Council; the Quality Assurance Agency; the Department for Innovation, Universities and Skills; the European Audit Commission; local authorities; the Student Loans Company and Electoral Registration Officers.

## **17. Further Information about Disclosures to HESA.**

The Conservatoire will send some of the information it holds about its students to the Higher Education Statistics Agency (HESA). Student HESA records are used for three broad purposes:

### **17.1 Statutory functions.**

The HESA record is used by the organisations listed below, or agents acting on their behalf, to carry out their public functions connected with education in the UK:

- Department for Business, Innovation and Skills.
- Welsh Assembly Government.
- Scottish Government.
- Department for Employment and Learning, Northern Ireland.
- Higher Education Funding Council for England.
- Higher Education Funding Council for Wales.
- Scottish Further and Higher Education Funding Council.
- Training and Development Agency for Schools.
- General Teaching Council for England.
- Department for Education.
- General Social Care Council.
- Research Councils.

The HESA record may also be used by the Office for National Statistics and the National Audit Office to fulfil their statutory functions of measuring population levels and monitoring public expenditure.

Equivalent and lower qualifications – the Conservatoire and the Higher Education Funding Council for England may compare student data to educational records from previous years to help determine the levels of current qualifications. This may, in turn, affect the fees required to pay by students.

A student's HESA record will not otherwise be used in any way that affects them personally.

Student contact details may be passed to survey contractors to carry out the National Student Survey and surveys of student finances on behalf of the education organisations listed above. These organisations and their contractors will use student contact details only for that purpose and will then delete them.

Towards the end of a student's course of study, the Conservatoire will pass the student's contact details to the organisation contracted to carry out the National Student Survey. Approximately 6 months after graduation, students will be contacted and asked to complete the HESA "Destination of Leavers from HE" survey. The Conservatoire will not give students' contact details to HESA. A student might be included in a sample of leavers who are surveyed

again a few years after graduation. If so, the Conservatoire will pass the student's contact details to the organisation contracted to carry out that survey. That organisation will use student contact details only for the purpose of the survey and will then delete them. A student who does not want to take part in this second survey can decline to take part.

**HESA publications.**

HESA use the HESA record to produce anonymised data in annual statistical publications. These include some National Statistics publications and online management information services.

**Research, equal opportunity, journalism, other legitimate interest/public function.**

HESA will also supply anonymised data to third parties for the following purposes:

- Equal opportunities monitoring – the HESA record may contain details of ethnic group and any disabilities. This data is only used where it is needed to promote or maintain equality of opportunity or treatment between persons of different racial or ethnic origins, religious beliefs or different states of physical or mental conditions.
- Research – this may be academic research, commercial research or other statistical research into education where this is of benefit to the public interest.
- Journalism –where the relevant publications would be in the public interest e.g. league tables.

Anonymised data for the above purposes is supplied by HESA to the following types of user:

- Local, regional and national government bodies who have an interest in higher education.
- Higher education sector bodies.
- Higher education institutions.
- Academic researchers and students.
- Commercial organisations (e.g. recruitment firms, housing providers, graduate employers).
- Unions.
- Non-governmental organisations and charities.
- Journalists

HESA's Student Collection Notice is available here, <http://www.hesa.ac.uk/fpn>.

The HESA Student Collection Notice is reviewed annually and any amendments to the current version will be available at [www.hesa.ac.uk/fpn](http://www.hesa.ac.uk/fpn) along with links to earlier versions.

HESA will take precautions to ensure that individuals are not identified from the anonymised data which they process.

Under the Data Protection Act 1998, students have the right to a copy of the information HESA holds about them. Please make requests directly to HESA by emailing [data.protection@hesa.ac.uk](mailto:data.protection@hesa.ac.uk). Students will have to pay a small fee.

A student who has concerns about their information being used for the purposes outlined above or in the Collections Notice should contact HESA directly.

## **17.2. Destinations of Leavers from HE (DLHE) Collection Notice.**

The Conservatoire will send coded information from the DLHE form to the HESA. The data will be linked to other information held about you as a student, including similar information you gave when you enrolled, and details of the qualification you gained. Student HESA DLHE records are used for three broad purposes:

### **Statutory functions.**

The HESA DLHE record is used by the organisations listed below, or agents acting on their behalf, to carry out their public functions connected with education in the UK:

- Department for Business, Innovation, and Skills.
- Welsh Assembly Government.
- Scottish Government.
- Department for Employment and Learning, Northern Ireland.
- Higher Education Funding Council for England.
- Higher Education Funding Council for Wales.
- Scottish Further and Higher Education Funding Council.
- Training and Development Agency for Schools.
- Research Councils.
- Department for Education.

A student's HESA record will not otherwise be used in any way that affects them personally.

The HESA DLHE record may also be used by the Office for National Statistics and the National Audit Office to fulfil their statutory functions of measuring population levels and monitoring public expenditure.

### **HESA publications.**

HESA use the HESA record to produce anonymised data in annual statistical publications. These include some National Statistics publications and online management information services.

### **Research, equal opportunity, journalism, other legitimate interest/public function.**

HESA will also supply anonymised data to third parties for the following purposes:

- Equal opportunities monitoring – the HESA record may contain details of ethnic group and any disabilities. This data is only used where it is needed to promote or maintain equality of opportunity or treatment between persons of different racial or ethnic origins, religious beliefs or different states of physical or mental conditions.
- Research – this may be academic research, commercial research or other statistical research into education where this is of benefit to the public interest.
- Journalism – where the relevant publications would be in the public interest e.g. league tables.

Anonymised data for the above purposes is supplied by HESA to the following types of user:

- Local, regional and national government bodies who have an interest in higher education.
- Higher education sector bodies.
- Higher education institutions.
- Academic researchers and students.
- Commercial organisations (e.g. recruitment firms, housing providers, graduate employers).
- Unions.
- Non-governmental organisations and charities.
- Journalists.

HESA will take precautions to ensure that individuals are not identified from the anonymised data which they process.

Under the Data Protection Act 1998, students have the right to a copy of the information HESA holds about them. Please make requests directly to HESA by emailing [data.protection@hesa.ac.uk](mailto:data.protection@hesa.ac.uk). Students will have to pay a small fee.

Further information about the HESA record is available at [www.hesa.ac.uk/dataprot](http://www.hesa.ac.uk/dataprot). A student who has any concerns about their information being used for the purposes outlined above should contact HESA directly.

### **17.3. National Student Survey.**

The Conservatoire transfers contact details of final year students to the administrators of the National Student Survey, an independent market research agency named Ipsos MORI, who act on behalf of the Higher Education Funding Council for England. Prior to transfer the Conservatoire contacts final year students about the survey and gives the opportunity to opt out of participation. Ipsos MORI do not disclose information to anyone else and destroy it as soon as it is no longer required for the purpose of administering the survey. Individual responses to the survey remain anonymous throughout. For more information please see the [Privacy Statement](#) of Ipsos MORI.

### **17.4. Postgraduate Research Experience Survey.**

Postgraduate research students are asked by the Conservatoire to participate in the biennial Postgraduate Research Experience Survey. Students are given details of the location of the online survey tool by the Conservatoire and the Conservatoire may partially pre populate survey fields with student details in advance of the survey going live. No student contact details will be provided to the survey administrators, the Higher Education Academy. Students will be given the opportunity to opt out of participation by the Conservatoire. The anonymity of all participants is guaranteed. More information about the survey can be found on the [Higher Education Academy website](#).