

# Royal College of Music

## Data Protection and Freedom of Information policies

### Introduction to Data Protection

The College recognises the importance of protecting its information assets and, in particular, the information relating to its staff, students and other individuals in whatever form that information is held.

The College needs to keep and process certain information about such persons so that, for example, staff can be recruited and paid, programmes organised, facilities provided and legal obligations to funding bodies and government complied with. As part of its teaching and research commitments it will also utilise information about other people, eg visitors attending concerts. In doing so, the College must comply with data protection legislation and process that information in accordance with the eight Data Protection Principles set out in the legislation.

The College's Data Protection Officer, the Deputy Registry Manager, will handle day-to-day issues relating to notification, advice on compliance and with subject access requests.

All data, whether held electronically or manually, must be kept securely and not disclosed unlawfully.

The College respects the right of its staff, students and others to access personal data about them which is being held by the College, either electronically or in a relevant filing system, to check that it has been fairly obtained, that it is accurate, and to have such data corrected where necessary. It also recognises the right of a data subject to withdraw consent to the processing of personal data where such processing could cause them significant damage or distress.

The College's Data Protection Policy and Guidance is available on the RCM website.

### Introduction to Freedom of Information

*The College aims to publish as much information as possible via our Publication Scheme. If you wish to request information that is not covered in the Publication Scheme then please submit your request in writing to the Deputy Registry Manager*

Freedom of Information legislation extends the public's rights of access to information held by public authorities, includes higher education institutions, and imposes a number of obligations on them. Members of the public have a statutory right (with some minor limitations) to request any information held by the RCM, regardless of when it was created, by whom, or the form in which it is now recorded.

The College has a '**Publication Scheme**' which is a list of the classes of information the College has committed itself to publishing. Its purpose is to ensure that the College, as a public authority, makes as much information as possible publicly available. The College has made available (either on its website or in some other form) all the information included in its approved Scheme.

The public, including other corporate bodies, have the right to make a request for any other information not already published under the Publication Scheme.

# Royal College of Music Data Protection Policy

## 1. Objective

The objective of this policy is to protect the personal information processed by or disclosed to staff or students of the College or other authorised persons (all hereinafter referred to as Data Owners and Data Users) ensuring its confidentiality, integrity and availability by processing it in accordance with current legislation.

## 2. Responsibilities of staff, students and authorized third parties

### *College Data Controller and Data Protection Officer*

The College's designated Data Controller is the Deputy Registry Manager. He/she has the responsibility, on behalf of the Director:

1. to ensure that staff, students and authorised third parties comply with the data protection principles, as set out in legislation, in respect of personal data under his/her control;
2. to ensure that the College's Policy and Guidelines are appropriate for the types of personal data being processed;
3. to ensure that the College maintains an up-to-date notification of its use of personal data with the Data Protection Commissioner.

The College Data Protection Officer, who is also the Deputy Registry Manager, is required to:

1. be the focal point for the administration of all subject access requests relating to personal data held by the College;
2. advise staff on the interpretation of this policy and guidelines and to monitor compliance with the policy.

### *Data Owner*

A Data Owner is responsible for:

1. ensuring that the data is kept up-to-date and that amendments are made promptly following notification of changes.
2. ensuring that the security measures are appropriate for the types of personal data being processed;

Data owners are all departmental heads – as all have responsibility for data held both electronically and in relevant filing systems.

### *Data Use*

All staff, students and authorised third parties when processing personal data about others, whether held manually or electronically, are responsible for working in compliance with the Data Protection principles, as set out in this policy, and working in accordance with the guidelines on the handling of personal data.

### *Data Subject*

As Data Subjects, all staff, students and authorised third parties are responsible for:

1. ensuring that any personal information that they provide to the College in connection with their employment, registration or other contractual agreement is accurate ;

2. informing the College of any changes to any personal information which they have provided, e.g. changes of address;
3. responding to requests to check the accuracy of the personal information held on them and processed by the College, details of which will be sent out from time to time, and informing the College of any errors or changes to be made.

### ***Third party data processors***

Any third party data processors will have the contractual responsibility to ensure that any processing of personal data carried out on behalf of the College is done in compliance with the College's Data Protection policy. It is the responsibility of departments and individuals contracting with third parties, with Directorate approval, to ensure that the Data Protection policy is drawn to the attention of third parties.

### **3. Data Security**

It is the responsibility of all staff, students and any third parties authorised to access the College's personal data sets to ensure that those data, whether held electronically or manually, are kept securely and not disclosed unlawfully, in accordance with the College's Data Protection Policy. Unauthorised disclosure will usually be treated as a disciplinary matter, and could be considered as constituting gross misconduct in some cases.

### **4. Subject Consent to Processing**

The College will observe the conditions for processing personal information as laid down in legislation and in this policy. It will be assumed that consent has been given by the Data Subject for his/her personal data to be used for the purposes advised at the point of collection of that data but, where the data is defined as sensitive personal data under the Act, explicit consent must be obtained from the Data Subject by the Data User before processing can proceed.

### **5. Rights of Access to Personal Information**

The College respects the right of individuals to access and check the accuracy of any personal data that is being kept about them, either on computer or in a relevant filing system, as defined in legislation. Advice on accessing this data can be obtained by data subjects by contacting the Deputy Registry Manager.

### **6. Publication of Information**

It is College policy to make public as much information as possible. This includes information under the following categories which may be available through the College publication or otherwise by inspection:

- Names of members of the RCM Council
- List of staff, their internal telephone numbers and College e-mail addresses
- Academic qualifications and honours
- Job title and grade of staff
- Musical and academic achievements eg. Prize winners

Any individual who has good reason for wishing details in these lists or categories or other personal data to remain confidential should contact the Deputy Registry Manager.

### **7. Retention of Data**

Personal data processed for any purpose shall not be kept for longer than is necessary for those purposes or as required to comply with other legislation. Some forms of information will be kept for longer than others in the College archive, where there is good reason.

### **8. Policy Awareness**

Data protection and freedom of information awareness will be included as part of staff induction. Changes to policy on data protection or freedom of information policy or guidance will be circulated to all staff and published on the RCM website for staff and students and members of the public. All staff, students and authorised third parties are expected to be familiar with and comply with the policy at all times.

## **9. Redress**

Any Data Subject who considers that the policy has not been followed in respect of personal data about themselves, should raise the matter with the Deputy Registry Manager. In the case of staff or students, if the matter is not resolved it should be raised as a formal complaint/grievance.

## **10. Status of the Policy**

This policy does not form part of the formal contract of employment, but it is a condition of employment that employees will abide by the rules and policies made by the College from time to time. Likewise the policy is an integral part of the General Academic Regulations for Students.

Compliance is the responsibility of all staff, students and authorised third parties. Any breach of this Data Protection Policy may lead to disciplinary action being taken, access to College information facilities being withdrawn, or even a criminal prosecution. Any questions or concerns about the interpretation or operation of this policy should be taken up initially with Deputy Registry Manager.

# **The Data Protection Principles**

When processing personal information the following eight principles must be complied with and data must:

1. be obtained and processed fairly and lawfully and shall not be processed unless certain conditions are met.
2. be obtained for a specified and lawful purpose and shall not be processed in any manner incompatible with that purpose.
3. be adequate, relevant and not excessive for those purposes.
4. be accurate and kept up to date.
5. not be kept for longer than is necessary for that purpose.
6. be processed in accordance with the Data Subject's rights.
7. be kept safe from unauthorised access, accidental loss or destruction.
8. not be transferred to a country outside the European Economic Area, unless that country has equivalent levels of protection for personal data.

# **Royal College of Music Freedom of information Policy**

## **Introduction**

1. Freedom of Information legislation imposes a number of obligations on public authorities, which includes the College, and provides the public with wide rights of access to the College's records. In essence, members of the public have a statutory right:

- to obtain (either from the College's website or in some other form) all the information covered by the College's Publication Scheme.
- to request (with some minor limitations) any information held by the College, regardless of when it was created, by whom, or the form in which it is now recorded.

2. This Policy, and its associated Codes of Practice, set out how the College meets its obligations. The Council has overall responsibility for the Policy and for ensuring that it is complied with. The Council has delegated to the Director responsibility for ensuring that this is implemented across the College.

## **Policy Statement**

3. The College is committed to being open and honest in the conduct of its operations and to complying fully with the Freedom of Information legislation. To this end the College will:

- Be open with the general public and the media and will place in the public domain as much information about its activities as is practicable and, subject to the exemptions permitted under legislation, will make all other information available on request.
- Deal with all requests for information in accordance with the Lord Chancellor's Code of Practice on the Discharge of Public Authorities' Functions.

4. There will be occasions when the College will not be able to supply all the information requested. Information will only be withheld in accordance with the exemptions laid down in legislation, and in particular those concerning:

- The College's duties under Data Protection legislation to keep confidential sensitive information about individual members of staff and students;
- Other legal and contractual obligations; or
- Material detrimental to the safe and efficient conduct of the College's operations or which is commercially sensitive.

5. On such occasions the College will always state the reasons why information has been withheld.

## **Relationship with Existing Policies**

6. This Policy has been formulated within the context of the College's Data Protection Policy.

## **Publication Scheme**

7. The College's Publication Scheme, which has been approved by the Office of the Information Commissioner, is available on the College's website or in printed form by application to the Deputy Registry Manager.

*These policies have been modelled on those of Imperial College London, to whom thanks are due.*

KAP  
9 February 2007