National College of Art and Design

Data Protection Policy

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V0.1	NA	S Buckley	First Draft for review and Approval Included GDPR Reference Consent Paragraph added. Appendix ii Created for Student Services & Admissions
V0.2	27th April 2018	S Buckley	Integrated Additional GDPR policies into this document(Privacy, Rights to access and Right to be forgotten)
V0.3	14th August 2018	C McCartney	Appendix iii Retention Schedule Student Records

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Data Protection Policy

Policy

1. Policy Statement

NCAD needs to collect and use personal data (information) about its staff, students and other individuals who come into contact with the College for a variety of purposes. The purposes of processing data include the organisation and administration of courses of study, examinations, research activities, the recruitment and payment of staff, compliance with legal and statutory obligations, etc. The Data Protection Acts 1998 to 2003 and GDPR (General Data Protection Regulations) safeguards individual rights to privacy in relation to the information collected and retained by the College. The Acts also confers responsibilities on those persons processing personal data. Personal data, both automated and manual, is data relating to a living individual who is, or can be, identified either from the data or from the data when used in conjunction with other information.
This policy is a statement of the College's commitment to protect the rights and privacy of individuals in accordance with the requirements of Data Protection legislation.

2. Scope

The policy applies to the keeping and processing of personal data, both in manual form and on computer, including personal data held on all members of staff and Students in NCAD.

3. Definitions used in the Data Protection Acts

The following definitions have been adapted from Section 1 of the DP Acts and are used in this Policy (See www.dataprotection.ie):

- ***Data*** means both automated and manual data.
  The word "data" is often used interchangeably with the word "record" or "information" in common usage and includes coded representation of quantities, objects and actions processed into a form that has meaning and value to the recipient to support an action or decision.
    - Automated data means any information on computer, or information recorded with the intention that it be processed by computer.
    - Manual data means information that is recorded as part of a relevant filing system or with the intention that the data form part of a system.

- ***Data Controller*** means a body that, either alone or with others, controls the contents and use of personal data.

- ***Data Processor*** means a person who processes personal data on behalf of a Data Controller but does not include an employee of a Data Controller who processes such data in the course of his employment.

- ***Data Subject*** means an individual who is the subject of personal data.
- ***Personal Data*** means data relating to a living individual who is or can be identified either from the data or from the data in conjunction with other information that is in, or is likely to come into, the possession of the Data Controller.

- ***Processing*** means performing any operation or set of operations on the information or data, whether or not by automatic means, including:
    - Obtaining, recording or keeping the information, or
    - Collecting, recording organising, storing, altering or adapting the information or data,
    - Retrieving, consulting or using the information or data
    - Disclosing the information or data by transmitting, disseminating or otherwise making them available, or
    - Aligning, combining, blocking, erasing or destroying the information or data.

- ***Relevant Filing System*** means any set of information relating to individuals to the extent that, while not computerised, is structured, either by reference to individuals or by reference to criteria relating to individuals, in such a way that specific information relating to a particular individual is readily accessible.

- ***Sensitive Personal Data*** means personal data which relate to specific categories defined as:
    - The racial or ethnic origin, the political opinions or the religious or philosophical beliefs of the data subject,
    - Trade union membership
    - The physical or mental health or condition or sexual life of the data subject
    - The commission or alleged commission of any offence by the data subject, or
    - Any proceedings for an offence committed or alleged to have been committed by the data subject, the disposal of such proceedings or the sentence of any court in such proceedings.

It is also worth noting that Personal data of a financial nature is viewed similarly to Sensitive Personal Data by the Data Protection Commissioner and means an individual's last name, or any other information from which an individual's last name can reasonably be identified, in combination with that individual's account number, credit or debit card number.

4. Principles

The College commits to undertaking its responsibilities under the Data Protection legislation in accordance with the eight stated data protection principles contained within the Acts, as follows:

(a) **Obtain and Process Information fairly**: The College will obtain and process personal data fairly in accordance with the fulfilment of its functions and its legal obligations.

(b) **Consent:** The consent of a data subject is one of the grounds on which personal data can be lawfully processed. Article 4 of the GDPR defines consent as meaning "freely given, specific, informed and unambiguous indication of the data subject's wishes by which he or she, by a

statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her".

(c) **Keep information only for specified, explicit and lawful purposes:** The College will keep data for specific, lawful and clearly stated purposes and the data will only be processed in a manner which is compatible with these purposes.

(d) **Use and disclose information only in ways which are compatible with these purposes:** The College will only use and disclose personal data in ways that are necessary for the purpose(s) or compatible with the purpose(s) for which it collects and keeps data.

(e) **Keep information safe and secure:** The College will take appropriate measures to safeguard data against unauthorised access, alteration, disclosure or deletion and against accidental loss or destruction. The College acknowledges that high standards of security are essential in processing all personal data.

(f) **Keep the information accurate, complete and up-to-date:** The College will maintain high levels of data accuracy and completeness to ensure that all personal data is kept up to date.

(g) **Ensure that the information is adequate, relevant and not excessive:** Personal data held by the College will be adequate, relevant and not excessive in relation to the purpose(s) for which the data is kept.

(h) **Retain it for no longer than is necessary for the purpose(s)**: The College will have a defined policy to confirm the retention periods for data and appropriate procedures in place to implement such a policy (see appendix 1).

(i) **Give a copy of his/her personal data to an individual, on request**: The College will have procedures in place to ensure that data subjects can exercise their rights under the data protection legislation.

5. Responsibility

The College has overall responsibility for compliance with Data Protection legislation where it is the controller of personal data. All employees and students of the College who collect and/or control the contents and use of personal data are also individually responsible for compliance with the legislation.

The College will provide support, assistance, advice and training to all departments, offices and staff to ensure it is positioned to comply with Data Protection legislation and GDPR.

6. Access to Your Data

Under Irish data protection law you are entitled to a copy of your own personal data only. The personal data of other individuals will not, except in exceptional circumstances, be released when processing personal data access requests.

Personal data access requests – steps involved

The Detail below summarises the process for making a personal data access request.

Fill out the application form in appendix i

Provide evidence of identity

Send completed application form, proof of identity and payment to the NCAD Data Protection Office at the address indicated on the form.

Step 1 – Application Form

All requests for copies of personal data held by the College, or requests for descriptions of the personal data held, must be made in writing. The Personal Data Access Request Form in appendix i must be used for all such requests. Applicants are advised, when filling out the form, to provide as much detail as possible, especially in relation to section 3. An indication of the type of data requested, and its likely location, will assist the College in identifying the data within the 1 month timeframe for a response provided under the regulation.

Step 2 – Provide evidence of your identity

The College is committed to the safeguarding of personal data within its control. As part of its commitment the university will not intentionally release the personal data of an individual under a data access request without first of all obtaining proof of the requester's identity. Section 4 of the application form lists examples of acceptable forms of identification and all requests must include at least two proofs of identity from the list provided. Do not send originals of the documents listed; photocopies of the original documents will suffice. However, the College reserves the right to request original documents when deemed necessary by the Data Protection Office.

On receipt of a valid application form, and the payment of the correct fee, the College will endeavour to respond to the request within the 1 Month period allowed under the regulation. In addition, at the start of the process, the Data Protection Office will contact you to confirm receipt of the application form for personal data and to address any further clarifications necessary in order to process your application. If it transpires that the College does not hold any personal data on you then you will be contacted and informed of this.

Copies of the personal data access request application form shown in the appendix I to this document are available from the College's data protection webpages.

7. Right to have inaccurate data amended

The data subject may request correction of inaccuracies in the data held by the college.

8. Right to be forgotten

A data subject may request that any personal information held by NCAD, is deleted or removed, and any third parties who process or use that data must also comply with the request.

There are some exceptions to the data that will be deleted upon request, including exam results and final grades that will be retained indefinitely.

This request must be sent to the Data Protection Officer at dpo@staff.ncad.ie

9. Information

The College is committed to protecting the privacy of personal data and, in order to assist the College in complying with the legislation, best practice guidelines and procedures will be developed in relation to all aspects of data protection.

This policy will be made available on the College website and the staff intranet. Any necessary staff briefings will also take place in relation to this policy.

6. Review

This Policy will be regularly reviewed annually and appropriate revision made where deemed necessary.

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Appendices

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Data Access Request Form

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Date issued to data subject:

Access Request Form: Request for a copy of Personal Data under the General Data Protection Regulation

Important: Proof of Identity must accompany this Access Request Form (eg. official/State photographic identity document such as driver's licence, passport).

Full Name	
Maiden Name *(if name used during* your College duration*)*	
Address	
Contact number *	Email addresses *

** We may need to contact you to discuss your access request*

Please tick the box which applies to you:

Student ☐	Parent/Guardian of student ☐	Former Student ☐	Current Staff ☐	Former Staff ☐
Age: Year group:	Name of Student:	Insert Year of leaving:		Insert Years From/To:

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Section 3 Data Access Request:

I, ……..[insert name] wish to be informed whether or not *NCAD* holds personal data about me/my child and to be provided with a description of this data and to be informed of the purpose for holding such data. I am making this access request under **Section 3** of the Data Protection Acts. ☐

OR

Section 4 Data Access Request:

I, …….. [insert name] wish to make an access request for a copy of any personal data that *NCAD* holds about me/my child. I am making this access request under **Article** ☐

Any other information relevant to your access request (e.g. if requesting images/recordings made by CCTV, please state the date, time and location of the images/recordings (otherwise it may be very difficult or impossible for the College to locate the data).

Signed …… Date ……

Checklist: Have you:

1) Completed the Access Request Form in full? ☐
2) Signed and dated the Access Request Form? ☐
3) Included a photocopy of official/State photographic identity document (driver's licence, passport etc.)*. ☐

***Note to College**: the College should satisfy itself as to the identity of the individual and make a note in the College records that identity has been provided, but the College should not retain a copy of the identity document.

Please return this form to the relevant address:

Data Protection Officer
NCAD
Thomas Street
Dublin

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Appendix ii

Retention Schedule Staff Records

HR Records.	Default retention period: This is the suggested time period for which these records should be held based on legal precedence and experience elsewhere	After the retention period expires the records should be archived or shredded.
Annual/sick leave records	4 years	Destroy by confidential shredding
Time sheets	3 years	Destroy by confidential shredding
Records of staff training	5 years	Destroy by confidential shredding
Unsolicited applications for positions	1 year	Hold for one year, then destroy
General job description files	Hold for 6 years after original was superseded then archive	Archive
Vacancy notification	Retain for 2 years after closing of competition	Destroy
Advert copies	Retain for 2 years after closing of competition	Destroy
Job description	Retain indefinitely	Archive
Applications and CV's of candidates who are called for interview	Retain for 2 years after closing of competition	Destroy by confidential shredding
Selection criteria	Retain indefinitely	Archive
Candidates not qualified or short listed	Retain list of candidates who applied, but destroy material such as application forms and CV's after 2 years.	Destroy by confidential shredding
Candidates short listed but not successful at interview or who are successful but do not accept offer	Retain for 2 years then destroy	Destroy by confidential shredding
Interview Panel marking sheet and interview panel notes	Retain for 2 years then destroy	Destroy by confidential shredding
Superannuation/pension/ retirement records	Retain until pensioner and dependent spouse are deceased and dependent children are finished full time education plus 3 years.	Destroy by confidential shredding
Staff Personnel Files	Retain for duration of employment. On retirement or resignation hold for a further six years but retain service	Destroy by confidential shredding

	records for superannuation/pension purposes. Destroy remainder listed below.	
Application/CV	See above	
References	See above	
Recruitment medical	See above	
Contract/Job specification/ Job description	See above	
Probation forms	See above	
Parental leave	Retain for 8 years	Destroy by confidential shredding
Discipline records	Hold on personal file/disciplinary file for duration of employment plus six years after resignation/retirement, then destroy. Where disciplinary policy provides for earlier removal destroy but keep a record that a warning was issued. Where the matter involved criminal activity these records should be retained indefinitely.	Destroy by confidential shredding
Allegations and complaints	Where the complaint is found to be untrue or unwarranted make a note on personal file index that a complaint was made, but there is no need to keep detailed documentation or refer back to previous cases if further separate allegations are made in the future.	
Occupational health records	Depending on the types of materials to which the staff member was exposed (e.g. carcinogens) the health screening reports may need to be retained for up to 40 years. Consult with your local Health & Safety Officer about retention periods for this class of record.	
Pre-employment medical reports	Retain on personal file for duration of employment plus 6 years.	At the end of retention period, destroy by confidential shredding.

Industrial relations files	Hold policy documents and the history of their evolution indefinitely.	Archive
Agreements-pay and others	Retain indefinitely	Archive
Leave policy	Retain indefinitely	Archive
Employment policy	Retain indefinitely	Archive
Union correspondence	Retain indefinitely	Archive
Individual industrial relations issues	Retain indefinitely	Archive
Minutes of meetings	Retain indefinitely	Archive
Labour Court Recommendations	Retain indefinitely	Archive
Contracts for services Examples of contracts for services that may be held by Personnel/HR departments include EAP contracts with service providers and contracts with healthcare professionals.	Retain for the duration of the contract plus six years	Destroy by confidential shredding

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Appendix iii

Retention Schedule Student Records

Retention Schedule for General Student Records			
General classes of records held by Academic Affairs, Student Services & Admissions and Academic Departments	**Default retention period: This is the suggested time period for which these records should be held based on legal precedence and experience elsewhere**	**Final disposition: After the retention period expires the records should be archived or shredded**	**Responsible**
Student registration forms – undergraduate and postgraduate	Duration of studies plus two years, or completion of C&AG audit related to the last academic year of the student's registration, whichever is later.	Destroy by confidential shredding	Student Services & Admissions
Changes to registration records	Duration of studies plus two years, or completion of C&AG audit related to the last academic year of the student's registration, whichever is later.	Destroy by confidential shredding	Student Services & Admissions
Changes to biographical records	Duration of studies plus two years, or completion of C&AG audit related to the last academic year of the student's registration, whichever is later.	Destroy by confidential shredding	Student Services & Admissions
Time out, deferral, withdrawal and applications for transfer course	Duration of studies plus two years, or completion of C&AG audit related to the last academic year of the student's registration, whichever is later.	Destroy by confidential shredding	Student Services & Admissions
Student records relating to tuition fees and grants	Duration of studies plus two years, or completion of C&AG audit related to the last academic year of the student's registration, whichever is later.	Destroy by confidential shredding	Student Services & Admissions
Postgraduate progress reports	Duration of studies plus two years	Destroy by confidential shredding	Academic Department

Records of unsuccessful direct applicants for undergraduate and postgraduate courses	Two years	Destroy by confidential shredding	Student Services & Admissions
Student file (general correspondence)	Duration of studies plus two years	Destroy by confidential shredding	Academic Departments and Student Services & Admissions
Overseas recruitment/exchange	Duration of agreement with agent plus two years	Destroy by confidential shredding	Student Services & Admissions – Erasmus/international Office
External agency funding for overseas mobility and exchange	Current year plus six years, or completion of the C&AG audit for the relevant year, whichever is later.	Destroy by confidential shredding	Student Services & Admissions – Erasmus/international Office
Examination papers	Indefinitely	Archive	Academic Departments
Examination scripts	Thirteen months	Destroy by confidential shredding	Academic Departments
External examiners' reports	Indefinitely	Archive	Academic Affairs / Quality Office
Examination board meeting records/ Examination appeals broad records	Indefinitely	Archive	Student Services & Admissions
Records of project/ examination grades	Indefinitely	Archive	Student Services & Admissions
Formal signed result broadsheets	Indefinitely	Archive	Student Services & Admissions
Conferring records	Indefinitely	Archive	Student Services & Admissions/NUI/UCD
Alumni records	Indefinitely	Archive	Student Services & Admissions