Fife College

Data Protection: Your Rights

DATA PROTECTION: YOUR RIGHTS

Introduction: Data Protection

The relevant legislation within Scotland relating to Data Protection is the UK General Data Protection Regulations (UK GDPR) and the Data Protection Act 2018 (DPA). The legislation sets out how personal data can be collected, processed and stored lawfully.

Fife College is registered as a data controller with the Information Commission's Office. Our registration number is Z8522159.

Your Personal Data

Your personal data is any information relating to you that allows you to be identified. The definition of personal data has been broaded in order to take better account of electronic identification, eg from cookies or internet protocol addresses. We make you aware via our Privacy Notices of what personal data we collect, process and store.

Data Protection Principles

The College must process your personal data in accordance with Data Protection principles. This means that we must:

- have a reason to hold your personal data and tell you what we are doing with it
- only use your personal data for the purposes for which you have given it to us
- only hold personal data that is adequate, relevant and limited to what we need
- ensure your personal data is accurate and kept up-to-date
- personal data that identifies you only for as long as it is required by us
- ensure your personal data is kept securely and cannot be accidently lost, destroyed or damaged

Your Data Protection Rights

You have certain rights that you are entitled to exercise in relation to the personal data that the College holds about you. This guide is intended to explain these rights to you as a student or former student and let you know how to exercise them if the College holds your personal data.

How to Exercise Your Rights

Some rights are things that you can expect the college to do, eg transparency and breach notification. The other rights are things that you can choose to exercise. Should you wish to exercise any of the rights outlined in this guide, you should send a written request in writing to The Data Protection Officer (contact details are detailed below).

You will receive an acknowledgement within one week of the College receiving your request, and a full response within the timescales specified under the relevant section of this Guide.

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Right to Transparency

You have a right to know whether or not the College is processing your personal data and if so, you are entitled to have access to certain information, including:

- why we are processing your personal data
- what categories of personal data we are processing
- who we are sharing your personal data with
- how long we will retain your personal data

We publish this information within our Privacy Notices.

Right of Access

You have a right to see personal data that we hold about you if the data is stored electronically on a computer system or held in a structured manual paper file. You are entitled to any personal information we hold about you, whether you have sent it to us or if it has been sent to us by another organisation, or if it is data that we have gathered about you.

You can access some of your personal data directly on the College portal using the secure login details that you have been given.

If you wish to see any other personal data that we may hold about you, you can make a Subject Access Request. In order to make a Subject Access Request, you must put your request in writing. You can do this in writing, by email or by using the form available on our website. You must clearly specify the personal data that you wish to see to help us to find what you are looking for. You can also let us know how you would like to receive the information (eg by post or email). If you do not specify, we will normally send the information electronically, unless this is not possible for any reason. We will respond to you within one calendar month of receiving your Subject Access Request, or exceptionally, within two months if your request is complex. If we are unable to meet the one calendar month deadline, we will let you know that the timescales need to be extended and the reasons for this.

Normally there is no charge for making a Subject Access Request. However if your request is excessive or unreasonable, or if you have already received the data you are asking for from us we may make a charge to cover the administrative costs of producing it. If we intend to make a charge for providing the data, we will send you an invoice for the amount required and the data will be sent to you within the timescales specified provided you have paid the invoice on time. We will also discuss with you what data could potentially be provided free of charge prior to issuing you with an invoice.

We will normally ask you to provide proof of identification before providing you with copies of any of your personal data.

Sometimes exemptions may apply to the information that you have requested. For example if providing data would also disclose the identity or personal information about another student or a member of staff, we would need to consider whether that would breach their data protection rights and, if so, redact or withhold some or all of the information.

You are entitled to have access to the personal data we hold, not necessarily the records themselves. This means that we may cut and paste the information held about you into a document to ensure we comply with your request without providing you with other information that may be outwith the scope of your request.

Sharing Your Information

We will only share your information with those organisations detailed in our Privacy Notice. In addition, there may be occasions where the College is legally obliged to pass information on to a third party organisation. This could be the police if they are investigating a crime, or to the benefits agency where they wish to check that you are receiving the correct entitlement. Where the College is legally obliged to comply with a request, you will not normally be advised that your information has been passed on.

If your solicitors contact us for information because you wish to raise a legal claim against us, we will ask them to provide us with evidence that you have consented to your information being given to them for this purpose.

Right to Rectification

If we hold any personal data about you that is inaccurate or incomplete, you have a right to ask us to correct it. You can complete a form asking for your data to be updated if it is held on the Student Portal or Staff Self-Serve system, eg if you have changed your address recently. For other requests you should put your request in writing.

If we are unable to correct your data and have a legitimate reason for this, you have a right to provide us with a supplementary statement that we would retain alongside your records.

If we have passed your personal data on to any other organisations (in accordance with our Privacy Notice) we will also ask them to update any personal data that they hold that we have passed to them for processing.

If the personal data held by us is correct, we will not make any changes, but will advise you of this.

We will respond to you within one calendar month of receiving your Request for Rectification, or exceptionally, within two months if your request is complex. If we are unable to meet the one calendar month deadline, we will let you know that the timescales need to be extended and the reasons for this.

Once we receive your change request, we will restrict the processing (see Right to Restriction of Processing section below) until a decision is made.

Right to Erasure (“Right to be Forgotten”)

Where the College holds your personal data and it is not being processed in compliance with data protection requirements, you may make a request for all of your personal data to be deleted. This can only be undertaken in specific circumstances and if the College has no legal or legitimate reason for retaining it. Where you successfully exercise this right we will delete all personal data held, stop any further processing, and also advise any other

organisations that we have passed personal data to (in accordance with our Privacy Notice) to stop processing.

If you personal data is not being processed in accordance with data protection requirements and you do not wish your data to be deleted, you may instead invoke your right to restriction of processing (see Right to Restriction of Processing section below).

Right to Restriction of Processing

You have a right to ask us to restrict or stop processing your personal data if:

- you believe the personal data we hold about you is inaccurate
- you believe the processing of your personal data is unlawful, but you do not wish the data to be erased
- we would normally no longer require to hold your personal data (in accordance with our Document Retention Policy) but you wish us to retain it in order to establish, exercise or defend a legal claim.

We will retain enough data to meet our needs for retaining your data, but will ensure it is not processed for any purposes for which you have asked us to stop the processing. We will advise any organisations that we have passed personal data to (in accordance with our Privacy Notice) to also restrict the processing where it is reasonable to do so. If we need to remove your right to restriction of processing in the future, we will advise you of this before any processing recommences.

Right to Data Portability

You have a right to request and reuse a digital copy of personal data held about you in a safe and secure manner. The data you are entitled to request under this right includes data provided to us by you, and any observed data, eg attendance records. You are not entitled to any data that is derived, eg ranking data, or inferred, eg student risk or intervention records or any data we have received from another organisation. We will provide the information to you in a machine readable format in order that it can easily be reused by any other organisation you choose to pass it onto. You may receive information in digital format from us, or you may ask us to pass it onto another organisation for you.

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Right to Object to Processing

You have the right to object to processing of your personal data where the basis for our processing it is public interest or legitimate interests.

As the College processes your data either by contract or by consent, it is unlikely that you will require to exercise this right in relation to personal data held by us.

If you were to have a valid reason for exercising this right, we would require to stop processing your data unless there was a compelling reason that was greater than your individual rights.

Right Related to Automated Processing including Profiling

You have the right to object to automated processing where decisions are being made about you that have no human intervention and the decision made could potentially have a significant impact on you. Automated processing is permitted where it is required for the purposes of a contract provided appropriate safeguards are in place, or where consent has been given. The College currently does not operate any automated processes or profiling activities without human intervention so this right should not be relevant to you in relation to your College activity.

Right to Breach Notification

We are required to notify the Information Commission's Office of any significant breach of data protection (where it would significantly impact on the rights and freedoms of individuals) within 72 hours of us becoming aware of the breach.

You have a right to be notified of any breach of data protection that could affect you without undue delay in the event the security of your personal data has been compromised. Where there is a high risk to you, we will also provide you with specific information about the steps you should take to protect yourself as a result of the breach.

In the event of a minor breach, we will normally post details on our website including what the breach was, which categories of students might be impact upon, and the steps we have taken to minimise risk and harm together with any advice to students on what they should do to further protect themselves. Where there is a more serious breach, we will take reasonable steps to ensure that individuals affected receive a direct communication advising of the situation and with relevant advice on the recommended steps they should take.

Data Protection Officer

If you have any concerns or complaints about how your data is being processed, or about exercising your rights, you should contact:

The Data Protection Officer
email: dpo@fife.ac.uk
Tel: 0344 248 0115

The College is required to acknowledge data protection complaints it receives within 30 days, investigate them without undue delay, and to communicate outcomes to complainants.

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Right to Lodge a Complaint

If you remain unhappy or your concerns are not fully resolved to your satisfaction and you believe your personal data has not been processed in accordance with data protection legislation, you have a right to make a complaint to the Information Commission's Office (casework@ico.org.uk).

Right to Judicial Remedy

In some circumstances you have the right to judicial remedy within the UK courts. This includes the right to judicial remedy against the organisation processing your data where your data protection rights have been breached.
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Right to Compensation

You have a right to receive compensation if your data protection rights have been infringed and you have suffered material or non material damage as a result. Compensation may be payable from any organisation involved in the processing of your data. If you believe that you may be entitled to claim compensation from us if we have breached data protection legislation, you should write to The Data Protection Officer (contact details are detailed above) giving full details of why you believe you are entitled to compensation, the amount you believe you are entitled to, and what damage you have been caused. You should also advise that you intend to take the matter to court. Your claim should be sent by recorded delivery. If you are unhappy with the college's decision, you may pursue your claim further via the Scottish courts. You can contact the Information Commission's Office for advice in relation to your claim but they have no powers to enforce a payment.

Further Information

Should you require any further information about data protection or how to exercise your data protection rights within the College, you should contact Customer Services; 0334 248 0115; info@fife.ac.uk or the Data Protection Officer (contact details are detailed above).

Further information is also available on our website www.fife.ac.uk and on the Information Commission's website www.ico.org.uk