

Frequently-asked questions

The frequently-asked questions set out below, and the responses to them, should be read in conjunction with the University's code of practice on data protection, to which they often refer.

Do I have to register under the Data Protection Act?

No - if students or staff are conducting activities related to their jobs or study then this should be covered where necessary by the University's own registration. This registration is reviewed annually to ensure that it covers all known activities covered by the Act.

Can I be held personally liable for a breach of the Code or Act?

It is possible, particularly if you were to disclose information to a third party without consent where required, or if - as a manager - you become aware of a breach of the Act and take no action to remedy the position.

In essence, however, the University's code of practice on data protection has the same status as other 'rules and regulations' which, if breached, can lead to disciplinary action.

Who should I go to if I have a query relating to the Act or to the University's Code?

The University's data controller, Adrian Slater.

If I suspect that someone is using personal data incorrectly in the University, to whom should I turn?

The University's data controllers, as above.

Who should have access to what data, bearing in mind the security requirements under the Act?

There are no simple answers to this question. The starting point is to limit access to the information strictly to those who 'need to know' as part of their duties. Who has what data should be known to key senior individuals so that if necessary data can be located and checked on short notice.

The University's code of practice refers to (non) disclosure of personal data to third parties. What is a third party?

In this context, a third party is *anyone who is not a member of University staff.*

There are some third parties to whom disclosure may be made in certain circumstances. In the context of student personal data, for example, these include HESA, HEFCE and other government and regulatory bodies, the police, external

examiners and professional bodies; and the University routinely seeks consent for disclosure to these and other third parties (as set out in Appendix I to the code of practice).

Personal data should not be disclosed to other third parties - including parents and other family members and friends of the data subject - unless:

- the consent of the data subject is sought and obtained
- consent has not been obtained but the circumstances are urgent and/or pressing and the vital interests of the data subject would be protected by disclosure (during an emergency, for example)
- disclosure is sought by the police, in which case the request should be forwarded to the University's Security Service in the first instance.

Can we continue to publish student pass lists on departmental noticeboards?

Yes. Provided that the lists do not include details that would allow individual students to be contacted (through the inclusion of telephone numbers or email and postal addresses, for example) then this long-established practice is acceptable to the Data Protection Commissioner. In any case, explicit consent to this practice will be obtained from students from October 2001. The rights of an individual student who does not wish his or her name to be included on the list should, however, be respected and their name withdrawn.

For how long should I retain personal data on staff and/or students?

It is extremely difficult to provide a definitive answer to this question because the University holds such a wide range of personal data on both staff and students. However, some guidelines on maximum retention periods for different types of personal data are set out in Appendix II to the code of practice on data protection.

Data should be disposed of with care and in such a way that it does not become accessible to others; the use of confidential waste bins is recommended.

What do I do if I am contacted with a request for access to personal data?

All requests for access to personal data should be directed to Adrian Slater in the Secretariat. His contact details are as follows:

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Leeds, LS2 9JT
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