

Data Protection Policy

Quality Assurance Manual



Foreword

The 2019 revision of the Dorset College Quality Assurance Handbook (QAH) is in line with the Statutory Quality Assurance Guidelines developed by QQI for use by all Providers[1] and the Sector Specific Statutory Quality Assurance Guidelines developed by QQI for Independent/Private Providers coming to QQI on a Voluntary basis[2], as well as the Standards and Guidelines for Quality Assurance in the European Higher Education Area, May 2015[3]. This revision also takes into consideration the evolving scope of Dorset College encompassing policies and procedures applicable to higher, further and English language education. The revision is within the context of overall governance and management structures in place to support the delivery of such programmes and specifically encompassing policies and procedures applicable to our current suite of programmes (Level 5 to Level 8) and in the future up to level 9 on the National Framework of Qualifications (NFQ).

This edition of the QAH was informed by consultation with key stakeholders of the College including but not limited to learners, staff and faculty and wider engagement with the further and higher educational community as well as external stakeholders for approval by Dorset College Academic Quality Committee upon review by an independent QQI panel.

[1] QQI's Core Statutory QA Guidelines

<https://www.qqi.ie/Downloads/Core%20Statutory%20Quality%20Assurance%20Guidelines.pdf>

[2] QQI's Sector Specific QA Guidelines

<https://www.qqi.ie/Downloads/Sector%20Specific%20Quality%20Assurance%20Guidelines%20V2.pdf>

[3] European Standards and Guidelines (ESG)

https://enqa.eu/wp-content/uploads/2015/11/ESG_2015.pdf

Policy Title	Information and Data Management
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Date Approved	17/12/2018
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Effective From	02/01/2019
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Monitor	Registrar / QA Department
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Summary	This policy details the information that the College retains on its staff and learners, the reasons for this and the duration that it retains such data. It also provides transparency as to how an individual can see what data the College retains about them and, at their request, give them a copy of such data.
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Related Policies

Revision History &	Version 1 – 2019
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Commencement Date &	
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Date of Next Review	Commencement Date (Version 1): 02/01/2019
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	Date of Next Review: Following Independent Assessment from Re-engagement process
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Purpose

The purpose of these policies is to provide information and transparency regarding the Data Protection obligations of the College. This includes obligations in dealing with personal data, in order to ensure that the organisation complies with the requirements of the relevant Irish legislation, namely the Data Protection Act(s) 1988 and the Data Protection (Amendment) Act (2003), The Data Protection Act 2018 and the e-Privacy Regulations 2011 and GDPR 2018.

Scope

This policy covers both personal and sensitive personal data held in relation to data subjects by the College. The policy applies equally to personal data held in manual and automated form.

Policy Statement

The College must comply with the Data Protection principles set out in the relevant legislation. This Policy applies to all Personal Data collected, processed and stored by the College in relation to its staff, service providers and clients in the course of its activities. The College makes no distinction between the rights of Data Subjects who are employees, and those who are not. All are treated equally under this Policy.



Data Protection Policy

In the course of its daily organisational activities, Dorset College acquires, processes and stores personal data in relation to:


_Employees of Dorset College.

_Learners of Dorset College.

_Third party service providers engaged by Dorset College.

In accordance with the Irish Data Protection legislation, this data must be acquired and managed fairly. Not all staff members will be expected to be experts in Data Protection legislation. However, the College is committed to ensuring that its staff have sufficient awareness of the legislation in order to be able to anticipate and identify a Data Protection issue, should one arise. In such circumstances, staff must ensure that the designated staff member with responsibility for Data Protection is informed, in order to ensure that appropriate corrective action is taken.

Due to the nature of the services provided by the College, there is regular and active exchange of personal data between the College and its Data Subjects. In addition, the College exchanges personal data with Data Processors (e.g. external regulatory bodies) on the Data Subjects' (learners) behalf.



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This is consistent with the College's obligations under the terms of its contract with its Data Processors.

This policy provides the guidelines for this exchange of information, as well as the procedure to follow in the event that a College staff member is unsure whether such data can be disclosed.

In general terms, the staff member should consult with the designated staff member with responsibility for Data Protection to seek clarification.


Dorset College operates within the education industry. Given the nature of the service it provides, the College collects significant amounts of personal data on learners and staff (its Data Subjects), including, but not limited to, names, email addresses, physical addresses, financial information and health information. Dorset College also interacts with other institutes as part of its processing of personal data.

The General Data Protection Regulation states that data must be processed in a lawful manner. Specifically, it outlines six criteria, one of which must apply for an organisation or institute to have a lawful basis to process data. These six criteria are:



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- 1. Consent** Where students have given full, free and explicit consent.
- 2. Contract** Where processing is necessary to satisfy a contract with the student.
- 3. Legal Obligation** Where processing is required to comply with an EU or member state legal obligation to which the HEI is subject.
- 4. Vital Interests** Where processing is needed to protect the life of the data subject.
- 5. Public Interest** Where processing is necessary for the public interest or in the exercise of an official authority vested in the data controller.
- 6. Legitimate Interests** Where processing is necessary for the legitimate interests of the HEI, in other words where data processing is required to enable the HEI to carry out its core functions. This basis is only lawful if it does not override the fundamental rights and freedoms of the student.



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To effectively provide its core functions, the College has a **legitimate interest** to process some personal information of its Data Subjects. For example, the College must process personal data relating to assessment results to ensure that it fulfils a core function of facilitating its learners with the opportunity to receive an official certificate, such as a Degree, in the event that that learner has successfully fulfilled the requirements of a validated programme.

The data processing activities for which the College can claim legitimate interest are:

_ Processing of assessment information.

_ Appeals of assessment results.

_ Incidents of academic impropriety.

_ Ensuring accessibility to course content.

_ Informing students of developments relevant to their programme of study.

_ Recording minutes of formal meetings that are specified within the College's quality assurance structures.



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_Maintenance of the learner record (to provide insights on a student during the studies with Dorset College)

However, it is not sufficient to claim that legitimate interest can cover all aspects of the data processing done by the College. For example, the College may periodically use learner data for statistical analysis of academic performance, to alert them to other programmes of study that the College may think a learner might be interested in. This example would not be covered by the legitimate interest criteria and could not be considered critical to the effective provision of the College's core functions. In such instances, the College will seek **consent** for the processing of data from its data subjects.

The data processing activities for which the College can claim legitimate interest are:

_Use of personal, anonymised data for statistical analysis purposes.

_Use of personal data for communication purposes outside those that are core for the successful participation on an academic programme.

_Use of personal comments or feedback on the programmes or services provided by the College, with a view to using these in reports or as a basis for future improvements.



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Furthermore, in certain instances, the College does process data in compliance with **legal obligations**. This is typically to ensure compliance with regulatory specifications, such as retention of data for specified periods, but is also required for its provision of international (non-EEA) students.

The data processing activities for which the College can claim legitimate interest are:

_Retention of personal information of staff in line with regulatory requirements (see Data Retention Periods document).

_Providing personal information of non-EEA learners (who require a student visa) as requested by Garda National Immigration Bureau.



Thank you.