

Data Protection Guidance: Sensitive Data

Sensitive Personnel Data is defined as information relating to racial or ethnic origin, political opinions, religious beliefs, membership of trade unions, physical or mental health, sexual life and criminal convictions. It is sometimes necessary for the University to process sensitive personal data, however, the University may only do so provided that one of the following can be claimed:

1. Explicit (i.e. in writing) consent has been given by the individual, or
2. The processing is necessary for the purposes of performing any right or obligation imposed on the University in connection with employment, or
3. The processing is necessary for the exercise of any functions conferred on the University by or under an enactment, or
4. The processing is necessary to protect the vital interests of the individual, or
5. The processing is necessary for the purposes of legal proceedings, or
6. The processing is necessary for the purposes of ethnic monitoring.

There are further conditions, but these are the main ones which the University will be able to rely upon.

All sensitive personal information must be processed with particular care. Such information should only be disclosed if one of the above conditions has been met and then only on a need-to-know basis.

A 'Cause for Concern' Policy is being developed which will guide staff receiving sensitive personnel information from students to ensure that the information is processed in line with the Data Protection Act whilst ensuring that the student's wellbeing is protected.

Criminal Records

In certain circumstances, the University will need to know whether an applicant has a criminal record. The University should consider carefully whether it is necessary for the protection or conduct of the University to request a disclosure. However, for all ITT programmes and certain programmes which involve direct contact with children under the age of 16 and/or vulnerable adults all prospective students must provide a Basic or Enhanced Disclosure that is deemed satisfactory through the Criminal Records Bureau (CRB) which has been set up by the Government in order to deal with requests for such information.

Once the relevant decision (employment/place of study offered or unsuccessful decision), has been made, the information obtained should not be held for longer than six months. A record that the check has been carried out however may be held. The information obtained should not be shared with other employers or Universities.

The CRB's Code of Practice is available at: <http://www.crb.gov.uk/>