Data Protection Guidelines - Collecting personal data

These guidelines are to help everyone who has to collect personal data and possibly has to design forms or amend existing forms that will be used to collect that personal data.

Introduction

When you ask people to supply personal data about themselves for a particular purpose there are certain guidelines that you must follow to ensure that the information is being collected in accordance with the relevant data protection principles of the Data Protection Act (DPA) 1998 and in line with University policy.

Information is usually collected by means of some sort of form and when you are designing such a form there are certain key elements that you must include usually in the form of fair processing notices (FPN), which are the “small print” that appears on forms. They are sometimes called collection texts or privacy statements. Essentially these fair processing notices tell people what is being collected, why, the limits on processing (use, disclosure and disposal) and should usually include most of the following:

1. A statement that the University processes and stores information in accordance with the Data Protection Act (DPA) 1998

2. An explanation of the main reason for collecting the information, the purpose of processing

3. A means of obtaining the consent of the individual where required, for example, when intending to publish their personal information or when taking it from or passing it to third parties

4. Whether or not the information will be released to third parties and who those third parties are

5. A means for the individual to opt out now or later if they wish

6. How long the information will be held, how it will be maintained and eventually destroyed
7. An explanation of how the individual can see the personal data about them that is being held

8. A description of anywhere else the data has been collected from

You will not necessarily need to include all these key elements every time and they can be combined. They are described in more detail, with examples, in the appropriate sections.

A glossary of terms is available. When a term that is included in the glossary is used, a link is given to the glossary.

### Key elements of fair processing notices

Information is collected in a wide variety of circumstances for a wide variety of purposes so it is very difficult to give hard and fast rules for using fair processing notices. However, some further guidance on the key elements is provided in sections 1 to 8 below by means of examples. Some typical forms are described in detail.

Similar advice about including fair processing notices applies to designing consent forms, which are used to obtain a data subject’s permission to use personal data about them that has already been collected and stored for a different purpose.

#### 1 A statement that the University processes and stores information in accordance with the Data Protection Act (DPA) 1998.

For example:

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All personal data will be processed by the University of Reading in accordance with the Data Protection Act 1998.
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Or,

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As a processor of personal data the University is registered under the Data Protection Act 1998.
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In most cases, you should also state that you will be processing the data in accordance with University policy.

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.....and in accordance with the University’s Data Protection Policy and Guidelines.
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#### 2 An explanation of the main reason for collecting the data.

For example:

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This data will be used for administrative purposes so that the University can manage its operations effectively.
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It is important to think carefully about all the purposes for collecting the data because if you, or a different office/school, within the University later wants to use the data for a different purpose you will have to go back to the person to get their permission to use their personal data for that different purpose.

If there are subsidiary reasons for collecting the data they should also be listed. For example:

This information is used primarily for communication between the university and its alumni but may also be used for marketing, promotional and fund-raising purposes.

The data you collect about a person may be supplemented with information collected from different sources within the University and, sometimes, from outside the University, provided it is to be used for the same purpose as was stated when the information was collected. If you use information collected from other sources, see section 8.

Similarly, you can disclose personal information that you have collected to other members of the University who require that information to go about their normal duties but you should disclose only the details that they need and no more. For example, staff in an office that deals with student accommodation should not usually see a student’s academic record.

**3 A means of obtaining the consent of the individual to process the data.**

Before personal data can be processed, you must obtain consent from the particular individual, the data subject. You usually get the data subject’s consent by asking them to fill in some sort of form, either on-line or on paper. This form effectively acts as a contract between you and the data subject. It is important to consider every possible way you might want to process their personal data so that you do not need to go back later to the data subject to get their consent for a different purpose. By signing any of these forms, the data subject agrees to the list of conditions given on the form or on an accompanying sheet of notes.

For example,

Data Protection and the use of personal data: As a user of personal data the University is registered under the Data Protection Act 1998, which includes the maintenance of student records for the administration of the University; the information held is mainly provided by students themselves on application and enrolment forms. The University also maintains data on your records beyond your period of study in order to provide statutory information, and may occasionally contact you to keep you informed about the University. Your signature below indicates your consent to the University processing your personal data in accordance with the University’s registration under the Data Protection Act 1998.

Together with:
I have read the information about Data Protection, and agree to my personal data being used in the way described above:

YES □
NO □

Signature…………………………………….  Date………………………………

Note
You must explicitly obtain a data subject’s consent if their personal data is to be published electronically, that is, on a web page on the Internet, or if it is to be used for future information provision or marketing purposes.

A tick box on the form can be used to obtain their consent but it needs to be in a prominent place otherwise it might be missed by the person filling in the form.

Another option is to give them a box where they have to specify YES or NO in answer to an invitation. For example,

Please indicate your acceptance or not of [process]

YES □
NO □

4 Whether or not the data will be released to third parties and who those third parties are.

In some cases it will be necessary for you to release some of the personal data to a third party in order to carry out your function, in which case you should make it clear on the form exactly which third parties will be involved.

For example, you may have to send a set of address labels to an external company that packs and posts journals on your behalf. Or, you may wish to distribute a list of conference attendees to all participants or distribute such a list to another department who are running an event that may be of interest to these previous attendees. In these cases you must tell the data subject exactly to whom you are intending to release their details and give them the opportunity to opt out of this arrangement. For example,

Please tick the box if you do not wish your details to be released to [name] □

There are special cases when you must obtain the explicit consent of the data subject. An opt-out clause is not sufficient in such cases (see Note in section 3).

These include:

- when information is to be published on a web page
- when the information is to be made available world-wide in any other way
- when information is to be used for marketing purposes
5 A means to opt out now or later

You must provide the person with a means of opting out of having their personal data used for a particular purpose (provided that purpose is not essential to the running of the University). This would normally be provided by using a simple tick box.

For example,

The University may wish to send you information about products or services that may be relevant to you; this will not involve your data being passed to any third party. If you do not wish the University to use your personal data in this way, please tick the box □

You should also give details of how they can opt out later if they want to. This usually would be by contacting a particular office/school within the University in writing.

For example,

When these details are on the Department of [name] web site they will stay there until you graduate, but if you wish to opt-out of this agreement at any time please inform [name] in the [name] Office.

6 How long the information will be held, how it will be maintained and eventually destroyed.

For example, you might need to hold the information for the period of the person’s membership of a group plus, say, 5 years.

The University will hold and maintain data on your records for your period of study and for the subsequent [n] years in order to provide statutory information.....

If personal information is to be held for a long period of time, you should ensure that mechanisms are in place to keep that information up-to-date. For example, you might send out the information to the data subjects once a year for checking so that they can inform you of any changes. Or, you might simply give them your contact details so that they can inform you of any changes when necessary.

It is important that personal data is not kept longer than necessary for the purposes that are stated on the form.
7 An explanation of how the individual can get access to their personal data being held.

Every data subject has the right to see personal data about them being held by the University to check and, if necessary, correct it. You need to explain how they should go about this. Usually you should give the name and work address of the person whom they should contact to ask to see the personal data you hold about them.

If they want to see all the personal data about them held by the University they should contact the Data Protection Officer via the IMPS office (a fee of £10 will be charged).

8 Source of data

If you plan to supplement data collected by a form with data from other sources such as from another department or from UCAS, the form should explain where such additional personal data has been obtained.

For example, for students

| The information held is mainly provided by students themselves on UCAS, application and enrolment forms. |

Some further examples are given in the section Typical forms below.

Typical forms

A consent form

The following consent form is an example of good practice when designing a consent form to get permission to use personal data that has been already been collected. It states that the University is processing personal data in accordance with the Data Processing Act (1998) and the University’s data protection policy. It states what the purpose of collecting this data is and gives the data subject the opportunity to opt in or opt out, now or later.

A Word version of this form is also available for you to edit to your requirements. You will find it in the “Things to do now” box on the “Collecting personal data” webpage.
Web Publishing Consent Form

With the prospect of more information being put on the internet we are obligated, under the Data Protection Act 1998 and the University’s data protection policy, to ask for your permission for the School of [name] to publish your email address, name and research topic on the internet. This information would be accessible to any person with internet access.

The School of [name] would like to make available a list of the research topics of students to encourage scientific collaboration both within the school and with academics external to the school. Such a list would also advertise the breadth and level of research being undertaken by our students to potential new students.

Please indicate your consent for the School of [name] to publish your email address, name and research topic by signing below.

Student
Name...........................................................................................................

Email address...................................................................................................

Research topic..................................................................................................

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Student signature........................................Date.................................

These details will remain on the Department of [name] web site until you graduate, but if you wish to opt out of this agreement at any time please inform [contact name] ([e-mail address]) in [office location].
An event registration form

A common scenario for requiring consent forms is when a conference or short course is being organised. When designing the enrolment/booking form, it is important to consider exactly what personal data is required from the delegates, to what purposes the information will be put both now and, possibly, later and what opt in/ opt out clauses will be required to achieve this.

Often in such cases, you will want to produce some sort of delegate list that will be circulated so you should mention this on the form, listing what information will be used and give the delegates a means of opting out if they want to. It would also be good practice to state on the form that you will not pass the information on to any other body. You should take care to ensure that only “public personal details,” such as name and business address, are listed and that no spurious details, for example menu choices, are included.

If you intend to use the delegates’ details for marketing future events that are likely to be of interest to them, it is good practice to mention this on the form, including the means of contact you will use: post, email, fax or telephone. If there is any chance that you will want to use electronic means for this future marketing, you must get their opt in consent by means of an opt in tick box or a YES/NO answer to a question.

A typical event registration form follows. A Word version of this form is also available for you to edit to your requirements. You will find it in the “Things to do now” box on the “Collecting personal data” webpage.
# Event Registration Form

**Event details**

<table>
<thead>
<tr>
<th>Delegate name</th>
<th>Title</th>
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<th>Company</th>
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<th>Address</th>
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<th>Post Code</th>
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<th>Email</th>
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**[Any other details required]**

Personal data will be processed according to DPA 1998 and The University of Reading’s data protection policy and guidelines.

The data collected above will be held by the school for the purposes of administering this event and informing you of future events, run by this and other university departments/schools, which might be of interest to you. We will ask you to confirm the details each time we contact you.

I consent to the University sending me details of future events via post or email.

- **YES** ☐
- **NO** ☐

I consent to inclusion of the above details on a delegates list to be distributed to other participants in this event.

- **YES** ☐
- **NO** ☐

Signature ........................................ Date..............................