**University of Sussex**

**Information Governance Policy[[1]](#footnote-1)**

**1. Purpose and scope of this policy**

1.1 The purpose of this policy is to set out the principles by which the University seeks, in its approach to managing its records and information, to ensure compliance with the Data Protection Act (DPA) 1998 and the Freedom of Information Act (FoIA) 2000.

1.2 This policy applies to all University staff, including students while they are working for the University, and to others associated with the University in a formal but unpaid capacity. It has been written to acquaint staff with their roles and responsibilities, and to set out the standards expected by the University in relation to information governance.

1.3 The aim of this document is to create an over-arching policy framework, and to signpost the reader to further specific information and guidance.

**2. Roles and Responsibilities**

2.1 The University has a responsibility to maintain its records and records management systems in accordance with the legal and regulatory environment. All records created, received or maintained in the course of University business are held by the institution as a single legal entity and on that basis are subject to relevant legislation, this policy and other related subsidiary University policies, including:

* *Records Management Policy* and *Master Records Retention Schedule* (<http://www.sussex.ac.uk/ogs/governance/recordsmanagement/recordsmanagementguidance>)
* *Information Security and Handling policies* (<http://www.sussex.ac.uk/infosec/policies>)

2.2 Individuals and their line managers are responsible for records that they create and maintain (including disposal) in line with legislative requirements and University policy, and senior managers are required to confirm that their staff are working in compliant ways.

2.3 The Office of Governance & Secretariat (OGS) is responsible for publishing advice, guidance, procedures and training relating to information governance legislation (including records management) and leads on the coordination and monitoring of compliance across the University.

2.4 Designated staff within academic and professional service units are responsible for promoting good records management practices in their area, supporting compliance with information governance legislation locally (including monitoring) and liaising with OGS.

2.5 Employees of the University are expected to:

1. read and understand this policy document;
2. acquaint themselves with, and abide by, the principles of the Data Protection Act, and the Freedom of Information Act, as set out in this policy;
3. contact the Records Management section of the OGS to seek guidance if in any doubt about the proper way to proceed in the areas covered by this policy;
4. give full and urgent cooperation when asked by an authorized officer to assist in assembling information required to compile a response to either a DPA or FoIA request.

**3. Data Protection Act 1998 (DPA)**

3.1 Personal data should be treated in accordance with the eight principles of the DPA, i.e. it must be:

I. Processed fairly and lawfully;

II. Collected for specified and limited purposes;

III. Adequate, relevant and not excessive for the purpose for which it was collected;

IV. Accurate and up to date;

V. Kept for no longer than necessary for the purpose for which it was collected;

VI. Processed in accordance with the rights of data subjects;

VII. Protected against unauthorised or unlawful processing and accidental loss or damage; and

VIII. Not transferred to a country outside the European Economic Area unless that country ensures an adequate level of protection for the rights of data subjects in relation to the processing of personal data.

3.2 Where the University engages with a third party to perform a service on its behalf (whether voluntary or commercial) these responsibilities remain in force. Any transfer of personal data must be subject to the University satisfying itself that the third party is reliable, and to specific written arrangements that provide for appropriate security and guarantee of adherence to the University instructions. Such written arrangements must also include details of measures that the University may take to validate the security guarantees given by the third party (for example audit rights).

3.3 University guidance on handling requests for data to be disclosed to data subjects is available.

For staff handling requests from students:

<http://www.sussex.ac.uk/ogs/governance/recordsmanagement/dpa/dataprotectionstaff/guidelinesstudentdata>

<http://www.sussex.ac.uk/ogs/governance/recordsmanagement/dpa/dataprotectionstudents/requestinformation>

For staff wishing to make such a request themselves:

<http://www.sussex.ac.uk/ogs/governance/recordsmanagement/dpa/dataprotectionstaff/requestinformation>

**4. Freedom of Information Act 2000 (FoIA)**

4.1 The University is committed to implementing the principles and provisions of the FoIA, including the maintenance of a fully compliant ‘publication scheme’ under the Act (viewable at: <http://www.sussex.ac.uk/ogs/governance/recordsmanagement/foi/publicationscheme>. Full guidance on compliance with the FoIA is available at <http://www.sussex.ac.uk/ogs/governance/recordsmanagement/foi>.

4.2 Requests for information submitted to the University should be dealt with in accordance with the provisions of the FoIA. In most cases this will mean an appropriate response within 20 working days of receipt of the request. All requests that appear to be formally submitted under the FoIA should be referred immediately to the FOI officer within OGS for response.

4.3 The University operates a policy of limiting the number of requests it will process from a single requester. The limit is currently 20 per calendar year.

4.4 The University complies with the FoIA in relation to the proceedings of its internal bodies in these ways:

Committee papers

The University adheres to the ‘open’ principles of the FoIA by making available the papers of formal University bodies[[2]](#footnote-2) via Sussex Direct in a way that gives direct access to all members of the University. The same applies to the great majority of papers considered by the committees, apart from the few cases where circulation is restricted to committee members only for reasons related either to data protection or specific FoIA exemptions (e.g. relating to commercial sensitivity).

Minutes/notes of internal bodies

The University’s general practice is also to publish the finalised minutes of notes of University committees and management groups via Sussex Direct. For this purpose, the minutes of committees are considered as draft until approved and finalised at the next meeting of the committee. Likewise, the notes of management groups are viewed as draft (not for further circulation) for a standard period of six months after the meeting in question, during which period the provisions of section 43 of the FoIA relating to ‘prejudice to commercial interests’ apply.

**5. Managing University records**

5.1 The University recognises that its records are important assets which require appropriate management for the effective and efficient administration of business, and the discharge of its responsibilities. This includes the meeting of compliance obligations under the DPA and the FoIA. The University will take steps to ensure that personal data that is held is accurate and up to date, including the expectation that students and staff will keep their own personal details up-to-date via self-service web pages for updating changes of name, address etc. The University will also take steps to ensure that the retention, disposal and final disposition of records is undertaken in accordance with guidelines. Further details are provided by the University’s *Records Management Policy and Master Records Retention Schedule* and via formal guidance and other advice from the Records Management section of the OGS. (<http://www.sussex.ac.uk/ogs/governance/records-management/recordsmanagementguidance>).

5.2 Research records created by staff in the course of their research are also subject to the specific record-keeping requirements of that research, whether internally or externally funded.

**6. Training**

The training needs of members of University staff in relation to the DPA and FoIA are delivered via specialist external courses or internal staff development offerings, as appropriate to need.

**7. Monitoring and compliance with this policy**

7.1 The University is legally obliged to comply with this legislation. Monitoring of compliance will be coordinated by OGS, via annual reminders and compliance-assertion survey of heads of academic and professional service units, and also periodic compliance audit exercises. The University’s internal auditors will also be closely involved in this process. Any instances of apparent breach of compliance within the University will be investigated by OGS.

7.2 Non-compliance by individual members of staff which causes damage to the University (including its reputation) may be dealt with through staff disciplinary procedures. In specified circumstances, agents acting on behalf of the University may also be made subject to the compliance responsibilities of this policy.

**8. Information Security/Data Protection/Freedom of Information contacts**

For general enquiries about issues relating to the scope of this policy, contact:

Office of Governance & Secretariat
Sussex House
University of Sussex
Falmer
Brighton BN1 9RH T (01273) 873855/678794

For data protection related matters: dpo@sussex.ac.uk

For freedom of information related matters: foi@sussex.ac.uk

For information security related matters: infosec@sussex.ac.uk

Updated November 2014

1. As approved by University Council’s 214th meeting, November 2012. [↑](#footnote-ref-1)
2. Except where business is mainly subject to the DPA, e.g. Student Discipline Committee and Remuneration Committee. [↑](#footnote-ref-2)