

## **St Georges, University of London.**

### **Privacy Notice Procedure**

Providing information about how you use personal data was already a requirement under the previous Data Protection Act 1998, and this is typically done through a privacy notice.

The Data Protection Act 2018 built on this requirement with more detailed rules about what information must be made available to individuals in a privacy notice.

The guidance here is based on the Information Commissioner's Office (ICO) guidance which may be worth referring to when you are writing your notice:

<https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/right-to-be-informed/>

#### **Before you start drafting your Privacy Notice**

The ICO recommends that you map out how you use personal data to help you decide what needs to be included in your privacy notice.

A good place to start would be to consider the following:

- what information you hold that constitutes personal data
- what you do with that personal data
- what the legal basis for processing the person data is (Contract with the student/staff member? Consent?)
- where the personal data came from – the individual themselves or another source
- how and where the personal data is stored, including security measures in place
- who you share the personal data with – NB if you are using an external cloud service provider to store the data you will need to include this as someone you share the data with

Establishing this before you start drafting your privacy notice should help make the process easier.

#### **When and how should you provide a Privacy Notice**

Information about how you will be using an individual's personal data must be provided at the point of collection, i.e. when they are actually giving you their information.

The GDPR says that the contents of a privacy notice must be

- concise, transparent, intelligible and easily accessible;
- written in clear and plain language, particularly if addressed to a child; and
- free of charge.

Privacy notices can be made available through various media, but it is good practice to use the same media as you are using to collect the personal data. So if you are collecting information via a web-based form, make your privacy notice available online so it's easily accessible to them as they complete the form; if you are using a paper-based application form you should consider making the information available in writing with the form itself.

Either way it should be available to the individual at the same time as they are providing their data and not at a later stage, i.e. not after they have already given you their information.

### **What information must be included in a Privacy Notice**

Essentially you need to tell people who you are, what personal data you will be using, how and why you will be using that personal data, who else will have access to it and what the individual's rights are in relation to what you're doing with their data.

Below is the checklist of elements your privacy notice must include. At the end of the document you will find a sample privacy notice to help show you what this all means 'in practice'.

- a) Identity and contact details of the data controller
- b) Contact details of the data protection officer
- b) Purpose(s) for the processing and the lawful basis for the processing
- c) What personal data or categories of personal data are being processed
- d) Any recipient or categories of recipients of the personal data
- e) Details of any transfers to third country and the safeguards in place
- f) The period for which the personal data will be stored, or if that is not possible, the criteria used to determine that period\*
- g) The existence of each of the individual's rights
- h) The right to withdraw consent at any time, where consent is the lawful basis for the processing
- i) The right to lodge a complaint with a supervisory authority
- j) The source of the personal data, if the personal data is not obtained from the individual it relates to\*\*
- k) Whether the provision of personal data is part of a statutory or contractual requirement or obligation and the possible consequences of failing to provide the personal data
- l) The existence of automated decision making, including profiling and information about how decisions are made, the significance and the consequences.

*\* Rather than including specific retention period details in your notice you should simply refer people to the SGUL records retention schedules for this information. Please contact the Records Manager for further help or advice regarding retention.*

*\*\*Please note that if you obtain personal data from other sources, you must provide individuals with privacy information within a reasonable period of obtaining that data and no later than one month.*

### **When should you actively provide privacy information**

There may be occasions where you will need to *actively* provide privacy information to individuals, rather than just making it available for them to look for themselves, e.g. on a website.

An example of where this might apply would be a research study involving health-related personal data. In this instance you would actively provide the individual with a patient information leaflet as opposed to referring them to information about the study elsewhere.

### **Keeping a record of your privacy notices**

You must make sure that there is a date somewhere on the privacy notice to indicate when it was published and therefore when it was valid from.

You should keep an archive of previous versions of your notices, including the dates of when those notices were in place. That way if there are any complaints you can easily confirm what information was provided in your privacy notice during any given period.

### **Updates to your privacy notice**

You should routinely review your privacy notices to ensure they still accurately reflect how you are using personal data.

You must update your privacy notice when you make a significant change to the way in which you process personal data and, if relevant, and individuals notified of the change.

More detailed guidance can be found in 'Reviewing and updating a Privacy Notice'.

### **Publishing your privacy notice**

Once you have drafted your notice it can be sent to the Data Protection Officer [dataprotection@sgul.ac.uk](mailto:dataprotection@sgul.ac.uk) to be reviewed before being published.

Privacy notices ready for publication should be sent to web team in ERCM at [webdevelopment@sgul.ac.uk](mailto:webdevelopment@sgul.ac.uk) for uploading to the Privacy Notice webpage on the external website <https://www.sgul.ac.uk/privacy>

### **Sample Privacy Notice**

Below is an example of a very basic notice to give a general idea of what is required and a suggested way of structuring it.

It may be that your notice will need to be more detailed or will need additional sections, e.g. about overseas transfers. You may want to use different headings or to structure it in a slightly different way. Either way it must still incorporate all the same 'required' elements as listed in the relevant section above.

Please note there may be separate requirements for Privacy Notices for clinical research studies, e.g. where the notice relates to a DARS applications. Please refer to the specific guidance for research notices, or contact the Data Protection Officer for further information on this.

## **Privacy Notice**

### **Who we are**

St George's University of London is the 'Controller' of the personal data that you provide us with, and is registered with the Information Commissioner's Office (ICO) for the purposes of UK data protection legislation, registration number Z5770328.

### **How to contact us**

If you have any queries about how the IT Services department is using your personal data you can contact us by email at [ITAV@sgul.ac.uk](mailto:ITAV@sgul.ac.uk) or by telephone on 020 8725 5435

### **What information we collect from you and why**

The University's IT Services department uses the alternative contact information you have registered with us, i.e. your personal mobile phone number and personal email address. We use these to contact you when there is a problem with access to your SGUL email account.

It is a requirement of your contract with the University that we ensure you have access to relevant IT resources, and this contractual requirement constitutes the lawful basis for our using your personal contact information.

### **How we use your information**

We will only ever use your personal information to contact you about access to your University account. We keep your information securely stored on our servers where access is restricted to authorised staff only.

### **How we obtain your information**

As well as information we have collected directly from you, we also obtain certain personal data from our external Occupational Health provider, who confirm with us that you are fit to work.

### **Who we share your information with**

We will occasionally need to share your information with contractors working at SGUL. However, your information will not be shared with any third parties outside the University.

### **How long we keep your information for**

Your personal data will only be kept for as long as you are a member of the University and have access to an SGUL IT account and in line with the University's records retention schedules. Once you leave the University your details will be completely deleted from our system.

### **What your rights are**

*You have a right to access your personal data, to object to the processing of your personal data, to rectify, erase, restrict and port your personal data.*

*To request a copy of the personal data we hold for you please contact the University Data Protection Officer using the contact details above.*

*If the personal information we hold for you needs correcting or updating you can request this by contacting IT Services at [ITAV@sgul.ac.uk](mailto:ITAV@sgul.ac.uk).*

*If you have queries about any of your other rights regarding our use of your personal data you should contact the University's Data Protection Officer.*

*The Data Protection Officer can be contacted by email at [dataprotection@sgul.ac.uk](mailto:dataprotection@sgul.ac.uk) or by telephone on 020 8725 0668*

### **How to make a complaint**

*If you are unhappy with the way in which your personal data is being processed you may, in the first instance, lodge a complaint with the University Data Protection Officer using the contact details above.*

*If you continue to have concerns thereafter you have the right to contact the Information Commissioner for a decision. The Information Commissioner can be contacted as below:*

*Helpline: 0303 123 1113*

*Website: <https://ico.org.uk/make-a-complaint/>*