



## **MORAY COLLEGE UHI**

### **Student Confidentiality Policy**

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Approved by	LTQC
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Responsibility for Implementation	All College Employees
Responsibility for Review	Director of Information, Planning and Student Support
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**Please ask if you, or someone you know, would like this document in a different format or language.**

## Revision Date & Change Log

<b>Date of Revision</b>	<b>Brief Description of Change</b>	<b>Date Approved</b>
V1	First version	2016
V1.1	Updated to reflect new staff structure responsibilities, safeguarding arrangements, consent for references and reference to new data protection policies.	21/3/2022

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## **1. Introduction**

Moray College UHI recognises that in the course of the student lifecycle, students will divulge a significant amount of information about themselves and others. This may include:

- Family and other relationships;
- Domestic circumstances/difficulties;
- Their own financial circumstances and those of others;
- Educational experience and qualifications;
- Employment history and ambitions;
- Course progress and results;
- Support given by other agencies;
- Disability;
- Learning Support needs;
- Health issues;
- Criminal convictions.

This list is not exhaustive and the scope of the policy extends to any and all information about students held by College systems and staff.

## **2. Responsibilities**

The Director of Information, Planning and Student Support is responsible for ensuring that this policy is reviewed every three years, or more frequently if required.

The responsibilities of other members of College staff are identified in the relevant sections of the policy.

## **3. Key Principles**

### **3.1 Sharing**

All College staff respect the right to confidentiality of all students.

Legal and other circumstances in which information may be disclosed are highlighted in this policy.

“Students” in this context is taken to include potential and former students as well as those currently enrolled.

The overarching principles of data sharing with external organisations is covered in the College Data Protection Policy.

The sharing of relevant information amongst staff internally within College is based on the following three principles:

1. Information given to a member of staff in the performance of their duties is understood to be information given to the College;
2. The individual student is capable of giving informed consent.; and
3. Information will be accessed by, and shared amongst, only those who “need to know.”

### **3.2 Disclosure of Information by Students**

Students will be encouraged to disclose any information which will assist staff to support their learning and assessment needs, as well as any personal support needs, and to agree that this information should be made known to relevant staff. However, if a student withholds agreement to the sharing of any information about him/herself this position must be respected by the member of staff, subject to the following paragraphs:

### **3.3 Disabilities**

If the information is disclosed in the context of the Disability Discrimination Act and there are implications for maintaining confidentiality whilst making reasonable adjustments to existing arrangements, advice should be sought from the Learning Support Manager.

### **3.4 Sensitive Information**

If the member of staff is concerned about legal, health and safety or other potentially damaging implications of the information not being shared with appropriate colleagues, they should seek advice from the Director of Information, Planning or Student support or, if not available the duty head.

### **3.5 Safeguarding**

If there are potential student safeguarding or welfare issues or the information pertains to adults at risk, staff must refer the matter to the Student Advice Manager in accordance with the Safeguarding Policy and Procedures.

## **4. Informed Consent**

This policy applies to all students who have passed their school-leaving date, except where there is formal evidence that the student is incapable of giving informed consent. For these students this policy will be effected through the responsible parent/carers/key worker identified during the application or enrolment process.

It is recognised that some students who are in a position to give informed consent may be inexperienced in dealing with matters subject to confidentiality, and some may have difficulty with implications, e.g. financial matters. An important aspect of this policy is the support to students in its implementation. It is not sufficient to obtain the signature of a student without confirming that they understand what is being signed and the consequences of signing. The involvement of parents or other supporters should be encouraged if there is doubt as to whether the student properly

understands the issues. Students should be allowed to be accompanied at meetings to help them with these matters.

## **5. Confidentiality**

The College is registered with the ICO as a data controller and processor of personal data about its students, as outlined in the Data Protection Policy. All personal information in the College's possession is managed in accordance with the Data Protection Act and its principles, and in particular:

- Confidential information, whether held electronically or on paper, is stored securely;
- Shared file stores are only accessible by those staff who have a requirement to access the information;
- Paper-based materials are kept in a locked storage facility when not being used;
- Any "flagging" of student records in the Student Records System must not be visible out with the relevant area(s).

All staff who process or use personal data as part of their job have a duty to adhere to this policy.

Confidential information is to be used and shared only as specified in policies, procedures and associated documentation, unless the student concerned confirms explicitly and in writing his/her agreement to any alternative use, and/or to the information being provided to others beyond the original intention.

Whilst the policy does not directly address the status of verbal information, the general principles of the Act would still apply and certainly any written notes arising from discussion are subject to the provisions of the Act.

It is important that issues of confidentiality are clearly understood by students in the various contexts in which information is given.

All College forms on which such information is collected are to contain, immediately above the student signature (whether paper or electronic), a declaration which identifies both the purposes for which the information will or may be used and any external agencies who will or may be given access to the information.

Examples of College records covered by this policy include:

- Application forms
- Enrolment forms
- Registration forms, e.g. Certification bodies
- Examination application/entry form
- Attendance records
- Progress reports, including placement reports

- Personal Development Plans and Personal Learning Support Plans
- Bursary and other financial support application forms
- Certification and results records
- Student cease/transfer forms
- Guidance records
- Work Experience Agreement forms/reports

The duty of confidentiality extends to information provided to the College either by the student or about the student, and to records created by the College about the student. Examples of this type of information includes:

- Reports and references from external agencies, including schools, Skills Development Scotland, Educational Psychological Services, Health agencies, Social Work agencies, and Job Centres
- Financial information used in support of applications for bursary and/or other financial support
- Photographic data on ID card machines
- Medical certificates
- Disclosure Scotland Documentation
- Examination results and certificates
- Correspondence.

## **6. Limitations on Confidentiality**

The existence of this policy does not imply that a member of staff is unable to reveal information about a student to a colleague. In certain circumstances the member of staff has a responsibility to refer the matter to a line manager or colleague. The information is given to staff in the performance of their duties, and it is not a breach of confidentiality for this to be shared with relevant colleagues, or for advice to be sought from line managers.

Information will be provided, without reference to the student, to those legally entitled to receive such information. In these cases, only information which must be provided to comply with the law will be released. It will not always be possible to advise the student that such information has been requested and/or provided.

Information will also be provided, without reference to the student, to any employer or sponsor who pays all or part of a course fee on behalf of the student. In these cases, only information relevant to attendance, conduct and progress and achievement will be made available.

If there are potential protection or welfare issues involved, information about those over school-leaving age but under 18 years of age may be passed to relevant authorities in accordance with the Safeguarding Policy.

This policy does not prohibit direct communication with schools concerning those students who have not reached the school-leaving date. Once such students have passed their school-leaving date, they enter the scope of this policy.

## **7. Dealing with Requests for Information**

All students have a right to request a copy of their records. How staff should handle routine requests for information is covered in the College Data Protection Policy.

More formal requests which are not considered routine should be referred to the College Subject Access Request Policy and Procedure.

## **8. Providing References for Students**

### **8.1 General Principles**

References for students in support of applications for further study or employment should be prepared on the assumption that the students will see them. Students are entitled to request sight of references obtained as part of a selection process, and to take action in the event that the reference contains significant inaccuracies or unsubstantiated opinions.

### **8.2 Consent**

Students should provide clear and unambiguous consent for the release of reference information.

### **8.3 Personal Opinions**

References should contain only information relevant to the application, and for which there is evidence. If the referee is invited to express opinions care should be taken to obtain the views of colleagues and to ensure that there is evidence to support any opinion expressed.

### **8.4 Refusal**

In some circumstances it may be appropriate NOT to provide a reference, or to advise the applicant of the content of any reference provided and the evidence on which this would be based.

## **9. Other Related Internal Policies and Procedures**

- Data Protection Policy
- Course Fee Policy
- Extended Learning Support Procedures
- FE Student Support Funds Policy
- Equality Mainstreaming Report
- Admissions Policy
- Student Advice, Personal Development Planning and Guidance Policy
- Student Attendance Policy and Procedures



- Student Bullying & Harassment Policy
- Course Assessment and Progression Board Procedures
- Graduation Procedures
- Promoting a Positive Learning Environment Policy
- Student Disclosure Policy
- Student Induction Policy
- Safeguarding Policy