

RECORDS MANAGEMENT GUIDANCE-CONFIDENTIAL RECORDS

What Records are Confidential Records?

There are two types of Confidential Records that are produced as a result of University business. These are records that contain either;

- **Personal Data** relating to living individuals that can be identified by this data as defined by the Data Protection Act 1998.
- **Commercially Sensitive** information relating to the University and its activities, the activities of its partners, staff or students, which is not intended for general public consumption and is to be considered by authorised individuals only.

NB. It is important to note that the definition of a record can be extended to an email, any other type of electronic documents and also hand-written documents, including post-it notes.

Personal Data

The definition of Personal Data under the Data Protection Act 1998 is reasonably complex and therefore for day to day purposes it is best to assume that all information about a living, identifiable individual should be treated as Personal Data.

The Data Protection Act 1998 states that Personal Data should be;

1. Processed fairly and lawfully.
2. Obtained for specified and lawful purposes.
3. Adequate, relevant and not excessive.
4. Accurate and up to date.
5. Not kept any longer than necessary.
6. Processed in accordance with the “data subject’s” (the individual’s) rights.
7. Securely kept.
8. Not transferred to any other country without adequate protection in situ.

Sensitive Personal Data

In addition, some personal data is classed as sensitive personal data. This type of data is subject to further regulations under the Data Protection Act 1998 and can only be processed under certain circumstances.

Personal data becomes sensitive if it includes any of the following types of information about an identifiable, living individual:

- racial or ethnic origin;
- political opinions;
- religious beliefs;
- trade union membership;
- physical or mental health;
- sexual life;
- commission of offences or alleged offences.

Commercially Sensitive Data

Some records may be produced that are considered to be commercially sensitive records due to their content. These may be records that contain financial information about the University or one of its partners, or other information of a similar nature that is not currently within the public domain.

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These records should be labelled as ‘Confidential’ or ‘Commercial in Confidence’ and be clear as to who within the organisation should be able to access and use these records. It is also good practice for the record to hold an intended publication date, as few records remain confidential for their entire life-span.

N.B. Labelling a record ‘Confidential’ does not exempt the record from being admissible under the Freedom of Information Act 2000. Further information can be obtained from the University’s Freedom of Information web-pages or the FOI Officer.

What is not confidential?

Any record or document that is already in the public domain for example:

- Prospectuses;
- Regulations, Charters, Statutes;
- Published Minutes;
- Course guides;
- Published surveys;
- Theses (accepted);
- Blank examination papers (post exam).

Handling and storing confidential records

Information being supplied in confidence should be stamped, marked, or include a statement that it is confidential or being supplied in confidence, and be treated in a consistent confidential manner.

The following guidelines should be considered for confidential records:

- Store confidential records in secure filing cabinets. Cabinets should always be kept locked when not in use, not located in a public area, and access to the confidential records should be restricted only to those employees that require the information;
- Confidential records should never be left in a public open area such as an in-tray or on a desk. The record should be returned to the cabinet when not in use;
- Confidential records must be destroyed by confidential waste disposal or shredding only;
- For electronic records, store confidential records in separate directories or files and restrict access to these directories or files;
- Laptops that hold confidential information should be encrypted by IT Services;
- Confidential information should not be copied to non-University equipment;
- Confidential information should be removed from University equipment prior to disposal;
- When using a memory stick – temporary files will be saved on your PC; it is prudent to use PC software to remove these when you have completed your work.

Staff storing sensitive or confidential University information on portable electronic devices, in particular memory sticks and laptops should read the ‘Guidelines for the storage of Sensitive and Confidential Data on Laptops and Memory Sticks’ available on the IT website. These guidelines also detail encryption information and how to remove temporary files.

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