



# **KENSINGTON COLLEGE OF BUSINESS**

## **INFORMATION POLICY**

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<b>Next Review Date:</b>	<b>July 2018</b>
<b>Reviewed By:</b>	<b>Academic Board</b>

## 1) Data Protection

The College will always aim to work within the requirements of the Data Protection Act<sup>1</sup> and will not provide information regarding our students to third parties except where stated under Information Disclosure. The College is registered with the Information Commissioner's Office (number Z9899671).

## 2) Information Disclosure

- **Third Party Disclosure**

The College will maintain the rights to confidentiality of our students and will not release information regarding our students even where the third party is a parent or relative, and/or has paid or contributed to fees. The College will not confirm whether individuals are registered students of the College.

Third parties listed as next of kin or emergency contacts have no right to access to information about students. They will be contacted by the College only in cases of emergency or continual non-attendance (as set out in the Attendance Policy).

Where an enquiry is received, it shall be noted by College staff (without giving confirmation that the individual in question is a student of the College). Enquiries from third parties will be taken in writing.

The student shall then be contacted and given details of the enquiry, to include the name of the individual, the means of contact, the information requested and the purpose of the request. They may give written consent to respond to the enquiry, in which case their information disclosure consent will be filed with a record of the enquiry. The College will not record that consent is given to respond to a particular third party in our central records. On the basis that relationships between individuals change, each subsequent request will require new written consent prior to disclosure.

- **Government / Regulatory Statutory Exemptions**

Students must be aware that when information is shared with the College regarding certain matters (with particular reference to immigration) there is a **LIMIT TO THE EXTENT TO WHICH INFORMATION PROVIDED TO THE COLLEGE BY STUDENTS IS CONFIDENTIAL**.

The general policy of the College is not to release information to third parties, unless given specific instruction or permission by the student to do so. This does not include responsibilities as a sponsor and employer, or to otherwise assist the UK Government (in its various departments) and the numerous requests for information bearing reference to specific exemptions from the Data Protection Act which may be sent to the College by the UK Government. These commonly include (but are not limited to) National Security; Crime and

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<sup>1</sup> <http://www.legislation.gov.uk/ukpga/1998/29> (03/09/2013)

Taxation; Health, Education and Social Work; Regulatory Activity; and Disclosures required by law or made in connection with legal proceedings, etc.

Information collected regarding applicants who are not offered a place or enrolled at Kensington College of Business will be retained and will be subject to the same terms of disclosure.

We will always provide information to the UK Government where requested - this includes (but is not limited to):

- **Home Office/UK Visa and Immigration (UKVI)**

As a sponsor of international students the College is obliged to inform the UKVI of any reasonably suspected or proven breaches of the conditions of the visas of our students. This ranges from illegal working to non-attendance (and standard Reporting duties, as listed in the UK Visa and Immigration Sponsor Guidance).<sup>2</sup>

Please note that the College is required to actively provide the UKVI with information about reasonably suspected breaches of visa conditions by our sponsored students without waiting for a request for information from the UKVI.

We reserve the right to pass information to the UKVI about non-sponsored students (without requiring a request for information from the UKVI) depending on the nature and seriousness of the information we have.

In addition to this, the College will always reply to requests for information from the UKVI where they require further information regarding any persons known to the College (not limited to students) which may help in the prevention or detection of crime and the apprehension of offenders, including matters not directly related to the College. In such cases correspondence from the UKVI will contain reference to the specific provisions / sections of the Data Protection Act by which information is being requested and is exempt from non-disclosure, where required. The individuals concerned will not be informed that information has been given about them.

- **The Police**

The College will always respond to legitimate information disclosure requests by the Police, where specified exemption from non-disclosure under the Data Protection Act is confirmed to us.

- **The Courts**

Where information disclosure is requested by the Courts stating provision / section of the Data Protection act by which the information is required and exempt from non-disclosure, in-line with UK Law, the College will not hesitate to provide it.

- **Council Tax Enquiries**

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<sup>2</sup> <http://www.ukvi.homeoffice.gov.uk/sitecontent/documents/employersandsponsors/pbsguidance/>  
(03/09/2013)

The College will always assist local councils in their enquiries regarding Council Tax. Students who are registered and meeting the Terms and Conditions of the College will be offered documentation to confirm that they meet the requirements for Council Tax exemption, where appropriate. In cases where students are not meeting the Terms and Conditions of the College, the management of the College shall reserve the right not to issue documents for Council Tax Exemption to the student and release the same information to the Council should they enquire about the student's eligibility for Council Tax exemption to the College directly.

- **Terrorism**

The College will immediately inform the Police, the UKVI and any other appropriate organisation of the UK Government with any information that reasonably suggests involvement by persons known to the College in terrorist activity.

### **Verification of Application**

The College requires all applicants to accept the condition that all information, registration details, documentation and results provided to the College in the application form can be verified.

### **False Information / Documentation**

The College does not consider that the Data Protection Act should protect those who provide false information for their own benefit, and will respond to external requests for verification of students' records (limited to results / overall course outcome) or documentation which is false when sent to the College for verification.

Personal information will not be given out to third parties, but the College will confirm that documents and/or information are false.

(This is **in addition** to instances where information relating to false information / documents may also fall under exemption from non-disclosure to the UK Government, Police, and Regulatory Bodies for the prevention / detection of crime, etc.)

### **3) Intellectual Property**

Any use of College facilities must abide by the relevant legislation relating to Intellectual Property. The use of facilities (including, but not limited to, library resources, IT facilities, course reference materials) in contravention of Intellectual Property laws

The College is licensed under the terms of the Copyright Licensing Agency.<sup>3</sup>

### **Students**

The College does not make a claim to the Intellectual Property rights of students arising as a result of their work during their course of study, except where they may be considered as an employee.

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<sup>3</sup> <http://www.cla.co.uk/>  
(03/09/2013)

## **Employees**

Except in reference to inventions made by employees in fields either directly or indirectly unrelated to the activity of Kensington College of Business past or present, any and all improvements and inventions made during employment with the KCB shall be the property of Kensington College of Business. As a condition of employment, employees agree to sign all documents required to transfer title of such inventions to the College without receiving compensation or payment.

This condition does not prejudice any rights held under the Patents Act 1977.

The immediate surrender of any intellectual property belonging to the College may be demanded by the College on termination of employment.

### **4) Retention of student work**

The College will only retain copies of Dissertations for future reference—University of Chester and the University of Wales operate separate rules (which must be acknowledged by each candidate in a Declaration to be submitted with the completed Dissertation). Each University Partner has specific rules regarding the retention and publication of Student Dissertations.

### **5) College Documentation**

Over their course of study most students will require documentation from the College to confirm their status as students for a range of purposes, including (but not limited to) Visa applications, Council Tax Exemption, National Insurance Number requests, bank registration, etc. Issuance of such letters is at the discretion of College management and will only be offered to students on the condition that they are meeting the Terms and Conditions of the College (with particular reference to attendance, fees, disciplinary matters, etc.)

All letters are issued at the discretion of the College and are issued solely for their stated purpose and for the attention of named addressees, where appropriate.

The College reserves the right to recall documentation issued, where it is subsequently made invalid.

The College reserves the right to take action where we have reasonable suspicions that College documents are being misused, or where information contained on the documents has since become invalid and the student has not returned documentation to the College for amendment. Full details are set out in the Student Welfare and Conduct Policy (under disciplinary matters).

### **6) Record Keeping**

#### **Documentation and Audit**

The College has a policy of record keeping for our students in line with the UK Visa and Immigration requirements for a Tier 4 Sponsor, which can be found on the UK Visa and Immigration website. In particular:

- Passport (including all relevant pages)

- Visa / Biometric Residence Permit
- Regularly updated contact details
- Copies of all any relevant documentation used to assess the student's application prior to receiving an offer from KCB

Once a student has enrolled with the College, every piece of documentation in their file should be a photocopy with a verification stamp and signature to attest that it has been checked against the original by KCB staff.

The College does not keep original documents in student files (except where the documentation has been created specifically for KCB and is addressed to the College).

The College also completes an annual audit of Passport copies to ensure that documentation provided by students is up to date. Students must be prepared to bring their Passport to KCB at least once per year for a new verified copy to be taken (to ensure that visa documentation has not been curtailed and so that immigration stamps can be copied, for example). Failure to make passport and visa documentation available for auditing purposes and failure to maintain current contact details both put the College in direct breach of our responsibilities as a sponsor and, as such are considered to be disciplinary offences.

### **Archiving**

The College will keep records for the following amount of time:

#### **Rejected / Incomplete Applications:**

Documentation:	six years
Summarised Information:	six years

#### **Student Files:**

Documentation:	six years
Assessment (hard copies):	six years
Financial Records:	six years
Basic Information *:	six years

*\* includes name, last known address, summary of tuition fees, staff comments*

#### **Staff Files:**

### **Policy Statement**

The College holds personnel records for employees and complies with all requirements of the Data Protection Act 1998. All information in personnel files will be treated in the strictest confidence.

### **Data Processing**

Personal data will be processed fairly and lawfully, and will be obtained and processed solely for the administrative purposes of the College. It will not be passed to other parties unless the employee expressly requests that we do so. The type of personal data collected will be

adequate, relevant and limited only to that which is necessary for the College's personnel administration.

Every effort will be made to keep personal data accurate and up to date and it is each employee's responsibility to ensure that they inform the Registrar of any change of address, next of kin or any changes such as bank account in order that the personnel file and pay details may be kept up to date.

Personal data will not be kept longer than is necessary. If at any point during employment the College needs to ask an employee's Doctor/Consultant for a medical report, consent will be obtained under the Access to Medical Reports Act 1988.<sup>4</sup> Personal data will be processed in accordance with rights under the Data Protection Act 1998 and will not be transferred to a Country or Territory outside the European Economic Area.

### **Right of Access to Personnel Files**

Each employee has a right to access their personnel file upon reasonable notice to the College. There may be an administration charge for this service or a charge for providing copies.

### **Company Information**

Company information for Kensington College of Business and Kensington Education Foundation is freely available.

## **7) Receipt of Correspondence**

The College does not encourage students to arrange for correspondence / post to be delivered to the College and does not accept responsibility for loss or failure of delivery.

At the time of writing the UK Visa and Immigration has a policy of sometimes sending documentation to students' care of the College. In our capacity as sponsor of the student, the College reserves the right to open this correspondence for the purposes of identifying the addressee and/or forwarding the letter as a soft copy where the matter may be urgent or the postal address is not valid. Such cases must be approved by senior management and the confidentiality of student shall be strictly observed.

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<sup>4</sup> <http://www.legislation.gov.uk/ukpga/1988/28/contents>