

## Report of the Legal Affairs and Employment Sub-Committee

Meetings were held on 14 July 2017 and 29 September 2017.

### Matters for approval

1. Intercollegiate surveys and other business: privacy and confidentiality statement

The Bursars' Committee is invited to adopt a privacy and confidentiality statement (see Annex), which has been drafted to highlight proactively the confidential nature of its business in order to enable a more transparent defence of redaction for confidential matters under the Freedom of Information Act.

### Notes of guidance previously circulated to Bursars (also on the Bursars' website)

Guidance note	Minute reference	Date of email
GDPR update: Counsel's Opinion (Jonathan Swift)	14/7 min 4	21 July 2017
Fundraising Regulator: advice and guidance re registration	14/7 min 6	21 July 2017
GDPR update: circulation of student data protection statement		10 August 2017
Fundraising Regulator: alert to their public announcement		18 August 2017
Freedom of Information FOI-3: requests for intercollegiate minutes and papers	14/7 min 9	25 August 2017
Freedom of Information FOI-4: salaries and other financial information of senior officers	14/7 min 9	25 August 2017
GDPR update: circulation of revised action plan		4 Sept 2017
Maternity and parental leave survey	14/7 min 12	15 Sept 2017
Model trustee eligibility and annual interest declaration templates	14/7 min 8	6 October 2017

### Matters to which attention is drawn

1. Safeguarding Policy template

The Sub-Committee has advised the Senior Tutors' Committee on its production of a safeguarding policy template, noting that it brought together a range of advice provided over the years and reviewed its currency.

2. Higher Education Tracking Service (HEAT)

The Sub-Committee by circulation approved a suite of documents to cover the institution-institution level management of a third party data repository, to ensure appropriate compliance with data protection and data security responsibilities of Colleges.

It noted that HEAT was one of a small number of data systems (including Connect, Amicus and CamSIS) that would require similar documentation going forward as a result of new requirements under the General Data Protection Regulation (GDPR).

3. General Data Protection Regulation and the Data Protection Bill 2017

The Sub-Committee continues to keep this under review and, in the light of the new Data Protection Bill 2017, will review again its advice to Colleges on the need for, and role of, a "Data Protection Officer". In the meantime, it continues to advise Colleges that existing data protection management roles in Colleges should be renamed to a suitable alternative to avoid confusion with the statutory role.

The Colleges' GDPR action plan otherwise remains on schedule.

4. Annual Fellows Stipend and Staff Salary surveys

Bursars are advised that these will be circulated shortly after the next Bursars' Committee for completion by Colleges.

9 October 2017

## **Annex: Privacy and confidentiality statement**

### **Intercollegiate committee minutes and papers**

To assist Colleges in offering efficient and effective ways of managing their business and meeting their charitable objectives, a number of intercollegiate committees have been set up: many of these are managed by the Office of Intercollegiate Services. The following statement applies to:

- Colleges' Committee (including any standing committees, sub-committees and working groups);
- Bursars Committee (including any standing committees, sub-committees and working groups);
- Intercollegiate Committee on College Accounts (including any standing committees, sub-committees and working groups);
- College Development Directors' Committee.

(The Senior Tutors' Committee and its standing committees is supported by the Academic Division of the University of Cambridge. It publishes its minutes – but not papers – internally to persons with an @cam.ac.uk email address at: [www.seniortutors.admin.cam.ac.uk/senior-tutors-committee](http://www.seniortutors.admin.cam.ac.uk/senior-tutors-committee))

The minutes and papers of the listed intercollegiate committees are not published routinely. The Colleges collectively acknowledge their responsibilities under the Freedom of Information Act 2006: they are of the view that the routine publication of the minutes may compromise the discussion of confidential matters and the exchange of free and frank opinion on current matters, and note that the importance of restriction of publication of minutes and papers on particular matters may change over time. The Colleges will respond to requests for copies of intercollegiate committee minutes and papers through the procedures outlined below.

Accordingly, intercollegiate committee members are advised that all minutes, papers and discussions at meetings are provided in confidence to its committee members, and are not shared outside of the specific membership unless it is agreed between the participants to make those outputs more generally available through other means (e.g. publication on the public OIS website), or with the permission of the officers of the relevant committee, standing committee or sub-committee.

### **Principles for the withholding of materials on request**

The Freedom of Information Act 2000 allows for the exemption of the provision of information under a number of categories. The most common ones that apply to information relating to intercollegiate committees are:

- Section 40 information which is the personal data of others (and especially Fellows, staff or students of the University or one or more Colleges), and where providing the information would breach current data protection legislation;
- Section 36 where knowledge of the potential for the information to be public would hinder (now or in the future) the free and frank advice or discussion between the committee members, or otherwise compromise the ability of the Colleges to conduct their public affairs;
- Section 43 where the provision of the information would breach the confidentiality principles of the intercollegiate committee and particularly where it would be deemed at the time to compromise the commercial interests of one or more of the Colleges (e.g. at a time when negotiations between the Colleges, or negotiations of the Colleges with the University or a third party are current or recent);
- Section 21 where the information is already readily accessible to the requester (which may include circumstances where the information is available by collating information from a number of other sources);

- Section 12 the cost of providing the information exceeds the statutory limit (which corresponds to 18 hours of work): this may relate to the aggregation of costs of related requests received within 60 working days from the same person or from people who seem to working together.

Given that the members of intercollegiate committees are normally senior posts within the College, the membership of an intercollegiate committee will not be considered personal data.

Recent intercollegiate committee minutes and papers are highly likely to be exempt under the first two points above: when a request for information is received, an assessment at that time is conducted to determine whether the exemptions would still apply.

#### Procedure for requesting intercollegiate committee minutes and papers

1. Any request should be made to the Secretary of the relevant committee. (Where requests are received within an individual College – by a committee member or a College Freedom of Information Officer – the requester should be directed to the Secretary of the relevant committee, citing Section 21 of the Freedom of Information Act 2000 if necessary.)
2. The College of which the Secretary is a member will be responsible for managing any formal request for information under the Freedom of Information Act 2000, on behalf of all of the Colleges, and will confirm to the requester in writing that this is the case.<sup>1</sup>
3. The Secretary (or Chair of the Colleges' Committee) will, where relevant, consult with the persons who support him or her in servicing the committee. He or she will consider the appropriate redaction of material(s) on behalf of the committee and, where appropriate:
  - a. consult the committee members on any arising concerns relating to confidentiality; and/or
  - b. in circumstances where a Section 36 exemption is applied, consult his or her Head of House as the qualified person to make an appropriate opinion on the reasonableness of applying the exemption.
4. A record of the information issued (and any exemptions applied) shall be kept by Office of Intercollegiate Services (OIS), so that the material could be reviewed, re-issued or re-used for any subsequent requests.

Dr M Russell  
29 September 2017

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<sup>1</sup> For Colleges' Committee, the Chair shall instead be responsible for managing any formal requests for information.

## Intercollegiate surveys

The Colleges' participation in intercollegiate surveys is voluntary. The College is entitled to ask at any time that part or all of the data and information provided as part of an intercollegiate survey may be deleted or destroyed. If you have any questions about a survey, please email [oisadmin@hermes.ac.uk](mailto:oisadmin@hermes.ac.uk)

### Management of personal data

The Office of Intercollegiate Services (OIS) is committed to protecting the personal data and privacy of members of the Colleges. When compiling and issuing the outputs from intercollegiate surveys, our policy is to take all necessary steps to ensure that personal data provided by a College is processed fairly and lawfully, and that the outputs contains as little identifiable personal data as possible.

OIS does not sell, rent or exchange any personal data supplied by a College to any third party (including other Colleges), unless consent has been given at the time of data collection or otherwise with the permission of the College.

All of the information that you provide will be treated as confidential and will only be used for the purposes of conducting the survey and producing the outputs. OIS does not use any of the information you provide for direct marketing or other activities.

### Confidentiality

The information the College provides in this survey is treated by OIS as confidential, unless the information is or becomes generally available to a wider audience by the College through other means.

Equally, the intercollegiate outputs are to be considered as confidential information by the College, unless it is agreed between the participants to make those outputs more generally available through other means (e.g. publication on the public OIS website). In addition, the College should refrain from making any public announcements concerning the intercollegiate survey and its outputs.

Otherwise, the College and OIS agree to restrict the information relating to this survey to members of the College and its agents, and only where they have a genuine need to know the information, except where the information is required to be disclosed as required by law or regulation. For the avoidance of doubt, a request to the College for the intercollegiate survey outputs under the Freedom of Information Act shall require the agreement of the commissioning body (most usually a sub-committee of the Bursars' Committee).

The outputs of the intercollegiate survey should not be retained or copied by the College unless it is deemed strictly necessary by the College to do so: OIS retains copies of the outputs, which can be provided on request.

Dr M Russell  
29 September 2017

## Report of the Legal Affairs and Employment Sub-Committee

Meetings were held on 17 November 2017 and 19 January 2018.

### Matters for approval

5. Data processing agreement between each College and the Office of Intercollegiate Services

Individual Bursars, on behalf of their Colleges, are invited to adopt and sign a data processing agreement with the Office of Intercollegiate Services Ltd. as part of the suite of measures to prepare Colleges for full GDPR compliance. The agreement is included as **Annex 1** and hardcopies will be available at the meeting for Bursars to sign (on the understanding they have the authority of the College to do so). For the avoidance of doubt, this agreement also applies to the Theological Colleges.

6. Data sharing protocols between the University, the Colleges and Cambridge in America

The Bursars' Committee is invited to recommend to Colleges' Committee the replacement of the current data sharing protocols<sup>2</sup> with a new GDPR-compliant protocol developed with the University (included as **Annex 2**), noting that the revised protocol addresses a number of other current shortcomings, including:

- referencing the personal data of all members and staff of the associated institutions (rather than only students and alumni as previously);
- providing a GDPR-required data sharing agreement with Cambridge in America, previously identified as a gap;
- legitimising, where necessary and appropriate, the sharing of personal data between Colleges.

For the avoidance of doubt, this agreement does not apply to the Theological Colleges.

### Notes of guidance previously circulated to Bursars (also on the Bursars' website)

Guidance note	Minute reference	Date of email
Survey on maternity and parental leave rights	17/11 min 11	20 Nov 2017
College registration with the Office for Students	17/11 min 5	21 Nov 2017
Notes on the Criminal Finance Act 2017	17/11 min 7	22 Nov 2017
Freedom of Information: revised guidance note FOI-1-2	17/11 min 8a	24 Nov 2017
GDPR update: circulation of applicant/staff data protection statements	17/11 min 4a	24 Nov 2017
GDPR update: circulation of visitors data protection statement	17/11 min 4b	24 Nov 2017
GDPR update: circulation of conference organisers DP statement	17/11 min 4b	24 Nov 2017
GDPR update: clauses for data processing agreements	17/11 min 4d	24 Nov 2017
GDPR update: guidance on "public authorities" implications	17/11 min 4e	24 Nov 2017
Appointment of College Research Fellows	17/11 min 10a	4 Jan 2018
Surveys: Fellow Stipend and Staff Salary surveys	19/1 min 11	23 Jan 2018
GDPR update: checklist on reviewing third party data processing contracts	19/1 min 3a	7 Feb 2018

<sup>2</sup> see <https://www.ois.cam.ac.uk/policies-and-protocols/data-sharing-protocols/view>

## **Matters to which attention is drawn**

### 7. GDPR: College duties in relation to being public authorities

Following the circular of 24 November 2017 (see above), subsequent developments have confirmed that Colleges will be public authorities under GDPR and the UK's imminent Data Protection Act. This will require the appointment of statutory Data Protection Officers, and attention is drawn to the matter discussed elsewhere on the agenda.

### 8. Complaints procedure template

The Sub-Committee has worked with the Senior Tutors' Committee to develop a "procedure template" for the management of student complaints in Colleges, ensuring that the procedures are aligned to the expectations of the Office of the Independent Adjudicator. The Sub-Committee also suggested that an overarching University and Colleges policy should be prepared to sit above individual procedures within the University and each of the Colleges.

### 9. Intercollegiate "roving" employees

The Sub-Committee considered whether it had an appetite to explore mechanisms for the provision and management of staff in a number of areas where Colleges may otherwise be at risk of non-continuity of service, as a result of the Secretary having received comments expressing a wish to explore such an approach from a number of areas, including the Development, IT and HR functions. It noted that there should not be an intention to set up an alternative to the Temporary Employment Service of the University, but that there would be merit in the Office of Intercollegiate Services maintaining a register of recently-retired or part-time staff who may be interested in acting in a short term capacity for other Colleges. This matter will be considered further and any interest should be indicated to Dr Russell in the first instance.

### 10. Branding, copyright and trademarking

Progress on discussion of this issue with the University has been stalled, following illness and resignations of the relevant personnel in the Office of External Affairs and Communications and the Legal Services Office respectively.

### 11. CTO buy-outs

This matter is being led instead through the Bursars' Business Committee, but the Sub-Committee noted the recent survey to capture activity in this area across the Colleges. It further noted that the issue of University status of College-employed academic staff should form part of the review.

### 12. Matters relating to Schools Liaison Officers

Following representation from the Admissions Forum, the Sub-Committee has agreed to raise a number of individual matters which individual Bursars are urged to address within their own Colleges (as appropriate):

- i) methods of forward payment of travelling expenses (noting particularly the relatively low remuneration of such staff) – *this may be applicable to other categories of staff*;
- ii) retention of business continuity and institutional knowledge as staff turn over;
- iii) lack of clarity over line management and institutional expectations of the role (noting viii below);
- iv) relevant input into relevant College committees;
- v) management training for Admissions Tutors (or whoever manages them).

In addition, the Sub-Committee recommended that the HR Managers share (or otherwise develop) good practice relating to time-off-in-lieu (TOIL) and lone working policies, particularly with reference to the high volume of travelling outside of normal working hours.

The Sub-Committee also noted concerns raised by SLOs over the lack of career progression and the variability in role descriptions across the Colleges. It agreed, however, that these matters were more relevant for review by the Senior Tutors' Committee and the Admissions Forum, noting with caution that, while the individual's job descriptions and salary are a matter for individual Colleges and their identified needs, that there may be merit in seeking to establish whether alternative models or structures to facilitate the development of such roles across the Colleges should be considered.

26 January 2018

## **Annex 1: OIS – content of the data processing agreement**

### **Data Sharing Agreement between the [NAME] College in the University of Cambridge ('the College') and the Office of Intercollegiate Services ('the OIS')**

1. This Agreement applies to the sharing of personal data, as defined in the Data Protection Act 1998 ('DPA') and subsequently when it comes into force on 25 May 2018 the General Data Protection Regulation ('GDPR') and any successive legislation, between the College and the OIS.
2. The purpose of the sharing is to allow the OIS to act as a data processor for a number of College processes, some of which include interaction between the Colleges, and including:
  - fees status verification advice for prospective undergraduate students (commissioned by the Bursars' Fees Sub-Committee);
  - initial processing of admissions complaints for prospective undergraduate students (commissioned by the Senior Tutors' Committee);
  - advice on complaints and disciplinary investigations being conducted within the College (commissioned by the Colleges' Committee);
  - advice on cases relating to immigration status of individuals and the implications for the College (commissioned by the Bursars' Committee);
  - the Graduate Fee Agreement intercollegiate redistribution (commissioned by the Bursars' Fees Sub-Committee);
  - the Scheme for managing the placement of University Teaching Officers in Colleges (commissioned by the Colleges' Committee);
  - management of the Colleges' Committee, Bursars' Committee and the College Development Directors' Committee and their associated sub-committees and mailing lists (commissioned by those committees respectively).
3. In all cases, the OIS acts as a data processor for the College and operates under the instructions of the Colleges, individually and/or severally.
4. Data are normally transferred by email between the College and the OIS: any data of a sensitive or very personal nature is emailed to personal email addresses and the sender is responsible for determining the extent to which additional security measures (e.g. password protection) are required in the individual circumstances.
5. The OIS will:
  - (a) comply with the DPA or, from 25 May 2018, the GDPR;
  - (b) publish an appropriate data protection statement;
  - (c) have due regard to the advice and guidance issued by the Information Commissioner's Office, and to the policies of the College;
  - (d) only use the data for the purposes stated in this Agreement;
  - (e) ensure the reliability of its employees who have access to the data, and restrict that access to those employees who reasonably require it;
  - (f) ensure that appropriate technical and organisational security measures are in place (including in relation to office procedures and communications technology) taking into account: the state of technological development; the cost of implementing any measures; the harm that might result from unauthorised or unlawful processing, accidental loss, destruction or damage; and the nature of data;
  - (g) not share the data with any third party (including any data processor) unless required by law or the sharing of data otherwise is an integral part of the required processing;
  - (h) notify and cooperate with the College regarding any data subject rights, complaints or security breaches with regard to the data;
  - (i) remain liable for any loss or damage caused while the data are in its possession;
  - (j) securely destroy the data when no longer required.
6. This Agreement does not create any agency or partnership. It will be reviewed on or before its third anniversary. Either side may terminate this Agreement by giving written notice, at which point no further data will be shared.

## **Annex 2: Data sharing protocol**

**THIS PROTOCOL is dated [DATE] 2018 BETWEEN**

The Chancellor, Masters, and Scholars of the University of Cambridge of The Old Schools, Trinity Lane, Cambridge, CB2 1TN (University).

Cambridge in America of 1120 Avenue of the Americas, 17th Floor, New York, New York, 10036 (CAm).

The 31 Cambridge Colleges as stated in Statute G of the Statutes and Ordinances of the University of Cambridge, contacted collectively through the Office of Intercollegiate Services Ltd., 12B King's Parade, Cambridge, CB2 1SJ (Colleges).

### **BACKGROUND**

The University, CAm and the Colleges (the parties) work closely together as a collegiate university in relation to fundraising, student affairs and other matters. In relation to this Protocol, the University, the Colleges and CAm act through, or under the authority of, the University Council, Colleges' Committee and the CAm Board respectively.

This Protocol sets out the responsibilities of each of the parties above in areas relating to the protection, security, sharing and processing of Personal Data that two or more of the parties require in order to conduct their individual or shared objectives and activities.

This Protocol replaces the previous data sharing protocols between the parties and is intended to document compliance with the General Data Protection Regulation ((EU) 2016/679) (GDPR). It does not address other commercial or operational issues.

**IT IS AGREED AS FOLLOWS:**

### **INTERPRETATION**

**The following definitions apply in this Protocol:**

Agreed Purposes: has the meaning given to it in clause 5 of this Protocol.

Data Protection Authority: a national authority, as defined in the GDPR: for the UK, this is the Information Commissioner's Office.

Data Protection Legislation: the General Data Protection Regulation ((EU) 2016/679) (GDPR) and any applicable national legislation protecting Personal Data.

Data Security Breach: a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to the Shared Personal Data.

Shared Personal Data: the Personal Data shared between the parties under clause 10 of this Protocol.

Subject Access Request: has the same meaning as "Right of access by the data subject" in Article 15 of the GDPR.

Data Controller, Joint Controllers, Data Processor, Data Subject and Personal Data, Sensitive Personal Data or Special Category Personal Data, processing and appropriate technical and organisational measures shall have the meanings given to them in the applicable Data Protection Legislation.

### **PURPOSE**

This Protocol sets out the framework for the sharing of Personal Data between the parties as Data Controllers, Joint Controllers and as Data Processors.

The parties consider this data sharing necessary and in their mutual best interests as a collegiate university. The aim of the data sharing is to ensure that each party's personal data records, admissions processes, academic processes, employment and membership processes, administration, alumni and supporter relations, and fundraising activities, amongst others, are carried out in a co-ordinated and efficient way.

The parties agree to process Shared Personal Data, as described in clause 10, only for and compatible with the following Agreed Purposes:

- Maintaining academic and teaching records
- Administering admissions processes and records
- Staff administration and record-keeping
- Pursuing alumni and supporter relations, and fundraising activities
- Operating communications and IT infrastructure
- Marketing

Providing services to staff, students and others  
Managing complaints, academic appeals, and disciplinary investigations, where the incident or substance requires input from one or more party  
Any other purpose incidental to or analogous with any of the above.

Each party shall appoint a single point of contact (SPoC) who will work together to resolve any issues about and improve the effectiveness of the parties' data sharing. A list of the current SPoCs, their names, roles and contact details, shall be maintained by the University's Data Protection Officer and each party commits to updating this information as necessary.

Any notice or other formal communication given to a party under or in connection with this Protocol shall be in writing, addressed to the SPoCs and shall be delivered by hand or by pre-paid first-class post or other next working day delivery service at its registered office; or sent by email to the SPoC.

#### **COMPLIANCE WITH APPLICABLE DATA PROTECTION LEGISLATION**

Each party must ensure compliance with applicable Data Protection Legislation at all times, including the principles and standards set out in Schedule 1.

If the law of New York State imposes different obligations for data processing, CAm shall apply those also but without lessening their compliance with this Protocol.

#### **SHARED PERSONAL DATA**

The following types of Personal Data may be shared between the parties:

Contact and biographical details  
Application, student and alumni records  
Staff records  
Financial records and details of giving to the University and Colleges  
Records relating to alumni and supporter relations, and fundraising  
Records relating to the use of services

Special Category Personal Data and Sensitive Personal Data may be shared between the parties only where compatible with the Data Protection Legislation.

The processing of Shared Personal Data must not be irrelevant or excessive with regard to the Agreed Purposes.

The parties agree wherever practicable to operate proportionate checks to ensure the accuracy of the Shared Personal Data and its correct incorporation into different systems.

#### **DATA PROCESSING**

In most cases, the data sharing is such that each party is a separate Data Controller, or are Joint Controllers, of the Shared Personal Data. For specific processing where one party acts only as the Data Processor for another (the Data Controller), the Data Processor shall ensure that it abides by the model data processor clauses issued by the University to comply with Article 28 of the GDPR and published on its website.

#### **DIRECT MARKETING**

If a party processes the Shared Personal Data for the purposes of direct marketing, that party shall ensure that:

effective procedures and communications are in place to allow the Data Subject to exercise their right to opt out from direct marketing;  
effective procedures are in place to enable that party to advise other parties of any opt out that encompasses those other parties; and  
an appropriate legal basis has been confirmed (and, where necessary, evidenced) for the Shared Personal Data to be used for the purposes of direct marketing.

## **DATA SECURITY BREACHES AND REPORTING PROCEDURES**

The parties agree to provide reasonable assistance to each other to facilitate the handling of any Data Security Breach in an expeditious and compliant manner.

The parties should notify any relevant potential or actual losses of the Shared Personal Data and remedial steps taken, either through mechanisms specified by the parties from time to time or otherwise to each and every relevant SPoC as soon as possible, to enable the parties to consider what further action is required either individually or jointly.

## **REVIEW AND TERMINATION OF PROTOCOL**

The nature of the arrangements between the parties is such that it is extremely unlikely that the Protocol will be terminated in its entirety. Should all parties unanimously wish to terminate the Protocol, a process to identify the future ownership of and confirm as necessary mutual rights to use any Shared Personal Data will be undertaken and completed prior to termination of the Protocol.

Where any of the parties ceases to be a separate legal entity, it shall:

inform each and every SPoC in writing as soon as possible in order to draft and agree one or more written procedures for the deletion and/or return of any Shared Personal Data as necessary;  
be removed from the Protocol.

Any additional legal entity that wishes to be part of this data sharing Protocol may submit a request in writing to the University's Data Protection Officer. The consent of each and every party is required in order for the additional party to be included into this Protocol together with completion of contractual adherence to this Protocol.

In the event that a party is removed from the Protocol or a new legal entity joins the Protocol in accordance with clauses 19 and 20, an amended and updated version of this Protocol will be drafted as soon as practicable and circulated to all other parties.

The parties shall review the effectiveness of this data sharing Protocol every five years, or upon the addition and removal of a party, or upon the request of one or more of the parties, having consideration to the aims and purposes set out in clause 5, and to current Data Protection Legislation, and to any concerns raised at that time by one or more of the parties. The parties shall continue or amend the Protocol depending on the outcome of the review but in the meantime the Protocol shall continue in full force and effect.

Each party is responsible for their own legal compliance and self-audit. A party, however, reasonably may ask to inspect another party or parties' arrangements for the processing of Shared Personal Data and may request a review of the Protocol where it considers that another party is not processing the Shared Personal Data in accordance with this Protocol, and the matter has demonstrably not been resolved through discussions between the relevant SPoCs.

## **CHANGES TO APPLICABLE DATA PROTECTION LEGISLATION**

Should the applicable Data Protection Legislation change in a way that the Protocol is no longer adequate for the purpose of governing lawful data sharing exercises, the Parties agree that the SPoCs will negotiate in good faith to review the Protocol in light of the new legislation but in the meantime the Protocol shall continue in full force and effect.

## **RESOLUTION OF DISPUTES WITH DATA SUBJECTS OR THE DATA PROTECTION AUTHORITY**

In the event of a dispute or claim brought by a Data Subject or a Data Protection Authority concerning the processing of Shared Personal Data against any or all parties, the parties will inform each other as necessary about the dispute or claim, and will cooperate with a view to settling the dispute or claim amicably in a timely fashion.

## **Schedule: Data protection principles and standards**

### **LAWFUL AND FAIR PROCESSING**

Each party shall commit to processing any Shared Personal Data lawfully, fairly and in a transparent manner and in accordance with the data protection principles in Article 5 of the GDPR.

Each party shall ensure that it processes Shared Personal Data under one or more of the legal bases in Article 6 of the GDPR and Data Protection Legislation.

In addition to its obligations under paragraph 1.2 of this Schedule 1, each party shall ensure that it processes Shared Personal Data classified as Special Category (Sensitive) Personal Data under one or more of the legal bases in Article 9 of the GDPR and applicable Data Protection Legislation.

Each party shall, in respect of Shared Personal Data, ensure that their data protection statements (or privacy notices) are clear and that they provide sufficient information to the Data Subjects in accordance with applicable Data Protection Legislation for them to understand what Personal Data is being shared with the other parties, the purposes of the data sharing, a contact point for the Data Subjects, and any other information to ensure that the Data Subjects understand how their Shared Personal Data will be processed. Each party shall retain or process the Shared Personal Data in accordance with the relevant data protection statement(s).

### **DATA SUBJECTS' RIGHTS**

Data Subjects have the right to obtain certain information about the processing of their Personal Data (including Shared Personal Data) through a Subject Access Request. In certain circumstances, as defined in the GDPR, Data Subjects may also request rectification, erasure or blocking of their personal data and may exercise other rights.

SPoCs should endeavour to maintain a record of individual requests from Data Subjects, including the decisions made and actions taken.

The parties agree to provide reasonable assistance as is necessary to each other to enable them to comply with Subject Access Requests and to respond to any other rights requests, queries or complaints from Data Subjects.

### **DATA RETENTION AND DELETION**

No party shall retain or process Shared Personal Data for longer than is necessary to carry out the Agreed Purposes. Parties shall continue, however, to retain Shared Personal Data in accordance with any statutory retention periods applicable in their respective countries and/or states.

### **DATA TRANSFERS OUTSIDE THE EEA**

For the purposes of paragraphs 1.10 and 1.11 of this Schedule 1, transfers of Personal Data shall mean any sharing of Personal Data outside the European Economic Area (EEA), and shall include, but is not limited to, the following:

- storing Shared Personal Data on servers outside the EEA.
- sub-contracting the processing of Shared Personal Data to data processors located outside the EEA.
- granting third parties located outside the EEA access rights to the Shared Personal Data.

The parties shall only disclose or transfer the Shared Personal Data to a third party located outside the EEA in line with the provisions of Chapter V of the GDPR as implemented in the applicable Data Protection Legislation.

Transfers between CAm and the other parties will be made on the basis of the latest versions of the controller-to-controller or controller-to-processor EC-approved "standard contractual clauses" as published in the Official Journal of the European Union and which themselves form part of this Protocol.

### **SECURITY AND TRAINING**

Each party shall only provide and receive the Shared Personal Data using secure methods, having regard to the availability of joint or shared IT systems, the technology for facilitate data transfers, the risk of data loss or breach and the cost of implementing such measures. It is the responsibility of each party to ensure that its staff members are appropriately trained to handle and process the Shared Personal Data in accordance with any agreed technical and organisational measures to keep it secure and to uphold the data protection principles in Article 5 of the GDPR.

## Report of the Legal Affairs and Employment Sub-Committee

Meetings were held on 2 March 2018 and 27 April 2018.

### Matters for approval

There are no matters for approval.

### Notes of guidance previously circulated to Bursars (also on the Bursars' website)

Guidance note	Minute reference	Date of email
Guidance for clubs and societies	2/3 min 3	12 Mar 2018
Charity trustees: new automatic disqualification rules	27/4 min 3c	16 May 2018
National Minimum Wage and Living Wage: Accommodation	27/4 min 9	16 May 2018

### Matters to which attention is drawn

13. GDPR

A full range of supporting documents is now on the OIS website area (available to all staff) – see <https://www.ois.cam.ac.uk/resources-for-colleges/data-protection-resources>

14. Worker status in the “gig economy”

As a result of the Taylor Review and recent HMRC visits and their interest in the treatment of undergraduate supervisors, the Sub-Committee is keeping a watchful brief of developments: it intends to survey Colleges at some point on the treatment of Tier 4 visa students, the operational implications of the current system and the appetite for expanding the structure to other types of workers.

15 May 2018