

## Records management as a Director of Studies or Tutor

1. As a Director of Studies or Tutor, any records you keep of your students or meetings with them should be accurate and factual, and you should ensure that such personal data is appropriately processed and disposed of in accordance with the provisions of the current data protection legislation in the UK (the Data Protection Act 2018 (DPA) and the UK General Data Protection Regulation (GDPR). In addition, you should read and follow the guidance on personal data retention included in the College's Data Protection Policy and "data protection statement" for students (see points 5 and 6 below). You should also complete any data protection training specified by the College.
2. It is important that you keep records to enable you and the College to track the progress of your students, and to respond to queries about your students, either in terms of current pastoral or academic care, or in the form of references. (See separate advice on references below). Any response should only be made in line with any College policy on confidentiality. It is also useful, should a student claim that support was not offered, to have a record of advice and/or information given.
3. In general, the management of personal information must comply with legislated data protection principles, which state that personal data shall:
  - be processed (i.e. collected, handled, stored, disclosed and destroyed) fairly, lawfully and transparently. (The lawful basis for most Tutorial activities will either be the consent of the individual, or that it is in the legitimate interests of the College and does not override the student's privacy rights: the purposes of processing are outlined in public data protection statements.);
  - be processed only for specified, explicit and legitimate purposes;
  - be processed securely;
  - remain adequate, relevant and limited;
  - remain accurate (and rectified if inaccurate);
  - not be kept for longer than necessary.
4. The types of records held by Directors of Studies or Tutors can be in any format i.e. paper student files, meeting notes, emails to and from students, spreadsheets of contact details, etc. Much of this information will be confidential to each student and you must ensure that you are aware of where any and all personal data is located, that the data records are stored securely and that access is only available to persons authorised to view the information.
5. You may develop their own systems for storing information on students but you should check with the College whether there are any particular protocols you are expected to follow with regard to records storage and confidentiality.

6. The personal data of students held by Directors of Studies or Tutors should be retained for no longer than is necessary. Once a student has left College, it is recommended that any records intended for permanent retention/archive (as stated in the data protection statement for students) are added to the main file for that student. Any other information held by Directors of Studies or Tutors should be kept only whilst relevant. College policies vary, but most records are retained for one year after students complete their course of study (normally by graduation). This includes special examination arrangements and student/DoS/Tutor meeting notes. Any information regarding student complaints should also be kept for one year, unless the complaint has been formalized, in which case records should be kept for at least one year after the final completion of the complaint investigation and all related avenues appeal.
7. At all times, you should be aware that students have a legal right of access to any personal information that is held by the College. While the records may contain confidential or private comments from you and other people (within the College or externally), it is possible that the rights of the student will override any third party requests for confidentiality, and you should bear this in mind when you create information (personal data) or receive it from third parties (and delete or retain it at the time as appropriate). The decision on what gets disclosed to the student is the responsibility of the College Data Protection Lead, from whom you should seek advice as necessary. All members of staff have an obligation to produce any personal information kept by them about a specific student if requested to do so as a result of a request from a student to access the personal data held by the College. It is unlawful to destroy such information once a request has been received.
8. In the event of the personal data of students being lost, stolen, accessed inappropriately or shared in error with others, you must as soon as possible notify the College Data Protection Lead, who will advise you on what action to take.
9. The Freedom of Information Act 2000 allows staff and students, and anyone outside the organisation, to request any recorded information that the College holds, providing that it does not contravene the rights of privacy and confidentiality outlined above. You are therefore advised to be careful about whether and how you record your own views of a meeting.

#### **Recommended sources of information**

- College Data Protection Policy
- College data protection statement for students

- College policy on confidentiality in a welfare context
- College protocols on records storage/information management
- Find out who the College Data Protection Lead is

### **Writing references for students**

10. Directors of Studies are among those individuals likely to be approached by a student to write a reference. Writing references is a key role for Directors of Studies and is something that may continue for a number of years after the student has graduated. Students need different kinds of references for a range of different situations: future programmes of study; internships; accommodation; voluntary work and paid employment.
11. Your reference will usually provide information under three broad categories:
  - (1) confirmation of the accuracy of information provided by the student;
  - (2) provide a prediction of future academic performance if you are able to;
  - (3) provide an opinion about the suitability of candidate for their chosen programme of study or employment.
12. Ahead of writing a reference for a student it's always useful to ask the student to provide a current CV and any statements of purpose they have written for their application. You should also check, as far as you are able to do so, that the student is aware of the reference request and that they have given their consent for you to provide one.
13. If you feel you are unable to provide a reference for a student you should explain your reasoning and suggest an alternative more suitable referee.
14. You should be aware that in most cases students will have a legal right to see a copy of your reference from the organisation that you have provided the reference to; your own right to request that the reference is confidential may be overridden by the students' right to see it.
15. You have a duty of care to both the student and recipient of the reference to ensure that your reference is fair and factually accurate.
16. You should not write a defamatory reference as this has the potential to lead to legal action. If you are unable to recommend the candidate for the job or programme of study you should decline to write the reference.
17. It is helpful to clarify within the reference whether you are writing on behalf of the College or in a personal capacity. If a reference is written on behalf of the College, a copy usually should be placed on the student's file held by the Tutorial Office. If writing personally, you should retain a copy.
18. Requests for references by telephone should be declined where possible but in the event should be followed up with the submission of a written reference.

19. Sensitive personal information (sometimes referred to as “special categories of personal data”) should not be disclosed by the referee without the prior recorded consent of the student. Sensitive personal information is defined as being related to:

- the racial or ethnic origin of the individual;
- their political opinions;
- their religious beliefs;
- whether they are a member of a trade union;
- their physical or mental health or condition;
- details of their sex life and/or gender identity;
- whether they have any convictions or have committed any criminal offence.

*Last updated: 23 June 2023*