

Data Protection and closure periods in the GSA Archives

These guidelines are for use by The Glasgow School of Art's Archives and Collections staff. They support compliance with General Data Protection Regulation (GDPR).

GSA's Archives and Collections' Access Policy states that:

- *The majority of records which are over 30 years old and which have been catalogued are available for public consultation.¹*
- *Records which are less than 30 years old can be accessed with the permission of the Head of the relevant department of the School.²*
- *There is restricted access to some series of student records until they are 75 years old in order to maintain personal confidentiality.*

The Data Protection Act

The Data Protection Act 1998 relates to the creation and processing of personal data.

The Information Commissioner's Office defines **personal data** as data which relates to a living individual who can be identified –

(a) from those data, or

(b) from those data and other information which is in the possession of, or is likely to come into the possession of, the data controller,

and includes any expression of opinion about the individual and any indication of the intentions of the data controller or any other person in respect of the individual.³

For further information on identifying what is **personal data** see Appendix 1.

Section 33 of the Act **allows** records containing **personal data** of identifiable living individuals to be used for historical or statistical research purposes provided that:

- this data is not processed to support measures or decisions with respect to particular individuals
- this data is not processed in such a way that substantial damage or distress is, or is likely to be, caused to any data subject.⁴

¹ Access cannot be granted to un-catalogued records until they have been checked for personal data. Any requests for access to such material will be managed on a case-by-case basis taking into consideration the type and volume of records in question and the researcher's requirements.

² Please see note 1 above.

³ <https://ico.org.uk/for-organisations/guide-to-data-protection/key-definitions/>

⁴ National Records of Scotland *Data Protection Guidance for Readers*

<https://www.nrscotland.gov.uk/research/visit-us/historical-search-room/data-protection-guidance-for-readers>

Further advice on how to identify personal data can be found at:

<https://ico.org.uk/media/1554/determining-what-is-personal-data.pdf>

However, access to archives containing **sensitive personal data**, the disclosure of which could cause substantial damage or distress to the data subject, **should be restricted** for the lifetime of the individual.⁵

Examples of material containing sensitive personal information include those which contain details such as:

- the racial or ethnic origin of a data subject,
- his/her political opinions,
- his/her religious beliefs or other beliefs of a similar nature, whether s/he is a member of a trade union (within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992),
- his/her physical or mental health or condition,
- his/her sexual life,
- the commission or alleged commission by him of any offence, or
- any proceedings for any offence committed or alleged to have been committed by him, the disposal of such proceedings or the sentence of any court in such proceedings.

In addition to the areas above, GSA's records may contain information about:

- student marks
- staff career reviews
- student or staff disciplinary proceedings and/or outcomes
- CVs and/or recruitment information

Student Records

GSA's archival student records contain **sensitive personal data**. They are held in two main formats, Registers (alphabetical and general registers) and Student Records Cards. In order to comply with Data Protection legislation researchers can access student records that are more than 75 years old (this presumes that individuals studying at this time are now deceased and is in line with the practice of other HEIs).

⁵ National Records of Scotland *Data Protection Code of Practice Archive Collections* March 2016
<https://www.nrscotland.gov.uk/files//record-keeping/records-policies/data-protection-code-of-practice-archive-collections.pdf>

Any enquirers who request access to information about students who studied at GSA less than 75 years ago must complete a *Student Data Request* form and satisfy one of the following conditions:

- the student in question has given permission for their file to be accessed
- the student in question is deceased
- the student in question was born over 100 years ago

Other archival material such as committee papers and correspondence files

Sensitive personal data may also appear in other archival files including committee papers and correspondence files.

In order to promote use of GSA's archives while also preventing access to **sensitive personal data**, the A&C identifies records containing **sensitive personal data** as part of its cataloguing work. These records are placed within a separate archival sleeve within their original folder and /or box and the folder and box is marked up to state that it contains sensitive personal information. This keeps relevant files together while allowing for records containing sensitive information to be quickly removed from a folder or box before being given to a researcher.

Advice for researchers

The Archives and Collections also provides guidance to researchers about their responsibilities under the Data Protection Act, see 'Data Protections Guidelines for Researchers'.

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