

Freedom of Information, Data Protection & Copyright

SOAS's responsibilities, your responsibilities

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What I'm going to cover...

- What I do as DMO...and how I can help.
- Some key things that you need to know about:
 - **Freedom of Information**
 - **Data Protection**
 - **Copyright**
- Training and guidance is available in all of these areas, and in records management.

What is Freedom of Information?

- Introduced by the **Freedom of Information Act 2000** (implemented January 2005).
- It applies to HE and most public sector bodies.
- It aims to improve **transparency** and **accountability** in the public sector...and it's having an impact:
 - Nearly 34,000 information requests submitted to central government bodies in 2006.
 - Over 2200 Fol requests in 2006 reported by 57 HEIs.
 - 46 requests received by SOAS in 2006 – about half from journalists.

What does Fol require SOAS to do?

- We have to maintain a **Publication Scheme** specifying the information which SOAS routinely **publishes** (on the web, in paper etc).
- We have to respond to Fol requests within **20 working days** of receipt...
- ...and provide access to the information requested, unless a limit or exemption applies.
- The right of access is to **recorded** information, other than information about yourself.

What does an Fol request look like?

- Requests must be in **writing** (including email), and give a name and contact address. Otherwise ...
- They can be sent to **any** member of staff.
- They do **not** have to mention Fol (although people usually do...).
- The 20 working day clock starts once a request arrives at SOAS - even if it's delivered to someone who is away.
- Requests can be about **anything**, from the important (e.g. planned expenditure on staffing costs)...
- ...to the trivial (e.g. number of invoices processed; purchasing of a book by the Library).

Freedom of Information: some key things to remember

- **Routine enquiries** (e.g. prospective students) can continue to be dealt with as usual...
 - ...provided your procedures are consistent with Fol: e.g. they get a response in 20 working days.
- **Pass to the DMO:**
 - Any request that mentions **Freedom of Information** or the **Environmental Information Regulations**.
 - Requests for information which you wouldn't normally release.
 - Requests which you're uncertain or concerned about.

Freedom of Information: some key things to remember

- When you're **out of the office**:
 - Make sure someone checks your post.
 - Set up an **out of office email reply**, and include the following text, to deal with any requests sent to your email account while you're away:
- “If you are requesting information under the Freedom of Information Act, the Environmental Information Regulations or the Data Protection Act, please forward your enquiry to dataprotection@soas.ac.uk where it will be dealt with by the School's Data Management Officer. SOAS will begin processing your request once it is received by that address”.

What is Data Protection?

- **Data Protection Act 1998** applies to information on **living individuals**, in digital or paper form (“personal data”).
 - E.g. the name and email address of a conference attendee; a student’s course marks on Unit-E; the application and interview notes for a job applicant.
 - Personal data includes **opinions** about someone and **expressions of intention** towards them.
- **All SOAS** staff handle personal data about others in some form.

What does Data Protection require SOAS to do?

- We have to **register** our processing of personal data with the Information Commissioner.
- We have to give individuals **access** to the data we hold about them, on request.
 - They have to complete a form, pay a £10 fee and provide proof of ID – and exemptions apply.
- We must use personal data in ways that conform to eight **Data Protection Principles**.

Data Protection: some key things to remember

- Pass to the DMO:
 - Any request which mentions **Data Protection**.
 - Requests for information about the person making the request, which you wouldn't release as a matter of course (e.g. transcript requests).
- When gathering data...
 - Use **collection notices** on forms etc, so the person knows what we will do with their data.
 - Don't gather more data than you need.

Data Protection: some key things to remember

- We must keep personal data **secure** and **accurate**, so follow the School's IT policies and procedures – and update the data when necessary.
- Don't keep personal data for longer than necessary – set up and follow retention procedures.
- Be careful about **disclosing** personal data, especially outside the School.
 - Remember that relatives and friends of students have no automatic right to information about them.
- Use **appropriate language** in emails etc.
- Contact the DMO if in doubt!

What is copyright?

- An **exclusive right** to exploit material, which usually belongs to the **creator** or their employer.
- Applies to: books in the Library, lecture notes, film and sound recordings, websites, emails....
- Protected by the **Copyright, Designs and Patents Act 1988**.
- Use without permission of the copyright owner (**infringement**) can lead to lawsuits, bad publicity....
- **Exemptions** in copyright law allow protected material to be copied without permission in certain circumstances.

What does copyright require SOAS to do?

- We have to **respect others copyright** when we use their resources.
- We have to abide by the terms of the **copyright licences** we've signed (Copyright Licensing Agency, Newspaper Licensing Agency, Educational Recording Agency).
- We have to **protect our own copyright** and maximize income from it.

Copyright: some key things to remember

- Be aware that most of the information which you handle will be protected by copyright.
 - Usually for 70 years from the death of the author or 70 years from the date of creation, if the author is unknown.
- The fact that something is available on the web does *not* mean that it can be copied and used without restriction!
 - However, you can link to material on the web without infringement.

Copyright: some key things to remember

- Limited copying (up to 1 chapter or 5% of a book, 1 article from a journal issue) by students or staff for their own individual non-commercial private study or research is permitted...
- ...but there are no copyright provisions which automatically allow multiple copying (e.g. course packs) or distribution (e.g. on a VLE) for educational purposes.
 - Usually, this has to be done under a copyright licence.
- Be aware of your own intellectual property rights – e.g. when dealing with publishers.

And finally...

- **Contact the DMO if you need help!**
- Look at the SOAS resources in the end slides.
- Attend one of our training sessions....
- Freedom of Information: 6 November, 13 February, 15 May.
- Data Protection: 18 October, 29 January, 23 April.
- Copyright: 2 October, 16 January, 16 April.
- Records management: 22 November, 7 March, 20 May
- Introductory 'Six Easy Steps to Managing Information' (DPA, FoI, RM) at LSHTM: 20 November, 19 May.

SOAS FoI, DPA and copyright resources

Data Protection:

- Data Protection Policy at <http://www.soas.ac.uk/about/index.cfm?navid=2346>
- Guidance on submitting Data Protection requests at <http://www.soas.ac.uk/about/index.cfm?navid=2354>
- Student Data Protection Statement at <http://www.soas.ac.uk/about/index.cfm?navid=2813>
- Guidance on releasing data to the police at <http://www.soas.ac.uk/about/index.cfm?navid=2814>
- Guidance on committee servicing at <http://www.soas.ac.uk/about/index.cfm?navid=3252>

SOAS FoI, DPA and copyright resources

Data Protection:

- Publication of staff details at <http://www.soas.ac.uk/about/index.cfm?navid=3428>
- Training resources at <http://www.soas.ac.uk/about/index.cfm?navid=2646>

Freedom of Information:

- FoI Staff Guide at <http://www.soas.ac.uk/about/index.cfm?navid=2710>
- FoI Policy at <http://www.soas.ac.uk/about/index.cfm?navid=2709>

SOAS FoI, DPA and copyright resources

Freedom of Information:

- Guidance on submitting FoI requests at <http://www.soas.ac.uk/about/index.cfm?navid=2450>
- FoI Publication Scheme at <http://www.soas.ac.uk/about/index.cfm?navid=2438>
- Guidance on committee servicing at <http://www.soas.ac.uk/about/index.cfm?navid=3252>
- Training resources at <http://www.soas.ac.uk/about/index.cfm?navid=2647>

SOAS FoI, DPA and copyright resources

Copyright:

- Posters next to photocopiers in the Library.
- Guidance for putting material on the BLE at http://mercury.soas.ac.uk/ble_web/BLECopyrightGuidanceDetailed.htm (detailed) and http://mercury.soas.ac.uk/ble_web/BLECopyrightGuidanceBrief.htm (quick guide)
- Coming soon: paper course packs, guidance for Library users, copying for the disabled...