

# JISC legal information

## Privacy at Work

John X Kelly

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**JISC Legal Information Service**

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JISC Legal provides legal resources for further and higher education. While particularly aimed at those working in Information Services, the use of IT has implications for all in the sector and we welcome and encourage everyone to access our website, send in an enquiry and attend our workshops.

Recent UK legislation, which directly affects the use of information technology by staff and students in colleges and universities, gives rise to a growing and continuing need for clear regulatory and compliance information in this area.

In response to this increased demand for legal information the Joint Information Systems Committee (JISC) funds the Legal Information Service (JISC Legal).

JISC Legal aims to give non-lawyers the information they need to make decisions, comply with the law and help save time and money by briefing them before consultation with solicitors or other professional advisers. JISC Legal aims to prepare and select material, which is accessed from one place and is as succinct and point as legal material can be.

**What we deliver**

JISC Legal delivers a website with a range of resources, both by our own staff and commissioned from external providers. The site hosts a daily news and discussion area. It also includes briefings, links by legal area, and discussion lists.

## Outline

- On the spot decisions about monitoring
- Copland and Carmarthenshire College
- Durant v the Financial Services Authority
- JISC Legal - Accessing Staff and Student IT Accounts - Model Policy

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In response to this increased demand for legal information, JISC Legal Information Systems Committee (JISC) funds the Legal Information Service (JISC Legal).

It provides to employers/lawyers the information they need to make decisions, in a timely and cost-effective way. JISC Legal aims to prepare and disseminate information in a timely and cost-effective way. JISC Legal aims to prepare and disseminate information in a timely and cost-effective way.

On the spot decisions about monitoring

# Copland and Carmarthenshire College

## The European Court of Human Rights

"... telephone calls from business premises are prima facie covered by the notions of 'private life' and 'correspondence' for the purposes of article eight, ... It follows logically that emails sent from work should be similarly protected under article eight, as should information derived from the monitoring of personal internet usage."

# Privacy – Data Protection

- Personal data should be used lawfully and fairly - only for reasons directly relevant to the employment of the staff member and only for the purposes for which they were originally collected
- Staff should be informed in advance of any monitoring, and any data collected by such monitoring should not be the only factors in any evaluation process

# Durant v the Financial Services Authority

The Court of Appeal stated that 'personal data' is information that affects a person's privacy, whether in his personal or family life, business or professional capacity.

The Court offered some assistance in determining whether information is information which affects a person's privacy.

- The first is whether the information is **biographical**
- The second concerns **focus**.

# Access to Staff and Student Accounts

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information

# Access to Staff and Student Accounts

- Staff Absence
- Suspected Illegal Behaviour
- Suspected Breach of the University OR College's Regulations
- Suspected Breach of Terms of Contract of Employment

# Law Enforcement Bodies

- Issues of national security
- The prevention and detection of serious crime
- Safeguarding the economic well-being of the UK

# JISC Legal - Model Policy

Institutional Access to Staff and Student IT  
Accounts and IT Equipment -  
<http://www.jisclegal.ac.uk/publicationspage.htm>

# JISC Legal - Model Policy

The institution may access files and communications

- to ensure the operational effectiveness of the service
- to prevent and detect crime
- to establish the existence of facts relevant to the business of the institution
- to investigate or detect unauthorised use of the systems
- to ascertain compliance with regulatory or self-regulatory practices or procedures
- to ascertain or demonstrate standards
- to monitor whether or not communications are relevant to the business of the institution

# General Guidance

- Minimal intrusion
- Confidentiality
- Stored securely
- Disposal
- Authorisation

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[www.jisclegal.ac.uk](http://www.jisclegal.ac.uk)