

Requesting a reference Guidance Document for students and current¹ staff

As part of an application for a job or for a course you may be asked to provide the name, job title and contact details of a referee to confirm your suitability for the role. You may therefore choose to put down a member of staff from the University as an academic or current employer referee. The information disclosed in that reference falls under the definition of personal data in the Data Protection Act 1998. This document is intended to provide guidance about your rights and responsibilities under the Act.

If you would like a member of staff from the University to act as a referee then you should first approach them and ask their permission. By doing this you are giving them consent to share your personal data (in the form of a reference) with a third party (the employer or education provider). If you do not ask permission, then when the referee is contacted for a reference they may feel concerned about their authority to disclose your personal information. Asking your referee's permission also gives you an opportunity to brief them on the requirements of the job or course you are applying for, which may make it easier for them to decide what to include in their reference.

If a member of staff feels unable to write you a reference, because for example they have had limited contact with you, then they will let you know and may suggest a colleague who is more suitable. Alternatively they could provide a purely factual reference, which does not go into your character, but instead just gives details of what your course/job title was, your dates of study/employment, etc.

It is important to note that your referee cannot disclose any sensitive personal information about you to the requester, without first obtaining your explicit written consent. This means that your reference will not contain information about your:

- racial or ethnic origin,
- political opinions,
- religious beliefs or other beliefs of a similar nature,
- membership of a trade union,
- physical or mental health or condition,
- sexual life,
- commission or alleged commission of an offence, or
- any proceedings relating to the commission or alleged commission of an offence.

There may be instances when your referee may feel it would be to your benefit to disclose some of your sensitive information. For example: if the requester asks for information on the number of days you have been absent and your referee knows that this was the result of a medical condition, then explaining that may prevent the employer withdrawing an offer based on a misleading impression of you. In such situations your referee will contact you to get your permission to disclose that information, and will inform you exactly what it is they want to include, the reasons for it and who will be given that information. It is your right to permit or refuse consent as you choose.

¹ **Please note:** If you are a *former* member of staff wishing to receive an employment reference from the University of Lincoln then you should direct your request to the Human Resources Department. They will be able to provide a factual account of your employment: start date, end date, job title, salary, and so forth.

Viewing a copy of the reference

There is an exemption under the Act which means the University may refuse to provide you with a copy of a reference a member of its staff has written about you. However there is no exemption in place to stop you putting in a subject access request to the receiving organisation and gaining a copy of the reference through them. It is recommended good practice to allow you to see what has been written about you, and an organisation cannot withhold the information without justification.

If you would like to see a reference provided about you **for** the University, information about how to make a request is available in the Data Protection Statement on the University's website <http://secretariat.blogs.lincoln.ac.uk/information-compliance/data-protection>.

Sources of Further Advice and Guidance

University Staff

Data Protection

Information Compliance Officer, email: compliance@lincoln.ac.uk

Human Resources

The Human Resources Department, email: hr@lincoln.ac.uk

External Links

Information Commissioner's Office (ICO)

The ICO provides extensive guidance on all aspects of data protection compliance on its website, at <http://www.ico.org.uk>. In particular, if you would like to see the advice given from the perspective of a referee, then you may find the 'Data Protection Good Practice Note: Subject access and employment references' useful https://ico.org.uk/media/for-organisations/documents/2775/references_v1_final.pdf