

General changes

Complete revision to reflect the requirements of the General Data Protection Regulations (GDPR) (Regulation (EU) 2016/679) and the Data Protection Act 2018

DATA PROTECTION POLICY AND PRIVACY STATEMENT

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1 INTRODUCTION

This document is effective from 25 May 2018.

2 POLICY OVERVIEW

- 2.1 The University of Hertfordshire and its subsidiary companies are committed to compliance with data protection legislation. From 25 May 2018, this shall include the EU General Data Protection Regulation (GDPR) (Regulation (EU) 2016/679) and the Data Protection Act 2018, supplementing and enacting the GDPR within the UK. Such legislation is based on specific principles, rights and responsibilities which govern the management and processing of personal data by organisations. The University recognises those principles, rights and responsibilities. This document sets out what the University, its companies, staff and students must do in practice to meet and comply with those principles, rights and responsibilities.

- 2.2 This policy contains information about how the University and its companies will comply with the applicable data protection legislation. Specific topics and procedures can be found at the following places:

Topic:	Section:
Data protection principles	Section 5
Legal bases for processing:	Section 7:
Applicants	Section 7.2
Students and apprentices	Section 7.3
Alumni, donors and supporters	Section 7.4
Staff and job applicants	Section 7.5
Research participants	Section 7.6
Others	Section 7.7
Data Subjects' rights	Appendix II
Subject Access Requests	Appendix III
Data Breach Procedure	Appendix V

3 DEFINITIONS

- 3.1 For the purposes of this document, the following definitions will apply:

3.1.1 **'Personal data':**

The GDPR defines personal data as any information relating to a data subject (Article 4(1) GDPR). This information will relate to a living, identifiable individual and can be held in a form in which it can be, or is being, processed automatically, either on computer systems or structured manual filing systems. Statements of fact or expression of opinion about an individual data subject are also personal data, as is an indication of a data controller's intentions towards a data subject. The definition also includes data held visually in photographs or video clips (including closed circuit television) or audibly, on sound recordings. The GDPR identifies special categories of personal data ("**Sensitive personal data**") for which processing is prohibited – these are data which reveal: racial or ethnic origin; political opinions; religious and philosophical beliefs; trade union membership; genetic data; biometric data (for the purpose of uniquely identifying a natural person, eg fingerprints); data concerning health; and sex life and sexual orientation (Article 9(1) GDPR). Processing of this data is only permitted in the limited circumstances set out in Article 9 GDPR (section 7.1.2 refers). Sensitive personal data does not include personal data relating to criminal offences and convictions, as there are separate and specific safeguards for this type of data contained in Article 10 of the GDPR.

3.1.2 **'Data subject':**

A data subject is the identified or identifiable person to whom personal data relates. A person is identifiable if he or she can be identified, by all reasonably available means, directly or indirectly, in particular by reference to an identifier, such as a name, identification number, location data, an online identifier or by reference to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that person (Article 4(1) GDPR). This may also include where the data subject is identifiable as a result of the context of the information. The rights of data subjects are set out, in detail, in Appendix II.

3.1.3 **'Data processing':**

In effect, this means any activity involving personal data. It is very broadly defined by the GDPR (Article 1(1) GDPR) as carrying out any operation or set of operations on data, including collection; recording; organisation; structuring; storage; adaptation or alteration; retrieval; consultation; use; disclosure by transmission; dissemination or otherwise making available; alignment or combination; restriction (i.e. marking stored data to prevent future processing); erasure; or destruction.

3.1.4 'Data controller':

The person(s) who determine(s) the purposes for, and the manner for, the processing of any personal data which, for the purposes of this document, is the University and/or the relevant subsidiary company (the University and a subsidiary company may be joint data controllers), but could also be a third-party organisation. Most obligations under the GDPR fall on the data controller, who may act alone or jointly with others.

3.1.5 'Data processor':

A natural (individual) or legal (corporate) person, public authority, agency or other body which processes personal data on behalf of a data controller (Article 4(8) GDPR). The GDPR imposes specific and separate duties and obligations on data processors. The University is a data controller and may also be a data processor.

3.1.6 'Data user':

An authorised user of personal data held by the University or one of its subsidiaries, as data controller or data processor (for example, a member of staff of the University or a subsidiary company, or a student of the University).

3.1.7 'Consent'

Any freely given, specific, informed and unambiguous indication of the data subject's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her.

4 RESPONSIBILITIES

4.1 Data Protection Officer

Where data processing is carried out by a public authority or body, that authority or body is required by the GDPR to designate a data protection officer ("DPO"). The Information Commissioner's Office ("ICO") which oversees data protection law in the UK has indicated that a university is a public authority for this purpose, and therefore the University has appointed a DPO for the University and its group of companies. It is the job of the DPO to advise the University and its subsidiary companies on compliance with data protection legislation. **The Data Protection Officer for the University of Hertfordshire group of companies** can be contacted on **01707 285900** or via dataprotection@herts.ac.uk (DPO, Room LB156, Office of the Vice-Chancellor, Main Building, University of Hertfordshire, College Lane, Hatfield, Hertfordshire AL10 9AB).

4.2 Data users

4.2.1 All members of staff of the University and its subsidiary companies, students involved in research work or placements, and other members of the University who record and/or process personal data in any form are responsible for complying with the requirements of data protection legislation. They must comply at all times with the data protection principles set out below (section 5.2, refers) and with the regulations and procedures set out in this document, its appendices, and in any supplementary procedures which may be introduced from time-to-time.

4.2.2 Whenever a new or novel form of processing personal data (such as a new software application) is contemplated, or a project (such as a study) involves the processing of personal data, those concerned must seek advice to ensure that the proposed processing is lawful. For any new form of processing personal data or project involving the processing of personal data, a Data Protection Impact Assessment ("DPIA") must be completed within a reasonable time of the project being proposed and in any case no later than one month before the project goes live (Appendix I, refers). The DPO can advise and assist staff with the completion of DPIAs. All completed DPIAs must be provided to the DPO, so that a central record may be maintained.

- 4.2.3 Students must only obtain and/or use personal data relating to third parties for approved research or other legitimate University-related purposes once they have obtained the express consent of an appropriate member of staff who is responsible for their supervision. In such circumstances the student may also be considered a joint data controller with the University as defined in 3.1.4 above.
- 4.2.4 All data users must be aware that a breach of these regulations is a very serious matter. A breach of data protection legislation, defined as ‘*a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed*’ must be reported to the ICO **within 72 hours** of an organisation becoming aware of the breach. Therefore, a member of staff of the University or its subsidiary companies is required to report any such breach to the DPO immediately, following the Data Breach Procedure set out in Appendix V. The University or its subsidiary companies may be subject to legal proceedings and/or fines (to a maximum of 4% of annual turnover or €20 million) as a result of any breach. It is therefore imperative that staff inform the DPO of any breach as soon as they become aware of it. The DPO (in consultation with senior officers of the University) will liaise with members of staff and, as appropriate, subsidiary companies and inform them of such steps as need to be taken in relation to any breach.
- 4.2.5 All staff of University of Hertfordshire subsidiary companies are expected to comply with this policy, in accordance with the relevant memoranda of understanding between UH Holdings Limited and the relevant subsidiary companies. This applies, in particular to, notification of data breaches; subsidiary staff should immediately notify the DPO of any breaches in accordance with Appendix V.

5 DATA PROTECTION PRINCIPLES

- 5.1 The University and its subsidiary companies are committed to the principles set out in the GDPR which apply to the processing of personal data (Article 5 GDPR). All staff must follow appropriate procedures, processes and mechanisms to ensure that the management and processing of personal data adheres to these principles.
- 5.2 The data protection principles are as follows:
- i **Lawfulness, fairness and transparency** – personal data must be processed lawfully, fairly and in a transparent manner as regards the data subjects (Article 5(1)(a) GDPR);
 - ii **Purpose limitation** – personal data must be collected only for specific, explicit and legitimate purposes. It cannot be processed for any other purposes (Article 5(1)(b) GDPR);
 - iii **Data minimisation** – personal data must be adequate, relevant and limited to what is necessary for the purposes for which it is being processed (Article 5(1)(c) GDPR);
 - iv **Accuracy** – personal data must be accurate and (where necessary) kept up-to-date. Any inaccurate data must be deleted or corrected without delay and where appropriate (for example: the usefulness of research data may be lost if it is amended to reflect a data subject’s current circumstances) (Article 5(1)(d) GDPR);
 - v **Limitation on storage** – personal data must not be kept in a form which could permit the identification of the data subjects for any longer than is necessary for the purposes for which it is being processed (Article 5(1)(e) GDPR);
 - vi **Integrity and confidentiality** – personal data must be processed in a secure manner, which protects it from unlawful processing and/or accidental loss (Article 5(1)(f) GDPR); and
 - vii **Accountability** – the data controller (eg, the University or the relevant subsidiary company) is ultimately responsible for compliance with these principles and must be able to demonstrate that compliance (Article 5(2) GDPR).

- 5.3 To ensure staff compliance with data protection legislation, the University will develop and implement sub-policies and rules which will be published on the University's website as they become available. This will include specific information regarding current data protection legislation and the rights and responsibilities of staff and students under it.

6 DATA SECURITY

- 6.1 Members of staff are responsible for ensuring that all personal data is held securely and that they do not permit unauthorised access to, or disclosure of, data. Staff must therefore ensure the safe-keeping of all structured manual files, hard discs, back-up media, removable storage media, DVDs, laptops, mobile phones, tablets and other device or items of equipment on or in which data are held. Staff should also ensure that any screen or device showing personal data cannot be viewed by unauthorised individuals. Specific information management and security policies support this responsibility¹.

7 LEGAL BASES FOR PROCESSING (PRIVACY STATEMENT)

7.1 General

- 7.1.1 Personal Data may only be processed in the following circumstances, pursuant to Article 6(1) of the GDPR:

- i **With the Data Subject's explicit and informed consent** – An individual has given clear and informed consent to the processing of their Personal Data for a specific, identified purpose. Such consent requires a positive opt-in, by a clear and affirmative act, and the individuals involved must have a genuine choice and be able to opt-out at any time. Consent may only be relied upon where there is no other lawful basis for processing personal data. For the purposes of the EU Privacy and Electronic Communications Regulation, consent is required for all electronic marketing. [Article 6(1)(a) GDPR]
- ii **Where it is necessary for the performance of a contract** – Processing of the personal data is permitted either (a) in order to allow the performance of a contract to which the data subject is a party; or (b) in order to take steps, at the request of the data subject, prior to entering into a contract. [Article 6(1)(b) GDPR]
- iii **Where there is a legal obligation to process Personal Data** – Processing of the personal data is necessary in order that the data controller (this is likely to be the University or one of its subsidiary companies) may comply with a legal obligation, either arising from legislation or the requirements of a regulator or a court of law [Article 6(1)(c) GDPR]. This may include, by way of example, a situation where a professional or regulatory body (such as the Office for Students or the Nursing & Midwifery Council) requires such processing pursuant to their rules.
- iv **Where the processing is in the vital interests of the data subject** – Processing of the personal data is necessary in order to protect the vital interests of the data subject (eg in a medical emergency where the University is asked to hand over a data subject's personal data by a doctor or hospital). [Article 6(1)(d) GDPR]
- v **Where processing is necessary for the performance of a public function** – Processing of the personal data is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the data controller (eg the University). Such public interest or official authority must arise as a matter of EU or Member State law. In the case of the University (which is an exempt charity

UPR IM01 Computer Networks, Security of Information Systems and the Protection of Information Systems from Computer Viruses.
UPR IM02 Information Management Policy
UPR IM03 Information Security Policy
UPR IM11 Records Management and the Archiving and Retention of Prime Documents and Business Records
UPR IM16 Data Management Policy
UPR IM19 Internet, On-Line Communications and Social Media

under English law), its charitable objectives are in the public interest, and the ICO deems the University to be a public authority for the purposes of the GDPR.
[Article 6(1)(e) GDPR]

- vi **Where processing is necessary to meet the legitimate interests of the data controller** – Processing of personal data may be in the University’s, a subsidiary company’s or a third party’s legitimate interests in circumstances where: (a) the University/company has balanced its interests or the interests of a third party with the interests and rights of the data subject; (b) it has properly documented that balancing exercise; (c) it has informed the data subject that it is processing the personal data on that basis (by providing the data subject with a copy of this policy); and (d) the data subject has the right to object to that processing. Broadly speaking, this basis for processing is appropriate in circumstances where the University or subsidiary company wishes to prevent fraud or ensure the security of a network. The interests of the data subject must not override those of the University or subsidiary company, and the data subject must have a reasonable expectation that processing would take place for the specific purpose. As a public authority, the University may not rely on this basis for processing when performing public tasks – it will only apply to non-public, private activities (eg. alumni and fundraising activities). [Article 6(1)(f) GDPR]

7.1.2 Sensitive personal data (or “special category” personal data) is subject to much stronger controls and may only be processed where one or more of the following circumstances applies, pursuant to Article 9(2) of the GDPR:

- i **Explicit consent** – The data subject has given their explicit consent to the processing of the sensitive personal data, except where this is prohibited by English or EU law. [Article 9(2)(a) GDPR]
- ii **Where processing is necessary as a result of legal requirements relating to employment** – Processing of the sensitive personal data is necessary for the purposes of carrying out the obligations or exercising the rights of the data controller or data subject under employment, social security or social protection law or where there is a collective agreement under EU Member State law which provides for appropriate safeguards to protect the rights of the Data Subject. [Article 9(2)(b) GDPR]
- iii **Where the processing is in the vital interests of the data subject** – Processing of the sensitive personal data is necessary in order to protect the vital interests of the data subject or another natural person and they are physically or legally incapable of giving consent (eg in a medical emergency where the University is asked to hand over a data subject’s personal data by a doctor or hospital, and they are unable to give consent for themselves). [Article 9(2)(c) GDPR]
- iv **Where the processing is carried out by a not-for-profit body** – Processing of the sensitive personal data is permitted where it is carried out in the course of the legitimate interests of a not-for-profit body (such as the University) and the processing relates solely to members or former members of that body or to people who have regular contact with it in connection with its purposes, and the sensitive personal data is not disclosed outside that body without the consent of the data subjects. [Article 9(2)(d) GDPR]
- v **Public information** – The data subject has taken deliberate steps to make the relevant sensitive personal data public. [Article 9(2)(e) GDPR]
- vi **Legal claims** – The processing of the sensitive personal data is necessary to establish, exercise or defend legal claims or whenever courts are acting in their judicial capacity. [Article 9(2)(f) GDPR]
- vii **Substantial public interest** – Processing of the sensitive personal data is necessary for reasons of substantial public interest under EU or Member State law (where such processing is proportionate, respects the essence of the right to data protection and provides suitable safeguards for the data subject’s rights). [Article 9(2)(g) GDPR]

- viii **Healthcare** – The processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of an employee, for medical diagnosis, for the provision of health or social care or the treatment or management of health or social care systems and services, subject to the requirements of EU or Member State law and appropriate safeguards. [Article 9(2)(h) GDPR]
- ix **Public health** – The processing is necessary for reasons of public health, such as protection against serious cross-border threats to health or ensuring high standards of quality and safety of healthcare and medicinal products or devices, on the basis of EU or Member State law. [Article 9(2)(i) GDPR]
- x **Archiving** – The processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes, on the basis of EU or Member State law, and appropriate safeguards for the rights of data subjects. [Article 9(2)(j)]

In accordance with the above, the University may seek explicit consent for the processing of sensitive personal data (or criminal offence data), unless an alternative legal basis applies. We may, for instance, process sensitive personal data where processing is necessary for the purposes of performing or exercising obligations or rights which are imposed or conferred by law on the University or on the data subject (in connection with employment, social security or social protection, as set out above); or where it is necessary in the substantial public interest for the exercise of a function conferred on the University (or any of its companies) by an enactment or rule of law (i.e. in the case of DBS checks or where required by a regulator or professional regulatory body) or for equal opportunities monitoring; or where the processing is necessary for archiving purposes in the public interest, for scientific or historical research purposes or statistical purposes, subject to such further safeguards for Data Subjects' rights and interests as are required by law.

- 7.1.3 This policy sets out the legal bases on which the University (and, where appropriate, its subsidiary companies) processes personal data. It should be brought to the attention of any individuals whose personal data may be processed by the University or its group companies as a result of their involvement or connection with the University and those companies. The processing of such personal data may arise in any number of circumstances including, by way of examples only, where a person is accessing information about staff or student services or using a University facility; where they have signed up to attend an event at the University or to receive information about University events and services; or where that person is a prospective student or member of staff.
- 7.1.4 For convenience, this policy has broken down the specific bases for processing personal data into the most likely categories of data subject, as set out below:
 - 7.2 Applicants;
 - 7.3 Students and apprentices;
 - 7.4 Alumni, donors and supporters;
 - 7.5 Staff and job applicants;
 - 7.6 Research participants;
 - 7.7 Other categories (members of the public; subsidiaries; children; etc).
- 7.1.5 No personal data will be kept for longer than is necessary for achieving the purpose for which it was obtained. The University's retention policy (UPR IM11 Records Management and the Archiving and Retention of Prime Documents and Business Records) provides further details on how long personal data will be retained.
- 7.1.6 Personal data will only be shared with internal and external parties where necessary. Information regarding the sharing of personal data can be found in the tables below.
- 7.1.7 Information on how individuals can access the personal data relating to them held by the University is available below at Appendix II - Data Subjects' Rights and Appendix III - Subject Access Request Form.

7.2 **Applicants**

Who processes Personal Data?	What is the purpose of the processing?	What Personal Data is processed?	What is the legal basis for processing?	Who will the Personal Data be shared with?	How is my Personal Data used if I am admitted?
Your personal data will be processed by the University of Hertfordshire Higher Education Corporation ("UH").	Course enquiries: personal data will be used to identify you, process your query, and communicate any response.	UH will process any personal data that you provide as part of your query.	Processing is necessary for the performance of a contract – processing of the personal data will take place in order to take steps, at the request of the data subject, prior to entering into a contract. [Article 6(1)(b) GDPR]	n/a	n/a
	Applications, admissions and clearing: personal data will be used to identify you, process your application, verify information provided, decide whether to offer you a place, and communicate the outcome.	For undergraduates: UH will process the personal data you provide on your UCAS application and any other supporting documents provided by you in support of your application, including references.	Processing is necessary for the performance of a contract – processing of the personal data will take place in order to take steps, at the request of the Data Subject, prior to entering into a contract. [Article 6(1)(b) GDPR]	We may disclose the information provided (as relevant and necessary) for the purpose of preventing or detecting fraud, equal opportunities monitoring, to help us make reasonable adjustments for any disability, to consider any accommodation requirements, to provide statutory returns pursuant to applicable legislation.	Your data will be used as set out below in section 7.3 relating to students and apprentices.

		<p><u>For postgraduates:</u></p> <p>UH will process the personal data you provide in your application and any other supporting documents provided by you in support of your application, including references.</p> <p><u>For apprentices:</u></p> <p>UH will process the personal data which you or your (prospective) employer provide when applying for an apprenticeship and any other supporting documents provided by you in support of your application, including references.</p>		<p>Your data will be shared with a range of providers, as set out at: Third Party Providers</p> <p>We may share your personal data (as relevant and necessary) with your referees, your school/college/other educational organisation, examination boards and awarding bodies, any student support assessment body, any funders or potential funders, the British Council (for international students), UK Visas and Immigration (where relevant), such government organisation as may be required, and other higher education organisations.</p>	
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7.3 Students and Apprentices

Who processes Personal Data?	What is the purpose of the processing?	What Personal Data is processed?	What is the legal basis for processing?	Who will the Personal Data be shared with?
<p>Your personal data will be processed by the University of Hertfordshire Higher Education Corporation (“UH”).</p>	<p>Registration: Registering students at UH. Personal data will be used to identify you, process your registration, and verify information provided.</p>	<p>UH will keep a record of any details provided on your application form and any supporting documents provided as part of admission and any details provided by referees and/or recorded during any admissions processes or queries.</p>	<p>Processing is necessary for the performance of a contract – processing of the personal data is permitted either (a) in order to allow the performance of a contract to which the data subject is a party; or (b) in order to take steps, at the request of the data subject, prior to entering into a contract. [Article 6(1)(b) GDPR]</p>	<p>We may disclose the information provided (as relevant and necessary) for the purpose of preventing or detecting fraud, equal opportunities monitoring, to help us make reasonable adjustments for any disability, to consider any accommodation requirements, to provide statutory returns pursuant to applicable legislation.</p> <p>A full list of the third parties with whom personal data may be shared can be found here: Third Party Providers</p> <p>Where appropriate, data sharing agreements will be put in place to govern the sharing of any personal data by UH.</p> <p>We may share your personal data (as relevant and necessary) with other educational organisations, examination boards and awarding bodies, any student support assessment body, any funders or potential funders, the British Council (for international students), UK Visas and Immigration (where relevant), such government</p>

Who processes Personal Data?	What is the purpose of the processing?	What Personal Data is processed?	What is the legal basis for processing?	Who will the Personal Data be shared with?
				<p>organisation as may be required, and other higher education organisations.</p> <p>Personal data relating to apprentices may be shared with their employers.</p>
	<p><u>Student records, including marks, modules, assessments, results and resits, course fees, attendance, accommodation, off-campus and non-academic activities, and student financial records:</u> Maintenance of records regarding students. Personal data will be used to identify you, and record your attendance, marks, performance on your courses and in assessments and examinations for the purpose of verifying that information and the results that you obtain.</p>	<p>UH will keep a record of your application form and all supporting details, including those provided by UCAS and any referees. We will also maintain records about your studies at UH and your use of the academic and non-academic facilities that we offer. The personal data will include your name, home address, email address, date of birth, course(s) studies, fee payments and information about your examinations, assessments and results.</p>	<p>Processing is necessary for the performance of a contract – processing of the personal data is permitted either (a) in order to allow the performance of a contract to which the data subject is a party; or (b) in order to take steps, at the request of the data subject, prior to entering into a contract. [Article 6(1)(b) GDPR]</p>	<p>As above.</p>

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	<p><u>Student loans:</u> Information about student loans will be held by and shared between the Student Loans Company and UH for the purpose of verifying student identities and settling tuition fees.</p>	<p>Where required to do so in order to support students receiving their student loans, all higher education providers in the UK send data about all of their students to the Student Loan Company. This may include details of the students' name, home address, date of birth, course(s) studies, fees and other personal data that may identify them.</p>	<p>Processing is necessary for the performance of a contract – processing of the personal data is permitted either (a) in order to allow the performance of a contract to which the data subject is a party; or (b) in order to take steps, at the request of the Data Subject, prior to entering into a contract. [Article 6(1)(b) GDPR]</p>	<p>UH and the Student Loans Company will share your personal data.</p> <p>Where appropriate, data sharing agreements will be put in place to govern the sharing of any personal data by UH.</p>
	<p><u>Regulatory returns (HESA, HEFCE/OfS, ESFA, HEE, etc):</u> The University is required to submit certain statistical returns to government and regulatory agencies, by law. These returns may include certain elements of students' personal data.</p>	<p>All higher education providers in the UK send data about all of their students to HESA, HEFCE/OfS and other agencies. This may include your name, home address, date of birth, course(s) studies, fee payments and information about your examinations, assessments and results, and other personal data that may identify you.</p>	<p>There is a legal obligation to process personal data – processing of the personal data is necessary in order that the University may comply with a legal obligation, either arising from legislation or the requirements of a regulator or a court of law. [Article 6(1)(c) GDPR]</p>	<p>The data is shared with HESA, HEFCE/OfS, ESFA and other government and regulatory agencies who require the disclosure of such information for the purpose of overseeing higher education institutions in the UK.</p>

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	<p><u>Awards ceremonies; certificates and official letters:</u> The University will process personal data to identify you, and your results and to facilitate attendance at award ceremonies, production of relevant certificates and any official letters relating to your membership of the University.</p>	<p>The personal data processed will include data which identifies you and information about your results and the class of your degree, and any other relevant information about your awards and achievements whilst a member of the University and participating in its courses.</p>	<p>Processing is necessary for the performance of a public function. Processing of the personal data is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the University. [Article 6(1)(e) GDPR]</p>	<p>Information about your degree and achievements at the University may be shared with potential employers, professional regulatory bodies or other third parties, where proof of your qualifications is required. However, we would seek your consent before sharing any such information held by the University, unless required to disclose such information by law.</p>
	<p><u>Careers/Destinations:</u> The University is required to disclose information about the future careers and destinations of its graduates as part of the regulatory framework within which the University operates.</p>	<p>Information about your career on leaving the University, which you disclose to us, will be shared with relevant governmental and regulatory authorities as part of their oversight of the higher education sector.</p>	<p>There is a legal obligation to process Personal Data – Processing of the personal data is necessary in order that the University may comply with a legal obligation, either arising from legislation or the requirements of a regulator or a court of law. [Article 6(1)(c) GDPR]</p>	<p>Personal data will be shared with regulatory and governmental authorities, such as HESA, to allow them to assess the employability of UH graduates.</p>

Who processes Personal Data?	What is the purpose of the processing?	What Personal Data is processed?	What is the legal basis for processing?	Who will the Personal Data be shared with?
	<p><u>Hardship funding; bursaries and scholarships:</u> The University will process personal data about applicants for bursaries, scholarships and hardship funds in order to identify those best suited to receive such funding.</p>	<p>In order to identify the most appropriate recipients of hardship funds, bursaries and scholarships (where these are based on financial circumstances), the University may process personal data which identifies you and which describes your personal financial circumstances (including income and sources of funding).</p>	<p>Processing is necessary for the performance of a public function. Processing of the personal data is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the University. [Article 6(1)(e) GDPR]</p>	<p>Where funding for bursaries or scholarships is provided by external third parties, we may share details of the participants of such awards with the sponsors, where requested.</p>
	<p><u>References:</u> Where requested to do so, the University may process personal data in order to provide references and evidence of qualifications to employers and/or other educational institutions.</p>	<p>The University may process personal data which identifies you and which relates to the qualifications that you have gained during your time at the University.</p>	<p>Processing is necessary for the performance of a public function. processing of the personal data is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the University. [Article 6(1)(e) GDPR]</p> <p>and/or</p> <p>Processing is necessary to meet the legitimate interests of the data controller and or a third party – processing of personal data is in a third party's legitimate interests. [Article 6(1)(f) GDPR]</p>	<p>Personal data will be shared, on request, with the relevant third-party employers and/or other educational institutions seeking such information.</p>

Who processes Personal Data?	What is the purpose of the processing?	What Personal Data is processed?	What is the legal basis for processing?	Who will the Personal Data be shared with?
	<p><u>Council Tax eligibility:</u> From time to time, the University may share personal data with local authorities in order to establish student exemption from Council Tax.</p>	<p>The University may process personal data which identifies you and which gives information about your status as a full-time student eligible for exemption from Council Tax.</p>	<p>Processing is necessary for the performance of a public function. processing of the personal data is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the University. [Article 6(1)(e) GDPR]</p> <p>and/or</p> <p>Processing is necessary to meet the legitimate interests of the data controller and or a third party – processing of personal data is in a third party's legitimate interests. [Article 6(1)(f) GDPR]</p>	<p>Personal data may be shared with local authorities responsible for Council Tax and any agencies employed by local authorities in relation to the collection of such tax.</p>
	<p><u>Health, Safety and Workplace Wellbeing:</u> The University may process personal data to ensure that it meets health and safety requirements and/or equality legislation, and ensures a safe environment for students.</p>	<p>The University may process personal data identifying students and their individual needs and health. This could include personal data relating to reasonable adjustments. Where this is Sensitive personal data, it will be treated as set out below.</p>	<p>There is a legal obligation to process personal data – processing of the personal data is necessary in order that the University may comply with a legal obligation, either arising from legislation or the requirements of a regulator or a court of law. [Article 6(1)(c) GDPR]</p>	<p>Personal data may be shared with occupational health and healthcare/social care professionals, subject to appropriate safeguards (as set out below) in relation to any sensitive personal data.</p>

Who processes Personal Data?	What is the purpose of the processing?	What Personal Data is processed?	What is the legal basis for processing?	Who will the Personal Data be shared with?
	<p>Professional bodies: Certain courses offered by the University are accredited by external professional bodies. Such bodies may require that the University processes personal data about students on those courses in order to demonstrate that they have met criteria set by those bodies.</p>	<p>The University may keep and process records about your studies at UH and information about your examinations, assessments and results. The University may also record information about your professional conduct and ability to meet criteria and aptitudes.</p>	<p>Processing is necessary for the performance of a contract – processing of the personal data is permitted either (a) in order to allow the performance of a contract to which the data subject is a party; or (b) in order to take steps, at the request of the data subject, prior to entering into a contract. [Article 6(1)(b) GDPR]</p>	<p>Personal data may be shared with such professional bodies, as required by their regulations.</p> <p>Where appropriate, data sharing agreements will be put in place to govern the sharing of any personal data by UH.</p>
	<p>Placements: The University may process personal data in order to provide information to employers and potential employers about students in the context of securing work placements and in relation to their performance on such placements.</p>	<p>The University may process personal data which identifies you and which provides appropriate and relevant information to placement providers about your suitability for appropriate placements.</p>	<p>Processing is necessary for the performance of a contract – processing of the personal data is permitted either (a) in order to allow the performance of a contract to which the data subject is a party; or (b) in order to take steps, at the request of the data subject, prior to entering into a contract. [Article 6(1)(b) GDPR]</p>	<p>Personal data will be shared with actual and potential placement providers.</p>

Who processes Personal Data?	What is the purpose of the processing?	What Personal Data is processed?	What is the legal basis for processing?	Who will the Personal Data be shared with?
	<p><u>Educational partnerships:</u> The University works with a wide range of domestic and international educational partners and shares information with them in order to allow students to undertake studies with such partners, as part of exchange arrangements or in order to achieve awards of those institutions or UH.</p>	<p>The University may process personal data which identifies you and which provides appropriate and relevant information to educational partners about your suitability for appropriate courses or studies. This may include details of your studies at UH including information about your examinations, assessments and results.</p>	<p>Processing is necessary for the performance of a contract – processing of the personal data is permitted either (a) in order to allow the performance of a contract to which the data subject is a party; or (b) in order to take steps, at the request of the data subject, prior to entering into a contract. [Article 6(1)(b) GDPR]</p>	<p>Personal data will be shared with such educational partners as you may apply to, or actually, study with, as part of your time with the University.</p> <p>Where appropriate, data sharing agreements will be put in place to govern the sharing of any personal data by UH.</p>
	<p><u>Apprentices:</u> As with all students (see the rest of this section), apprentices' personal details may be processed in order to identify them and record their attendance, marks and results. Their personal data may also be processed in order to provide information to external bodies, including employers, the ESFA and appropriate professional bodies.</p>	<p>UH will keep a record of your application form and all supporting details, including those provided by UCAS and any referees. We will also maintain records about your studies at UH and your use of the academic and non-academic facilities that we offer. The personal data will include your name, home address, date of birth, course(s) studies, fee payments and information about your examinations, assessments and results. The University may also process personal data about your role with your employer and any information relevant to endpoint assessment.</p>	<p>Processing is necessary for the performance of a contract – processing of the personal data is permitted either (a) in order to allow the performance of a contract to which the data subject is a party; or (b) in order to take steps, at the request of the data subject, prior to entering into a contract. [Article 6(1)(b) GDPR]</p>	<p>Apprentice personal data may be shared with employers, placement providers, the ESFA, and relevant professional bodies.</p> <p>We may also share your personal data (as relevant and necessary) with other educational organisations, examination boards and awarding bodies, placement providers, employers, any student support assessment body, and any funders or potential funders.</p>

Who processes Personal Data?	What is the purpose of the processing?	What Personal Data is processed?	What is the legal basis for processing?	Who will the Personal Data be shared with?
	<p><u>Surveys & questionnaires:</u> From time to time, the University may circulate internal and external surveys and questionnaires in order to assess its own performance and practices and ensure that it is meeting its obligation to deliver a high quality academic experience to its students.</p>	<p>The University may process any personal data included in survey results, which may include student opinions on the quality of the teaching experience (and therefore possibly personal data relating to and identifying staff and students).</p>	<p>There is a legal obligation to process Personal Data – Processing of the Personal Data is necessary in order that the University may comply with a legal obligation, either arising from legislation or the requirements of a regulator or a court of law. [Article 6(1)(c) GDPR]</p>	<p>Personal data will not be shared externally, but may be shared with senior members of staff responsible for teaching quality. Where necessary, such data shall be anonymised in order that personal data is protected.</p>
	<p><u>Disciplinary proceedings and complaints:</u> The University may need to follow processes in relation to student discipline, complaints and grievances, and this may involve the processing of personal data which identifies students.</p>	<p>The University may process information which identifies you, which refers to your status at the University, and includes information relating to any disciplinary issues, complaints or grievances.</p>	<p>Processing is necessary for the performance of a contract – processing of the personal data is permitted either (a) in order to allow the performance of a contract to which the data subject is a party; or (b) in order to take steps, at the request of the data subject, prior to entering into a contract. [Article 6(1)(b) GDPR]</p>	<p>Personal data will not be shared with external third parties, unless there is a regulatory or legal need to do so (i.e. as a result of legal proceedings or legal requirements) Where proceedings involve the OIA or a court or tribunal, then personal data may be processed as part of such proceedings.</p>
	<p><u>Sensitive Personal Data:</u> It may be necessary for UH to process sensitive personal data (or “special category” personal data) about you.</p>	<p>Sensitive personal data that may be processed will include information about your ethnicity, sexual orientation, religious beliefs, health or disabilities. This will be processed for planning and monitoring purposes or in order to provide care or help make suitable reasonable adjustments.</p>	<p>Access to and the sharing of sensitive personal data will be very strictly controlled and such sensitive personal data will be handled very carefully and sensitively and only where one of the conditions set out in 7.1.2 above relating to Article 9 (2) GDPR is met.</p>	<p>Access to and the sharing of sensitive personal data will be very strictly controlled and such sensitive personal data will be handled very carefully and sensitively.</p> <p>You will be given full information about our use of any such sensitive personal data at the time that it is requested and prior to any sharing of such data.</p>

Who processes Personal Data?	What is the purpose of the processing?	What Personal Data is processed?	What is the legal basis for processing?	Who will the Personal Data be shared with?
		For certain courses, other sensitive personal data may be processed such as information about past criminal convictions, work with children or vulnerable adults, and your fitness to practise in certain regulated professions.	You will be given full information about our use of any such sensitive personal data at the time that it is requested and prior to any sharing of such data.	

7.4 Alumni, Donors and Supporters

Who processes Personal Data?	What is the purpose of the processing?	What Personal Data is processed?	What is the legal basis for processing?	Who will the Personal Data be shared with?
<p>Your personal data will be processed by the University of Hertfordshire Higher Education Corporation ("UH").</p>	<p>Data held on alumni: Personal data will be held for a number of related purposes in support of and to facilitate alumni relations, supporter communications and fundraising.</p>	<p>We may hold information relating to you which derives from a number of different sources. The majority of the information we hold on alumni is information which you provide to us (for example, you may give us information by filling in forms on the University's website, or by contacting us by telephone, email or otherwise). If you are a student or studied at the University, some of your personal data is transferred from your student record to the University's Development and Alumni database (known as "Raiser's Edge"). We also attend graduation and awards ceremonies and collect information from you in person at such events. The data may contain personal details which you have disclosed to us or information from publicly available sources.</p>	<p>Processing is necessary to meet the legitimate interests of the data controller – Processing of personal data is in the University's legitimate interests. [Article 6(1)(f) GDPR]</p>	<p>We share certain of the above categories of data with a mailing house once a year only for the specific purposes of printing and circulating the annual alumni magazine. Any transmission of data to or from the mailing house is managed through appropriate processes (eg subject to an appropriate data sharing agreement) which comply with the GDPR. The University may share personal data with other data processors where it regards such sharing to be in its legitimate interests.</p>

Who processes Personal Data?	What is the purpose of the processing?	What Personal Data is processed?	What is the legal basis for processing?	Who will the Personal Data be shared with?
	<p><u>Marketing and updates to alumni via post:</u> We will process your personal data in order to send you details of events and other information of interest to you by post, including sending you publications (eg alumni magazines and updates about the University).</p>	<p>In order to post information to you, we will process details of your name, address and other identifying data. We may also use the services of a mailing house to assist us with this process.</p>	<p>As above.</p>	<p>As above.</p>
	<p><u>Marketing and updates to alumni via telephone and electronic means:</u> We will process your personal data in order to transmit to you details of events and other information of interest to you by telephone and electronic means, including:</p> <ul style="list-style-type: none"> • conducting surveys; • providing services, including access to University facilities; • sending you tailored proposals, appeals and requests for donations; • sending you details of volunteering opportunities; • inviting you to alumni and other University events; • the promotion of other opportunities and services available to you (eg offers and opportunities available through the University's network of alumni groups); • wealth analysis and research in order to improve our understanding of our alumni and supporters, inform our fundraising strategy, target our communications more effectively, and maintain good practice; • internal record keeping, including the management of any feedback or complaints; and 	<p>In order to transmit information to you, we will process details of your name, address and other identifying data (eg email address and telephone number). We may also use the services of a mailing house to assist us with this process.</p>	<p>In line with the requirements of the Privacy and Electronic Communications Regulations 2003 (“PECR”), we will only contact you by telephone or via electronic means where we have your explicit permission to do so. Processing is permitted with the data subject’s explicit and informed consent where an individual has given clear and informed consent to the processing of their personal data for this specific, identified purpose. For the purposes of PECR, consent is required for all electronic marketing. [Article 6(1)(a) GDPR].</p>	<p>As above.</p>

Who processes Personal Data?	What is the purpose of the processing?	What Personal Data is processed?	What is the legal basis for processing?	Who will the Personal Data be shared with?
	<ul style="list-style-type: none"> administrative purposes (eg in order to process a donation you have made or to administer an event you have registered for or attended). 			
	<p><u>Data held on donors and supporters:</u> Personal data will be used for a number of related purposes in support of and to facilitate relations, supporter communications and fundraising.</p>	<p>We may hold information relating to you which derives from a number of different sources. The majority of the information we hold is information which you provide to us (for example, you may give us information by filling in forms on the University's website, or by contacting us by telephone, email or otherwise). The data may contain personal details which you have disclosed to us or information from publicly available sources.</p>	<p>Processing is necessary to meet the legitimate interests of the data controller – Processing of personal data is in the University's legitimate interests. [Article 6(1)(f) GDPR]</p>	<p>We do not share donors'/supporters' personal data with third parties unless we have your explicit consent to do so.</p>
	<p><u>Marketing and updates to donors and supporters via post:</u> We will process your personal data in order to send you details of events and other information of interest to you by post, including sending you publications and updates about the University.</p>	<p>In order to post information to you, we will process details of your name, address and other identifying data.</p>	<p>As above.</p>	<p>As above.</p>

Who processes Personal Data?	What is the purpose of the processing?	What Personal Data is processed?	What is the legal basis for processing?	Who will the Personal Data be shared with?
	<p><u>Marketing and updates to donors and supporters via telephone and electronic means:</u> We will process your personal data in order to transmit to you details of events and other information of interest to you by telephone and electronic means, including:</p> <ul style="list-style-type: none"> • sending publications; • conducting surveys; • providing services, including access to University facilities; • sending you tailored proposals, appeals and requests for donations; • inviting you to alumni and other University events; • the promotion of other opportunities and services available to you (eg offers and opportunities available through the University's network of alumni groups); • wealth analysis and research in order to improve our understanding of our alumni and supporters, inform our fundraising strategy, target our communications more effectively, and maintain good practice; • internal record keeping, including the management of any feedback or complaints; and • administrative purposes (eg in order to process a donation you have made or to administer an event you have registered for or attended). 	<p>In order to transmit information to you, we will process details of your name, address and other identifying data (eg email address and telephone number).</p>	<p>In line with the requirements of the Privacy and Electronic Communications Regulations 2003 (“PECR”), we will only contact you by telephone or via electronic means where we have your explicit permission to do so. Processing is permitted with the data subject’s explicit and informed consent where an individual has given clear and informed consent to the processing of their personal data for this specific, identified purpose. For the purposes of PECR, consent is required for all electronic marketing. [Article 6(1)(a) GDPR].</p>	<p>As above.</p>

Who processes Personal Data?	What is the purpose of the processing?	What Personal Data is processed?	What is the legal basis for processing?	Who will the Personal Data be shared with?
	<p><u>Data held on general public, those attending, and those who have registered interest in, University events/updates/information:</u> Personal data will be used for a number of related purposes in support of and to facilitate relations, communications and fundraising.</p>	<p>We may hold information relating to you which derives from a number of different sources. The majority of the information we hold is information which you provide to us (for example, you may give us information by filling in forms on the University's website, or by contacting us by telephone, email or otherwise). The data may contain personal details which you have disclosed to us or information from publicly available sources.</p>	<p>Processing is necessary to meet the legitimate interests of the data controller – Processing of personal data is in the University's legitimate interests. [Article 6(1)(f) GDPR]</p>	<p>We do not share your personal data with third parties unless we have your explicit consent to do so.</p>
	<p><u>Marketing and updates on University events via post:</u> We will process your personal data in order to send you details of events and other information of interest to you by post, including sending you publications and updates about the University.</p>	<p>In order to post information to you, we will process details of your name, address and other identifying data.</p>	<p>As above.</p>	<p>As above.</p>

Who processes Personal Data?	What is the purpose of the processing?	What Personal Data is processed?	What is the legal basis for processing?	Who will the Personal Data be shared with?
	<p><u>Marketing and updates on University events via telephone and electronic means:</u> We will process your personal data in order to transmit to you details of events and other information of interest to you by telephone and electronic means, including:</p> <ul style="list-style-type: none"> • sending publications; • conducting surveys; • providing services, including access to University facilities; • sending you tailored proposals, appeals and requests for donations; • inviting you to University events; • the promotion of other opportunities and services available to you (eg offers and opportunities available through the University's network of alumni groups); • internal record keeping, including the management of any feedback or complaints; and administrative purposes 	<p>In order to transmit information to you, we will process details of your name, address and other identifying data (eg email address and telephone number).</p>	<p>In line with the requirements of the Privacy and Electronic Communications Regulations 2003 (“PECR”), we will only contact you by telephone or via electronic means where we have your explicit permission to do so. Processing is permitted with the data subject’s explicit and informed consent where an individual has given clear and informed consent to the processing of their personal data for this specific, identified purpose. For the purposes of PECR, consent is required for all electronic marketing. [Article 6(1)(a) GDPR].</p>	<p>As above.</p>

7.5 Staff and Job Applicants

Who processes Personal Data?	What is the purpose of the processing?	What Personal Data is processed?	What is the legal basis for processing?	Who will the Personal Data be shared with?
<p>Your personal data will be processed by the University of Hertfordshire Higher Education Corporation (“UH”).</p>	<p><u>Job applications:</u> The University will process the personal information provided in your application and any other information provided by you for the purposes of identifying you, processing your application, verifying the information provided and assessing your suitability for the role (including any relevant right to work checks – see below), deciding whether to offer you a job, and communicating that outcome (with any feedback).</p> <p><u>Staff records:</u> The University processes staff personal data for a variety of reasons and purposes, including: to assess staff suitability for a role; to support any reasonable adjustments; to monitor and evaluate staff activities; to administer payroll, remuneration, pension contributions and other employment functions; for security purposes; to deliver facilities, services and benefits; to</p>	<p>The University will use the details you provide on your application form, together with the supporting documents requested and additional details provided by any referees and recorded following any interview process.</p> <p>The University will keep a record of the details you provided on your application form, any supporting information and additional details provided by any referees and recorded following any interview process. The University maintains administrative and financial records about staff employment at the University, which include personal data.</p>	<p>Processing is necessary for the performance of a contract – processing of the personal data is permitted either (a) in order to allow the performance of a contract to which the data subject is a party; or (b) in order to take steps, at the request of the data subject, prior to entering into a contract. [Article 6(1)(b) GDPR]</p> <p>As above, where the University is under a contractual obligation to process information for a third party organisation, and/or where processing is necessary to meet the legitimate interests of a recognised Trade Union – [Article 6(1)(f) GDPR]</p>	<p>We may share your personal data with your referees, the UKVI and/or the DBS (where appropriate), certain NHS organisation with which we work, and any companies or organisations providing specific services to the University, including the University’s own subsidiary companies.</p> <p>As above, where the University is under a contractual obligation to share information with a third party organisation (such as a funding body or accrediting body) and where staff members are also members of a recognised Trade Union the University may also share information with the member of staff’s Trade Union to facilitate their membership. Staff members’ work contact details are searchable (by staff name) via the University website.</p>

Who processes Personal Data?	What is the purpose of the processing?	What Personal Data is processed?	What is the legal basis for processing?	Who will the Personal Data be shared with?
	<p>communicate with staff; to support staff training; to compile statistics and conduct surveys; to monitor staff in accordance with legislation; and to contact others in emergencies. Where a post is funded or supported (in whole or part) by a third party organisation (such as a funding body) or such an organisation has an interest in the performance of the research or where a course is externally accredited, the University may be obliged to share certain relevant information about the staff involved with that third party. Where staff members are also members of a recognised Trade Union the University may also share information with the member of staff's Trade Union to facilitate their membership.</p>			

Who processes Personal Data?	What is the purpose of the processing?	What Personal Data is processed?	What is the legal basis for processing?	Who will the Personal Data be shared with?
	<p><u>Health, Safety and Workplace Wellbeing:</u> The University may need to process staff personal data in order to meet health and safety requirements and/or equality legislation.</p>	<p>The University maintains administrative and financial records about staff employment at the University, which include personal data. This could include personal data relating to any reasonable adjustments needed for staff to carry out their role. Where this is Sensitive Personal Data, it will be treated as set out below.</p>	<p>There is a legal obligation to process personal data – processing of the personal data is necessary in order that the University may comply with a legal obligation, either arising from legislation or the requirements of a regulator or a court of law. [Article 6(1)(c) GDPR]</p>	<p>Personal data may be shared with occupational health and healthcare professionals, subject to appropriate safeguards (as set out below) in relation to any sensitive personal data.</p>
	<p><u>Surveys & questionnaires, including MFQs:</u> The University is under a regulatory obligation to ensure that it delivers a high quality academic experience to its students. Surveys and questionnaires are used to check students’ opinion and views on courses and the quality of the teaching and learning experience.</p>	<p>The University may process any personal data included in survey results, which may include student opinions on the quality of the teaching experience (and therefore possibly personal data relating to and identifying staff).</p>	<p>There is a legal obligation to process personal data – processing of the personal data is necessary in order that the University may comply with a legal obligation, either arising from legislation or the requirements of a regulator or a court of law. [Article 6(1)(c) GDPR]</p>	<p>Personal data will not be shared externally, but may be shared with senior members of staff responsible for teaching quality. Where necessary, such data shall be anonymised in order that personal data is protected.</p>
	<p><u>Discipline, Complaints & Grievances:</u> The University may need to follow processes in relation to staff discipline, complaints and grievances, and this may involve the processing of personal data which identifies staff.</p>	<p>The University may process information which identifies you, which refers to your job or role, and information relating to any disciplinary issues, complaints or grievances.</p>	<p>Processing is necessary for the performance of a contract – processing of the personal data is permitted either (a) in order to allow the performance of a contract to which the data subject is a party; or (b) in order to take steps, at the request of the data subject, prior to entering into a contract. [Article 6(1)(b) GDPR]</p>	<p>Personal data will not be shared with external third parties, unless there is a legal need to do so (i.e. as a result of legal proceedings or legal requirements). Where proceedings involve a court or tribunal, then personal data may be processed as part of such proceedings.</p>

Who processes Personal Data?	What is the purpose of the processing?	What Personal Data is processed?	What is the legal basis for processing?	Who will the Personal Data be shared with?
	<p>References: Where requested to do so, the University may provide references to other employers regarding your time of employment at the University.</p>	<p>In order to respond to requests for references, the University may process personal data which identifies you and which refers to your time at the University and the role that you performed.</p>	<p>Processing is necessary for the performance of a contract – processing of the personal data is permitted either (a) in order to allow the performance of a contract to which the data subject is a party; or (b) in order to take steps, at the request of the Data Subject, prior to entering into a contract. [Article 6(1)(b) GDPR]</p> <p>And/or;</p> <p>Processing is necessary to meet the legitimate interests of the data controller and or a third party – processing of personal data is in a third party's legitimate interests. [Article 6(1)(f) GDPR]</p>	<p>Personal data will be shared with third-party employers requesting such references.</p>

Who processes Personal Data?	What is the purpose of the processing?	What Personal Data is processed?	What is the legal basis for processing?	Who will the Personal Data be shared with?
	<p><u>Sensitive personal data:</u> It may be necessary for UH to process sensitive personal data (or “special category” personal data) about you.</p>	<p>Sensitive personal data that may be processed will include information about your ethnicity, sexual orientation, religious beliefs, health or disabilities. This will be processed for planning and monitoring purposes or in order to provide care or help make suitable reasonable adjustments.</p> <p>For certain roles or courses, other Sensitive personal data may be processed such as information about past criminal convictions, work with children or vulnerable adults, and your fitness to practise in certain regulated professions.</p>	<p>Access to and the sharing of sensitive personal data will be very strictly controlled and such sensitive personal data will be handled very carefully and sensitively and only where one of the conditions set out in 7.1.2 above relating to Article 9 (2) GDPR is met. The main basis for processing such data in relation to staff will be that processing is necessary as a result of legal requirements relating to employment law. [Article 9(2)(b) GDPR]</p> <p>You will be given full information about our use of any such sensitive personal data at the time that it is requested and prior to any sharing of such data.</p>	<p>Access to and the sharing of sensitive personal data will be very strictly controlled and such Sensitive personal data will be handled very carefully and sensitively.</p> <p>You will be given full information about our use of any such sensitive personal data at the time that it is requested and prior to any sharing of such data.</p>

7.6 **Research Participants**

7.6.1 **General position**

Under the terms of the GDPR and other relevant data protection legislation, the legal basis for the processing of personal data used in research is determined by the type of organisation involved in that research:

- Where research is undertaken by a university (or an NHS organisation or Research Council), the legal basis for the processing of personal data is that processing is necessary for the performance of a public function and carried out in the public interest [Article 6(1)(e) GDPR].
- Where research is carried out for commercial companies or charitable research organisations, the processing of personal data for that research will be necessary to meet the legitimate interests of the data controller [Article 6(1)(f) GDPR].

- Where any research is carried out using sensitive personal information, the University will ensure the processing is necessary for: archiving purposes in the public interest, scientific or historical research purposes or statistical purposes, on the basis of EU or Member State law, and appropriate safeguards for the rights of data subjects will be established. [Article 9(2)(j)].

7.6.2 **NHS position**

Despite the position under the GDPR and other data protection legislation, the NHS has determined that consent is still needed to access and use confidential patient information for research.

7.6.3 **Ethics considerations**

Irrespective of the specific legal basis for processing personal data as part of research, the University expects compliance with all ethical requirements and procedures relating to studies involving the use of human participants².

7.7 **Other categories**

7.7.1 **Members of the public / events management**

- i Where members of the public have provided personal data, it will be as a result of attending events and/or registering to be kept up-to-date in relation to events, courses, and other information published by the University. This will equally apply to applicants, alumni and other persons connected with the University, who have provided their details in order to be invited to and kept up-to-date with such University events and information, as well as potential applicants attending Open Days and other recruitment events (including events outside the University campuses).
- ii The legal bases for processing personal data provided by these individuals will therefore be as set out in section 7.4 above, in relation to alumni, donors and other supporters, as all such marketing and other processing will be handled in the same way.

7.7.2 **Children**

- i The University will only process the personal data of children under the age of 16 in relation to certain specific activities, such as:
 - A For the purpose of running the University's on-site nursery;
 - B To support access and widening participation activities with schools;
 - C To allow children to make use of the Hertfordshire Sports Village (through Polyfield Property Limited); and
 - D Where children attend the University for other purposes, such as summer schools, language colleges, and other courses.

² Appendix III of UPR IM16 Data Management Policy - University Guide to Research Data Management
UPR RE03 Research
UPR AS10 Research Degrees - Generic Institutional Regulations
UPR RE02 Research Misconduct
UPR RE05 Research Studentships

- ii The legal basis for processing children’s personal data, where they attend the nursery, make use of the Hertfordshire Sports Village or attend summer schools or courses hosted at the University will be contractual - processing of their personal data is permitted either (a) in order to allow the performance of a contract to which the data subject is a party; or (b) in order to take steps, at the request of the data subject, prior to entering into a contract. [Article 6(1)(b) GDPR].
- iii Where there is not an appropriate contract in place governing the basis for the processing of personal data, then consent will be sought for the processing of children’s personal data, either from the children themselves or from their parents, as appropriate. Thus, the legal basis for processing will be that each individual has given clear and informed consent to the processing of their personal data for a specific, identified purpose. Such consent requires a positive opt-in, by a clear and affirmative act, and the individuals involved must have a genuine choice and be able to opt-out at any time [Article 6(1)(a) GDPR].
- iv The University will afford children additional special protection when processing their personal data, in accordance with ICO guidance and safeguarding rules. Clear information about data protection shall be made available in circumstances where children’s personal data may be processed by the University.
- v If the University relies on consent as the lawful basis for processing a child’s personal data, when offering an online service directly to a child, children aged 13 or over (in the UK only) will be able to provide their own consent.

7.7.3 Subsidiary companies

- i Subsidiary companies are expected to follow and apply this policy, where appropriate. Where those companies process personal data, they shall establish the legal bases on which such personal data is processed, and ensure that appropriate privacy statements are made available to relevant data subjects.
- ii The University may share personal data with its subsidiary companies. This will be done on the basis that processing is necessary for the performance of a contract – processing of the personal data is permitted either (a) in order to allow the performance of a contract to which the data subject is a party; or (b) in order to take steps, at the request of the data subject, prior to entering into a contract. [Article 6(1)(b) GDPR].
- iii Subsidiary companies shall refer all correspondence with the ICO to the University’s DPO, who shall advise subsidiary companies in relation to all dealings with the ICO. Any data breach at a subsidiary company must be referred to the University’s DPO immediately, and subsidiary companies should act in accordance with the DPO’s instructions.
- iv Details of the University’s wholly-owned subsidiaries may be found here: <https://www.herts.ac.uk/about-us/governance/structure-and-administration>

7.7.4 **Members of the University**

- i Pursuant to UPR GV06 (Membership of the University), the University recognises various categories of membership for a range of individuals. For the avoidance of doubt, where members of the University are University staff or University students, their personal data will be processed, stored and shared as set out elsewhere in this policy, and according to the legal bases set out elsewhere in this policy. Where members of the University are not staff or students, their personal data will be handled as follows:
- ii *Governors of the University* – the personal data of this category of member will be handled in the same way as that of staff. The legal basis for processing such data will be that processing is necessary for the performance of a public function: processing of the personal data is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the data controller (eg the University) [Article 6(1)(e) GDPR].
- iii *Members of the University Court* – the personal data of this category of member will be handled in the same way as that of staff. The legal basis for processing such data will be that processing is necessary to meet the legitimate interests of the data controller [Article 6(1)(f) GDPR].
- iv *Visiting Professors and External Examiners* – the personal data of this category of member will be handled in the same way as that of staff. The legal basis for processing such data will be that processing is necessary for the performance of a public function: processing of the personal data is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the data controller (eg the University) [Article 6(1)(e) GDPR].
- v *Visiting students from other universities and educational institutions* – the personal data of this category of member will be handled in the same way as that of students. The legal basis for processing such data will be that it is necessary for the performance of a contract: processing of the personal data is permitted either (a) in order to allow the performance of a contract to which the data subject is a party; or (b) in order to take steps, at the request of the data subject, prior to entering into a contract. [Article 6(1)(b) GDPR].
- vi *Other categories of membership* – the legal basis for processing personal data of other categories of member will be decided and communicated to such members as and when necessary and appropriate.

7.8 **Notes applicable to all categories**

7.8.1 **Medical emergencies:**

Please note that, in relation to all categories of data subject, in circumstances where there is a medical emergency and we are requested to release personal data as it is in the interest of the data subject to do so, then the University's legal basis for doing so will be that processing is necessary to protect the the vital interests of the data subject [Article 6(1)(d) GDPR].

7.8.2 **Criminal records and DBS checks:**

For certain roles (staff and student), the University is required to carry out criminal records and Disclosure and Barring Service (DBS) checks. Such checks may include: a Disclosure and Barring Service (DBS) check, a basic disclosure (criminal records) check, Enhanced DBS Check, security checks, any application for immigration purposes including where a Certificate of Sponsorship through UK Visas and Immigration (UKVI) is required, and similar processes that will only affect certain applicants, as a result of the type of post for which they are applying or because of their individual status. If any of these checks applies to an applicant, the University will make this clear at the relevant point in the process.

The University will only use information gathered as part of any relevant check for the specific purpose for which it has sought that information, and we will handle, store, retain and destroy relevant materials in accordance with applicable legislation and codes of practice. This means that access to any relevant materials (including any forms completed by the University) is strictly controlled, and they are retained for no longer than strictly necessary to fulfil the purpose in accordance with the legislation. Wherever possible, the University will not retain original documents or print-outs and instead will make a note on its central CORE HR database or the student's file that the relevant check or procedure has been completed. The University will not share any relevant information with external parties unless required to do so. In some circumstances it is a criminal offence to pass such information on to anyone who is not entitled to receive it.

7.8.3 Sharing and processing personal data outside the EEA

There are certain limited circumstances in which we may share personal data with third parties outside the EEA, which may include:

- i where a third-party service provider uses servers outside the EEA;
- ii where we work with partner educational establishments based in jurisdictions outside the EEA;
- iii where we work with foreign recruitment agents outside the EEA; and
- iv where we work with placement providers outside the EEA.

In such circumstances, any transfer of personal data outside the EEA will be subject to appropriate safeguards such as contractual arrangements which comply with GDPR provisions regarding such transfers. Appropriate terms which will apply to the transfer of personal data outside the EEA, where the University is the data controller and the importer is the data processor are set out in Appendix VI.

7.9 Queries and complaints

7.9.1 The data controller for your personal data is the University of Hertfordshire Higher Education Corporation, and we can be contacted via dataprotection@herts.ac.uk. Our Data Protection Officer is responsible for monitoring compliance with relevant legislation in relation to the protection of personal data and can be contacted via dataprotection@herts.ac.uk.

7.9.2 Please contact us at dataprotection@herts.ac.uk if you have any concerns or questions about the above information or you wish to ask us not to process your personal data for particular purposes. Where you have specific requests relating to how we manage your data, we will endeavour to resolve these, but please note that there may be circumstances where we cannot comply with specific requests.

7.9.3 If you are not happy with the way your personal data is being handled, or with the way the University has handled your queries, you have the right to lodge a complaint with the ICO at ico.org.uk or by calling the ICO helpline on +44(0) 303 123 1113

8 AWARENESS AND TRAINING

- 8.1 The University's Legal and Compliance Services team on behalf of the Board of Governors (primarily through the work of the DPO) is responsible for ensuring that University staff and students have adequate and appropriate knowledge of this policy and of applicable data protection legislation.
- 8.2 All University staff shall undergo data protection training with the DPO as part of their induction, when joining the University. Staff shall also be required to undertake update training on a regular basis to ensure that their knowledge is kept up-to-date. Such training may be offered via online modules. Students will be required to attend training where necessary and appropriate. The Boards of subsidiary companies shall be responsible for ensuring that staff undergo appropriate training.
- 8.3 The DPO shall also provide training and guidance as and when required, through training sessions and ad hoc support sessions, as requested by University and subsidiary company staff. Attendance at such training must be recorded and records provided to the DPO when requested.
- 8.4 Guidance and information regarding this policy and the applicable legislation shall be made available via the University's website and staff intranet pages. Any new sub-policies and rules shall be communicated to staff via these online resources and, where appropriate, email.

Mrs S C Grant
Secretary and Registrar
Signed: **25 May 2018**