University data protection code supplemental: transfer of personal data to collaborative partnerships

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Purpose

The purpose of this statement is to advise and inform students who are thinking about or who are engaged to study with a partner institution, as to what personal data and/or sensitive personal data (“personal data”) will be transferred from the University to a partner institution/collaborating body etc., how those data will be used and the reasons why such transfers/exchanges are necessary where:

- The University is a student’s home institution, and they are going to study and/or work with a partner institution for a period of time, before returning to St Andrews to complete their studies; or
- Students have arrived at the University having commenced their studies with a partner institution and are studying here as part of a collaborative arrangement, with the intention of returning to complete their studies at their home institution.

This statement also notes what information may be transferred to the University from a partner institution etc. so that the University can continue to manage the studies of students’ on their return.

This statement supplements the “University data protection code: collection and use of student personal and sensitive personal data” (“the Data Code”). Students should also refer to the Data Code for more specific details how their personal data will be collected and used by the University.

The basis for making data transfers between the University and partner institutions, including institutions outwith the European Economic Area (“the EEA”)

Contract

The University must have good reason to pass personal data to a third-party, in this context, a partner institution, which can be another university or an employer where an ‘industrial placement’ will be undertaken. One of the accepted reasons, set out in the relevant legislation i.e. the Data Protection Act 1998 (“the DPA”) is where transfer of such data is necessary to fulfil a contract (See APPENDIX A)

Students who study with a partner institution will enter into a separate agreement (i.e. a contract) with the University, as additional terms and conditions of study and participation will apply. When students whose home institution is the University, agree to the terms and conditions surrounding study with an overseas partner institution etc., they will have entered into a contract with the University, who will make arrangements for their studies to continue with a partner institution etc. To service that contract, the University will be required to pass to an overseas partner, information necessary to:

- Prepare to study and live with/near a partner institution;
- Administer study outwith St Andrews;
- Manage welfare; and
- Manage and monitor academic progression.
Personal data can be passed by the University to an overseas partner etc. in preparation for the possibility of entering into a contract i.e. to:

- Establish the eligibility to study with a partner institution etc., which could include details of disciplinary issues previously considered by the University.

The University must also have good reason, as set out in the DPA to transfer personal data outwith the EEA. The condition of contract also applies (see APPENDIX A).

**Conditions other than contract, which can be used to legitimise the transfer of personal data to a partner institution**

The other circumstances where it may be necessary to transfer personal data to a partner institution overseas, outwith contract include:

- **To protect the vital interests of students (See APPENDIX A)**
  
  Vital interests in this context mean protecting the life and wellbeing of an individual. For example, the University would inform a partner institution of known medical conditions of a student if asked, should they be admitted to a medical facility with a life threatening condition.

- **Consent is given to process personal data (See APPENDIX A)**
  
  Circumstances may arise where it will be necessary for the University to seek the consent of students so that it can transfer personal data overseas to a partner institution. However, this is likely to be a relatively rare occurrence, as the majority of the information processed by the University for the purposes of supporting your studies with on a collaborative programme, industrial placement etc. is done for fulfilling contractual purposes (see Contract, above).

  Where it is necessary to seek consent to process their personal data, this will be made clear to individuals at the point of data collection. Consent is and will always be truly optional. Individuals are under no compulsion to provide their consent.

**What personal data will be transferred/exchanged between the University and a partner institution etc?**

Typically the following personal data will be transferred:

- Your personal details - name, date of birth, contact details, family/next of kin;
- Academic performance. This could include information on attendance, and will contain details of academic credits achieved etc.
- Conduct. This could include information on matters of academic and non-academic conduct where these may have a bearing on your standing as a student with your home institution, which may also include details of any suspected or proven breach of academic and/or non-academic regulations in force at the partner institution, unpaid debts due to the partner institution.
How will personal data be used?

Personal data will be used for activities such as:

- **Preparing for and managing the provision of a higher education or training at a partner institution**
  - i. The administering of applications to study.
  - ii. The creation and maintenance of a student record, by the partner institution.
  - iii. Administering access to services and facilities provided by or through the University as necessary to support your education and time spent with a partner institution, e.g. access to Library lending facilities, ICT account creation and provision for e-mail services, production of a Student ID card.
  - iv. The organisation and delivery of teaching events at the partner institution with which the University engages for providing part of your education.
  - v. Communicating with individual students and the student body, i.e. the dissemination of information to you from an overseas partner institution or any of its agents on (a) any matter(s) (internal or external) that are connected to your education and/or the services and facilities available to you as a student and (b) any matters necessary to maintain the health, safety and wellbeing of the student community.
  - vi. The administration and execution of voluntary surveys of student opinion – connected with the assessment and development of the student experience and performance of the overseas partner institution.
  - vii. The organisation and administration of activities to assess your educational achievement and progress, e.g. written examinations, on-line tests, viva-voce.
  - viii. The determination whether academic work submitted is consistent with partner institution requirements. This may include the application of measures to detect and prevent academic dishonesty, i.e. plagiarism detection services.
  - ix. The administration and execution of all processes/procedures concerning:
    - a. Student complaints;
    - b. Appeals (academic and non-academic); and
    - c. Student discipline.

- **The provision of student support (welfare) services when studying away from the University**
  - i. The administration and management of student residential services – including the monitoring and use of facilities for billing purposes.
  - ii. The administration and provision of welfare and pastoral services. This could include professional counselling services provided by or through the University.
  - iii. The admission and provision of health care services provided by or through the partner institution. This may include passing details of specific medical conditions and/or medication to understand whether study at an overseas partner institution etc. is compatible with maintaining student wellbeing.
  - iv. Liaison with third-parties to secure the safety, security and well-being of students.
Continuation of studies at a student’s home institution

i. The administration of the continuation education at the home institution. This will include the transfer to the University, or from the University to a partner institution any information/details to –

a. Manage academic progression; and
b. Resolve any outstanding issues of relevance to the University and/or a partner institution e.g. outstanding debt, necessary to maintain collaborative agreements between parties, so not to threaten future opportunities for other students.

Revision of the Supplemental Data Code

The supplemental Data Code will be reviewed at regular intervals. The review period will be approved by the University and recorded on the accompanying coversheet. Any significant change to relevant legislation, University Policy or procedures primarily concerned with the protection of personal data may trigger an earlier review. The Supplemental Data Code will be presented to the Proctor for approval.

Availability

The statement will be published on the University website, and copies will be made to students who express an interest in participating in a collaborative programme, industrial placement etc.

Contacts, further information

Enquiries should be directed to the Associate Chief Information Officer (Information Assurance and Governance) or by e-mailing data-protection@st-andrews.ac.uk
APPENDIX A – LEGISLATIVE PROVISIONS

[Paragraph 2] “The transfer is necessary—

(a) for the performance of a contract between the data subject [a student] and the data controller [the University], or

(b) for taking steps at the request of the data subject [a prospective Study Abroad student] with a view to his entering into a contract with the Data Controller”

[Paragraph 3] “The transfer is necessary—

(a) for the conclusion of a contract between the data controller and a person other than the data subject which—

(i) is entered into at the request of the data subject, or

(ii) is in the interests of the data subject, or

(b) for the performance of such a contract.”

Schedule 4 of the Data Protection Act 1998 (“the DPA”) sets out the conditions that must be present before the University can transfer (pass) personal data to an overseas partner institution, based in a territory outside the EEA. The most common conditions that the University will rely upon in such circumstances are outlined below.

- The transfer is necessary to support a contract (a) between the student and the University and/or (b) between the University and another party

The relevant conditions legitimising the transfer of personal data in these circumstances are found in SCHEDULE 4, paragraphs 2(a) and (b), and paragraph 3 of the DPA i.e.