

Regent College London

Privacy Notice, Data Protection and Use of Student Data

DATA PROTECTION ACT 2018 AND GENERAL DATA PROTECTION REGULATION

1 On 25th May 2018 the Data Protection Act 1998 was superseded in the UK by the General Data Protection Regulation (GDPR) and the Data Protection Act 2018 (DPA), which provides individuals with enhanced rights, and imposes increased responsibilities on organisations processing personal data. The DPA regulates the processing of personal data in any format by Regent College London (the College), including both digital and hard copy personal data and all other formats. 'Personal data' is any information relating to a living individual, and 'processing' is any activity carried out involving personal data, including holding and storing it. This statement applies under both the DPA and GDPR.

2 This statement supports the College's Data Protection Policy and establishes the procedures governing the collection and release of student data and is provided to students at the application and registration stages. It includes information about how student data is used, and where it is supplied by the College to the Higher Education Statistics Agency (HESA) and other external parties.

3 Regent College London is the data controller for all personal data that it holds and processes, except where it is done in the capacity of a data processor on behalf of another data controller. The College's contact details are:

RTC t/a Regent College London

167 Imperial Drive

Harrow

Middlesex

HA2 7HD

4 The College's Data Protection Officer is:

Mrs Tharshiny Pankaj

RTC t/a Regent College London

167 Imperial Drive

Harrow

Middlesex

HA2 7HD

020 84295631

tharshiny.pankaj@regentgroup.org.uk

NOTIFICATION TO APPLICANTS AND REGISTERED STUDENTS

5 Regent College London may obtain, hold and process the personal data of students including personal details, family and social circumstances, education and training records, employment information, financial details, and services provided. It may obtain, hold and process the sensitive personal data (the term used by the DPA) and special category data (the term used by GDPR) of students including racial or ethnic origin, religious or philosophical beliefs, biometric data, and physical or mental health.

6 Personal data and sensitive personal data/special category data held by the College relating to students is obtained directly from the student or applicant, or in some cases from a third party organisation involved in the services provided by the College that has obtained the information in the first instance, for example partner organisations and agents involved in student recruitment.

7 The College holds the personal data and sensitive personal data/special category data of its students in order to implement and manage all services and processes relating to students, including student recruitment, admission, registration, teaching and learning, assessment and examination, graduation and other services such as student support and careers. Only information required for these purposes is obtained and processed, and without it the College may not be able to provide its services. Information is passed between various sections of the College for operational reasons as is necessary and proportionate for intended purposes.

8 Student personal data is collected and processed by the College as it is necessary for the performance of the contract under which the College provides services to students. Some processing activities may also be carried out under a legal obligation (for example, disclosing personal data to external parties under statutory powers), where it is necessary to protect the vital interests of the student or another party (for example, disclosures to external parties to ensure the safety and wellbeing of individuals), where it is necessary for the performance of a task carried out in the public interest or in the exercise of official authority (for example, collecting or disclosing information in order to meet regulatory or statutory requirements), or where it is necessary for legitimate interests pursued by the College or a third party (the legitimate interests will relate to the efficient, lawful and proportionate delivery of services and will not be to the detriment of the interests or rights of individuals). Where any of these legal bases do not apply, the consent of an individual to process their personal data will be sought.

9 Where students' sensitive personal data/special category data is collected and processed by the College this will be on the legal basis of explicit consent of the student, employment or social security/protection requirements, protecting the vital interests of the student or another party, the exercise or defence of a legal claim, reasons of substantial public interest, purposes of medical or health care, or where the information has been made public by the student. Any processing will be proportionate and relate to the provision of services by the College. When this data is used for monitoring and reporting purposes it will be anonymised if possible.

10 The College may disclose student's personal data and sensitive personal data/special category data to external agencies to which it has obligations; for example for council tax, electoral registration, and visa and immigration purposes, and to other arms of central or local government, to the Office for Students, Higher Education Statistics Agency, Student Loans Company, Office of the

Independent Adjudicator for Higher Education, Research Councils, and potentially other such organisations for defined purposes. It may also disclose information to examining bodies, legal representatives, Police or security agencies, suppliers or service providers, survey and research organisations engaged by the College, and regulatory authorities.

If students have unpaid debts to the College at the end of their course the College may, at its discretion, pass this information to debt collecting agencies in order to pursue the debt.

11 The College also uses student's personal data as follows:

- a. The College's Student Support team may contact students declaring a disability to confidentially discuss available support
- b. Provide progress reports to sponsors of students (except relatives)
- c. Provide references to education institutions and employers, usually with the consent of the student or graduate
- d. Publication of the names of graduating students in the University partners degree ceremony graduation programmes
- e. Disclose information about students and graduates for the purpose of promoting the College, and to their former schools for the purposes of schools liaison, but only with the consent of the student or graduate if they are personally identified
- f. For the purposes of plagiarism detection, utilising the on-line *Turnitin* plagiarism detection service
- g. Supply personal and financial details to providers of financial services engaged by the College, for example for the payment of fees, refunds, loans and similar services
- h. Disclosing information to external parties for safeguarding and duty of care purposes, for example to medical practitioners and law enforcement agencies
- i. Producing, or requesting from awarding bodies, award certificates, transcripts and diploma supplements for students
- j. Subject to review on a case-by-case basis, providing contact details to third party companies and organisations formally engaged by the College to provide enhanced levels of service to support core activities.

12 The College requires all students to participate in its attendance monitoring system. For some student groups it is a statutory requirement that the College monitors attendance (for example, international students) and there may be a requirement to report non-attendance to official bodies (e.g. UK Visas and Immigration). It also aids the College in its duty of care and support provisions, as well as enabling the analysis of specific elements of service provision such as space management. Full details can be found in the College's Attendance Policy.

13 In some instances the College may transfer students' personal data to third parties located in other countries, including some outside of the European Economic Area. Any such transfers will be strictly in relation to the delivery of the College's core services, including to partner institutions abroad. IT services used by the College may involve the transfer or hosting of student personal data overseas. Personal data may be shared with international agents that the College uses for the delivery of services to overseas students. All instances of overseas transfers of personal data are subject to appropriate technical safeguards and contractual provisions incorporating appropriate

assurances to ensure the security of the data and full compliance with legislative and regulatory requirements.

14 A basic academic record for individual students will be kept permanently by the College, with more detailed records kept for defined retention periods. Details of the retention periods attributed to different elements of student records are as follows:

Applies to	Record Type	Purpose for retention	Retention Period
Applicants – Did not enrol	<i>Name; D.O.B; Contact details; Address; Subject of interest/application</i>	To aid applicant and Admissions in cases including, but not limited to, repeat applications, gap year, change of personal circumstances	Current academic year plus one year
Students	Additional academic records including, but not limited to, any documents relating to: <i>Application and admission; Academic achievements and conduct; Pathway transfer, withdrawal or termination of studies; Student welfare and medical notes; Academic appeals or formal complaints</i>	Allows for full academic and employment references to be provided on request; Includes the limitation period for negligence claims	Year of graduation/withdrawal/expulsion plus six years
Students	Assessed work <i>Including audio or visual recording and written submissions but not dissertations/research projects</i>	Students enrolled on the programme consent to being recorded or photographed. This could include but is not limited to class work, assessments and presentations. These may be used by Regent College London for both educational and promotional purposes.	Year of graduation/withdrawal/expulsion or final date of any appeal process (whichever is the latest) plus one year Audio or visually recorded assessed work may also be kept in perpetuity where it may be used for educational purposes. This is stated as a condition of enrolment
Students	Assessed work <i>Dissertations/research projects</i>	Samples of dissertations/research projects may be kept by the library as exemplars for future reference	In perpetuity
Students	Basic Records: <i>Name; D.O.B; Contact details; Recorded addresses; Transcript and any award</i>	Provision of references; Confirmation of registration and final award	In perpetuity

Applies to	Record Type	Purpose for retention	Retention Period
Students	Images/Visual representations/ Audio or visual recordings	Images created during period of study (consent is part of student enrolment contract);	In perpetuity

Students, and graduates, have the right to withdraw consent to their image(s) being used for anything other than the purpose of assessment. Requests should be sent to: alix.poulton@rcl.ac.uk

15 If you have any queries about the use of student personal data outlined above then please contact: info@regentcollegelondon.com

INDIVIDUAL RIGHTS

16 Individuals whose personal data and sensitive personal data/special category data is held by the College have the following rights regarding their data:

- a The right to request access to their personal data held by the College (subject access request).
- b The right to have inaccurate or incomplete personal data rectified.
- c The right to erasure of personal data – this will only apply where there is no legitimate reason for the College to continue to process the personal data. There will usually be a requirement for the College to keep a basic student record indefinitely.
- d The right to restrict the processing of personal data – individuals have the right to block the processing of their personal data by the College in specific situations.
- e The right to data portability – students have the right to request provision of some elements of their information (for example academic progress details) in digital form in order to provide it to other organisations.
- f The right to object – students can object to the processing of their personal data by the College in certain circumstances, including the sending and receipt of direct marketing material.
- g The right to object to automated decision making and profiling – individuals have the right to object to decisions taken by automatic means without human intervention in some circumstances.

All requests to exercise any of these rights should be made to the College's Data Protection Officer.

17 Where the processing of personal data or sensitive personal data/special category data is based on the non-contractual consent of the student, they have the right to withdraw their consent at any time by contacting the department or service who obtained that consent or the College's Data Protection Officer.

18 If a student is unhappy with the College's handling of their personal data, or believes that the requirements of the DPA or GDPR may not be fully complied with, they should contact the College's Data Protection Officer in the first instance. The College's formal complaint procedure can be invoked if appropriate, and they also have the right to submit a complaint to the Information Commissioner's Office; further details can be found at www.ico.org.uk.

SUBJECT ACCESS REQUESTS

19 Subject access requests must be submitted in writing, either by letter or email or to the Data Protection Officer. They should include:

- Name of individual
- Correspondence address
- Contact number and email address
- Details of the information requested

If staff receive a subject access request they must immediately forward it to the Data Protection Officer.

20 When responding to subject access requests, we:

- May ask the individual to provide two forms of identification
- May contact the individual via phone to confirm the request was made
- Will respond without delay and within one month of receipt of the request
- Will provide the information free of charge
- May tell the individual we will comply within three months of receipt of the request, where a request is complex or numerous. We will inform the individual of this within one month, and explain why the extension is necessary

21 If the request is unfounded or excessive, we may refuse to act on it, or charge a reasonable fee that takes into account administrative costs.

22 A request will be deemed to be unfounded or excessive if it is repetitive, or asks for further copies of the same information.

STUDENT AND LEAVERS SURVEYS

23 Contact details may be passed to survey contractors to carry out the National Student Survey (NSS) and surveys of student finances on behalf of some of the organisations listed in the Higher Education Statistics Agency (HESA) statement at the link below. These organisations and their contractors will use these details only for that purpose, and will then delete them.

24 Approximately 15 months after graduation, graduates may be contacted by survey contractors to ask them to fill in the HESA 'Graduate Outcomes' survey.

25 Graduates may also be included in longitudinal surveys of leavers in the years after graduation. If so, we will pass contact details to the organisation that has been contracted to carry out that survey. That organisation will use these details only for that purpose, and will then delete them.

26 The College is obliged to pass on student and graduate contact details to enable these surveys. There is no requirement for graduates to take part in any of these surveys but participation assists the College, as well as government and regulatory bodies, in performing their statutory, official and public duties.

SUBMISSION OF YOUR INFORMATION TO HESA

27 It is a statutory requirement for the College to send some of the information we hold about students and graduates to HESA every year ("*your HESA information*"). HESA is the official source of data about UK universities and higher education colleges www.hesa.ac.uk. HESA collects, and is responsible for, the database in which *your HESA information* is stored. HESA is a registered charity and operates on a not-for-profit basis. HESA uses *your HESA information* itself for its own purposes. HESA also shares *your HESA information* with third parties for specified and lawful purposes. It may charge other organisations to whom it provides services and data. HESA's use of *your HESA information* may include linking information from it to other data, as described in the HESA statement linked to below. All uses of HESA information must comply with the Data Protection Act 2018 and the General Data Protection Regulation.

28 If students or graduates give us information about their disability status, ethnicity, sexual orientation, gender reassignment or religion these may be included in *your HESA information* and used to assist with monitoring equality of opportunity and eliminating unlawful discrimination in accordance with the Equality Act 2010. Some other sensitive information is used to enable research into the provision of fair access to higher education, for example information as to whether a student or graduate is a care leaver. For students enrolled at a higher education provider in England regulated by the Office for Students (OfS), *your HESA information* will include details of any financial support you may receive. Sensitive personal data/special category data will not be used to make decisions about students or graduates.

29 To read the full HESA student data collection notice please visit:

<https://www.hesa.ac.uk/about/regulation/data-protection/notices>

MONITORING OF IT SYSTEMS AND ACCOUNTS

30 Students should also be aware that, in certain circumstances, the College may monitor usage of its IT systems and access user information on its systems and networks that is normally private. Any institutional monitoring or access will comply with UK legislation including the Regulation of Investigatory Powers Act 2000, Human Rights Act 2018, and the Data Protection Act 2018 and General Data Protection Regulation. Where necessary any access or monitoring will be justifiable, fair and proportionate.

CCTV

31 We use CCTV in various locations around the College site to ensure it remains safe. We will adhere to the ICO's [code of practice](#) for the use of CCTV.

32 We do not need to ask individuals' permission to use CCTV, but we make it clear where individuals are being recorded. Security cameras are clearly visible and accompanied by prominent signs explaining that CCTV is in use.

33 Any enquiries about the CCTV system should be directed to our Data Protection Officer.

PHOTOGRAPHS AND VIDEOS

34 As part of the College activities, we may take photographs and record images of individuals within the College.

35 We will obtain written consent from students for photographs and videos to be taken of them for communication, educational, marketing and promotional materials.

36 Uses may include:

- Within the College on notice boards and College magazines, brochures, newsletters, etc.
- Outside of the College by external agencies such as the College photographer, newspapers, campaigns, online on the College website or social media pages

37 Consent can be refused or withdrawn at any time. If consent is withdrawn, we will delete the photograph or video and not distribute it further.

STUDENT USE OF PERSONAL DATA

38 Student members of the College are permitted to process personal data only for use in connection with their academic studies or research. They may do this only with the express prior permission of their supervising member of staff, and only in accordance with any guidance or Code of Practice issued by the College and in force at that time. This applies whether or not those activities are carried out on equipment owned by the College and whether or not they are carried out on the College premises. This means that the personal data must be: fairly and lawfully obtained and processed; used only for specified and legitimate purposes; accurate and up-to-date; held securely; kept to the minimum possible and anonymised or pseudonymised where possible; not published, put online or taken outside of the European Economic Area without the consent of the individual concerned; and be deleted or destroyed when it is no longer relevant to retain it. The individuals about whom data are held are entitled to inspect the data unless it is held only for research purposes and will not be released in such a way as to identify the individuals concerned.

39 Students needing to process personal data for academic or research purposes must make themselves aware of the general requirements of the Data Protection Act 2018 and the General Data Protection Regulation, and in particular must abide by the data protection principles set out in Schedules I, II and III of the DPA, and Articles 5, 6 and 9 of GDPR. Students can seek further relevant information from their supervising member or Data Protection Officer.

40 Students who fail to comply with any guidance or Code of Practice in force may be held personally liable for any resulting breaches of the Data Protection Act 2018 or General Data Protection Regulation.

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