



Use of student data under the general data protection regulations (GDPR)

1. Introduction

- 1.1. The UK Data Protection Act 1998 (the Act) regulates the processing of personal data in any format by the Institute of Clinical Science and Technology (ICST). The General Data Protection Regulation (GDPR) comes into force on 25th May 2018, which updates the Act and brings significant changes.
- 1.2. The GDPR provides individuals (the data subject) with enhanced rights and imposes increased responsibilities on ICST in its processing of personal data.
- 1.3. The GDPR principles are similar to the current Data Protection Act on which the Institute's existing Data Protection Policy is based, but includes new and strengthened requirements such as:
 - a) Being transparent about how we use personal information
 - b) Ensuring we keep information no longer than necessary
 - c) Ensuring the information is up to date, accurate and safe
 - d) Ensuring we are aware of the data we hold and what we can and cannot share
 - e) Recognising and responding promptly and appropriately to any data breach
- 1.4. This statement establishes the Institute's procedures governing the collection and release of personal data in line with the GDPR requirements and informs ICST student members how their data is used and where it is supplied by the Institute to external parties.

2. Control of Data

- 2.1. ICST is the 'data controller' for all personal data it holds and processes, except where this is carried out in its capacity as a 'data processor' on behalf of another data controller. In those circumstances the entity which provides the data is the 'data controller'.
- 2.2. Under the new GDPR regulations, responsibility for ensuring proper data handling is spread more evenly between both data processor and data controller to provide greater safety for the data subject.

3. Notification to Applications and Registered Students

- 3.1. Under new transparency responsibilities, ICST must inform data subjects how it holds and processes their personal data.
- 3.2. The ICST holds large amounts of personal data, the extent of which depends on type of student, staff or stakeholder; we take privacy of all data very seriously and it is processed to the highest standards including regular Privacy Impact Assessments (PIA) and holding a Risk Register for all projects.
- 3.3. The most extensive student personal data ICST hold is for students on our validated Higher Education programmes. Below is the statement used for all applicants and registered students on these programmes. Students on other programmes will receive a similar, scaled down statement, tailored to the level of data held on the student member.
- 3.4. In addition to the statement below, students will be sent a link to this document to ensure they have access to all relevant information about how we manage their personal data, and this document will be available via the ICST website under Resources along with the ICST Data Protection Policy and the Subject Access Request Form.
- 3.5. The Statement sent to all students on higher education validated courses is as follows:
 - a) ICST may obtain, hold and process your personal data, including personal details, family and social circumstances, education and training records, employment information, financial details, and services provided by ICST or its validating partner.



- b) ICST may obtain, hold and process your sensitive personal data (as defined by the Data Protection Act 1988) and special category data (the term used by GDPR) including racial or ethnic origin, religious or philosophical beliefs, biometric data, and physical or mental health.
- c) The Personal data and sensitive personal data/special category data held by ICST referred to above, is obtained directly from you or in some cases from a third party organisation involved in the services provided by ICST or its validating partner that has obtained the information from you in the first instance, for example UKPass and agents involved in student recruitment.
- d) ICST holds your personal data and sensitive personal data/special category data in order to implement and manage all services and processes relating to your time as a student member of ICST, including recruitment, admission, enrolment, registration, teaching and learning, examination, graduation and other services such as student support and careers. Only information required for these purposes is obtained and processed, and without it ICST may not be able to provide its services. Information is passed between various sections of ICST and its validating partner for operational reasons as is necessary and proportionate for intended purposes.
- e) Your personal data is collected and processed by ICST because it is necessary for the performance of the contract under which ICST provides you services as a student member. 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 your vital interests or those of 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 ICST 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, your consent will be sought.
- f) Where your sensitive personal data/special category data is collected and processed by ICST, this will be on the legal basis of your explicit consent, employment or social security/protection requirements, protecting your vital interests or those of 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 you. Any processing will be proportionate and relate to the provision of services by ICST or its validating partner. When this data is used for monitoring and reporting purposes it will be anonymised if possible.
- g) ICST may disclose your 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 Higher Education Funding Council for England, 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 ICST or its validating partner, and regulatory authorities.
- h) If you have unpaid debts to ICST at the end of your course, ICST may, at its discretion, pass this information to debt collecting agencies in order to pursue the debt.
- i) ICST will also use your personal data as follows:
- i. To provide progress reports to your financial sponsors, unless such sponsor is a relative.
 - ii. To provide references to education institutions and employers, usually with your consent.
 - iii. Publication of your name as a graduating student in any graduation ceremony programme.
 - iv. Disclose information about you for the purpose of promoting ICST, but only with your consent if you are to be personally identified.
 - v. For the purposes of plagiarism detection, utilising the on-line Turnitin plagiarism detection service or similar plagiarism tool used by ICST or its validating partner.
 - vii. Supply personal and financial details to providers of financial services engaged by ICST, for example for the payment of fees, refunds, loans and similar services.
 - viii. Disclosing information to external parties for safeguarding and duty of care purposes, for example to medical practitioners and law enforcement agencies.
 - ix. Produce certificates, transcripts and Achievement Reports.



- x. To grant you access to the careers department of an ICST validating partner after graduation to offer ongoing support with career plans, including coaching and job opportunities.
 - xi. Subject to review on a case-by-case basis, providing contact details to third party companies and organisations formally engaged by ICST or its validating partner to provide enhanced levels of service to support core activities.
- i) ICST requires you to participate in its attendance monitoring system. For some student groups it is a statutory requirement that ICST monitors attendance (for example some international students and medical students) and there may be a requirement to report non-attendance to official bodies (e.g. UKVisas and Immigration). It also aids ICST in its duty of care and support provisions.
- j) On graduating, you remain a member of ICST and will be kept up to date with any changes relevant to your course of study as well as ICST news, events, products and services. You If you do not wish to receive these communications you can notify the ICST Admin at admin@clinicalscience.org.uk accordingly. Further, each communication will give you the opportunity to unsubscribe from future similar communications.
- k) In some instances, ICST may transfer your 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 ICST's core services, including to partner institutions abroad. IT services used by ICST may involve the transfer or hosting of student personal data overseas. Your Personal data may be shared with international agents that ICST 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.
- l) Some sections of ICST undertake processes involving applicant or student personal data that include elements of profiling or automated decision-making. Examples are the Marketing Communications Office, where these processes are employed to determine the nature of communications sent to individuals and to facilitate student recruitment and admissions procedures.
- m) A basic academic record for you will be kept permanently by ICST and its validating partner, with more detailed records kept for defined retention periods. Details of the retention periods are available on request.
- n) More information about how we use your data and your individual rights is available in the document 'Use of Student Data under GDPR Regulations' which is available on the ICST website under Resources.
- o) If you have any queries about the use of your personal data you can contact the Data Protection Officer or the Director of Academic Administration whose details you will find below.

4. Individual rights

4.1. Individuals whose personal data and sensitive personal data/special category data is held by ICST have the following rights regarding their data:

- i. The right to request access to their personal data held by ICST.
- ii. The right to have inaccurate or incomplete personal data rectified.
- iii. The right to have personal data deleted – this will only apply where there is no legitimate reason for ICST to continue to process the personal data. There will usually be a requirement for ICST to keep a basic student record indefinitely.
- iv. The right to restrict the processing of personal data – individuals have the right to block the processing of their personal data by ICST in specific situations.
- v. 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.
- vi. The right to object – students can object to the processing of their personal data by ICST in certain circumstances, including the sending and receipt of direct marketing material.
- vii. 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.
- viii. All requests to exercise any of these rights should be made to ICST's Data Protection Officer, Katie Dick.



4.2 Where the processing of personal data or sensitive personal data/special category data is based on the 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 ICST's Data Protection Officer.

4.3. If a student is unhappy with ICST'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 ICST's Data Protection Officer in the first instance. ICST'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.

5. Monitoring of IT Systems

5.1. ICST will monitor usage of its website/learning management system and networks. Any institutional monitoring or access will comply with UK legislation including the Regulation of Investigatory Powers Act 2000, Human Rights Act 1998, and the Data Protection Act 1998 and General Data Protection Regulation 2018. Where necessary any access or monitoring will be justifiable, fair and proportionate.

6. Student use of personal data

6.1. Student members of ICST 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 ICST and in force at that time. This applies whether or not those activities are carried out on equipment which connect to the ICST website. 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.

6.2. Students needing to process personal data for academic or research purposes must make themselves aware of the general requirements of the Data Protection Act 1998 and the General Data Protection Regulation 2018, and in particular must abide by the data protection principles set out in Schedules I, II and III of the Data Protection Act, and Articles 5, 6 and 9 of General Data Protection Regulation. Guidance is available from the Data Protection Officer.

6.3. 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 1998 or General Data Protection Regulation.

The Data Protection Officer

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