

# UBE Data Protection Policy

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# 1. Introduction

This Policy has been prepared with due regard to the data protection laws applicable to UBE and our Personal Data Processing activities. These Data Protection Laws include the UK General Data Protection Regulation ("UK GDPR") and the Data Protection Act 2018 ("DPA 2018").

UBE collects, stores and processes personal data in order to run the business and to meet statutory, regulatory and audit requirements. UBE is registered with the Information Commissioners Office (ICO) as a Data Controller.

This policy applies to all UBE employees, workers and contractors ("you", "your"). Your compliance with this policy is mandatory. Any breach of this policy and our other data protection policies/procedures may result in disciplinary action, up to and including termination for serious offences. This policy applies across all territories and jurisdictions in which UBE operates.

Throughout this policy references to students includes students studying as a part of an apprenticeship and students that are studying through the Online Academy.

This policy has been approved by the Data and Systems Governance Group and the UBE Board of Trustees. It is reviewed annually.

The Board delegates authority to the Data and Systems Governance Group to update the policy, if required, to reflect guidance from the ICO.

Any changes to this data protection policy will be published on the UBE website and you will be notified of changes by other communication channels if it is appropriate to do so.

# 2. Your Rights

You have the right to ask UBE for a copy of your personal data. This is known as a data subject access request. You can submit a request via our Data Subject Rights Request form, [available here](#).

You also have the right to:

- object to processing that is causing you, or is likely to cause you, damage or distress
- object to communications or direct marketing
- request a correction to your personal data
- request the erasure of your personal data
- lodge a complaint with the Information Commissioner's Office.



UBE will retain student data indefinitely or until a student requests us to do otherwise. Where students exercise their right to erasure, UBE will continue to maintain a core set of personal data (name, subject(s), record of learning and achievement and award details, unique UBE identification number and date of birth) in order to ensure that the record of academic achievements is maintained.

UBE may also need to retain some financial records about data subjects for statutory purposes.

UBE will apply the public interest test when considering any request to delete personal data.



## 3. Definitions

### 3.1 Personal Data

Personal data means data which relates to a living individual who can be identified

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(a) from that data, or

(b) from that data and other information, which is in the possession of, or is likely to come into the possession of, the Data Controller.

This includes any expression of opinion about the individual and any indication of the intentions of the Data Controller or any other person in respect of the individual. Personal data also includes personal identifiers that are used in computer systems.

It is important to note that, where the ability to identify an individual depends partly on the data held and partly on other information (not necessarily data), the data held will still be considered personal data.

### 3.2 Special categories of personal data

The UK GDPR defines special category data as:

- personal data revealing racial or ethnic origin;
- personal data revealing political opinions;
- personal data revealing religious or philosophical beliefs;
- personal data revealing trade union membership;
- genetic data;
- biometric data (where used for identification purposes);
- data concerning health;
- data concerning a person's sex life; and
- data concerning a person's sexual orientation.

The processing of personal data relating to criminal offences under the UK GDPR may only be carried out under the control of an official authority.

Special category data includes personal data revealing or concerning the above types of data. Therefore, if you have inferred or guessed details about someone which fall into one of the above categories, this data may count as special category data. It depends on how certain that inference is, and whether you are



deliberately drawing that inference.

Personal data that has been pseudonymised<sup>1</sup> can fall within the scope of the UK GDPR depending on how difficult it is to attribute the pseudonym to a particular individual.

The categories of data are broadly drawn so that, for example, information that someone has a broken leg is classed as a special category of personal data, even though such information

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<sup>1</sup> Pseudonymisation means the processing of personal data in such a manner that the personal data can no longer be attributed to a specific person without the use of additional information.



is relatively matter of fact and obvious to anyone seeing the individual concerned. Clearly, details about an individual's mental health, for example, are generally more sensitive than whether they have a broken leg. UBE will record any agreement to include special categories of data in records of conversations with students.

### **3.3 Data Protection Officer**

The responsibility of the Data Protection Officer (DPO) is as follows:

- To inform and advise the organisation and its staff about their obligations to comply with the UK GDPR and DPA 2018 and other relevant laws.
- To monitor compliance with the DPA 2018 and other data protection laws, including managing internal data protection activities, advise on data protection impact assessments; train staff and conduct internal audits.
- To be the first point of contact for supervisory authorities and for individuals whose data is processed (staff, students etc.)

UBE ensures that the DPO:

- Reports to the Board of Trustees
- Operates independently and cannot be dismissed, or penalised, for performing their task.
- Has adequate resources to enable them to meet the obligations under the DPA 2018

### **3.4 Consent**

Consent under the DPA 2018 must be freely given, specific, informed and an unambiguous indication of an individual's wishes. There must be some form of clear affirmative action – a positive opt-in. Consent cannot be inferred from silence, pre-ticked boxes or inactivity.

Consent must also be separate from other terms and conditions, and there must be a simple way for people to withdraw consent.

## **4. Data Protection Principles**

The data controller (UBE) shall be responsible for, and able to demonstrate compliance with, the following principles:

### **4.1 Data must be processed lawfully, fairly and**



## **in a transparent manner**

UBE must:

- have legitimate grounds for collecting and using personal data;
- not use the data in ways that have unjustified adverse effects on the data subjects;
- be transparent about how data will be used and give data subjects the appropriate privacy notices when collecting their personal data;
- handle the personal data of both students, staff and contractors only in ways they would reasonably expect; and
- ensure that nothing unlawful is done with the data.



The lawful basis for the processing of data by UBE is that processing

- is necessary for the performance of a contract with the data subject or to take steps to enter into a contract, and/or
- is necessary for compliance with the law, and/or
- has been carried out with the consent of the data subject.

UBE will rely on the legitimate interests ground where the nature of the business requires that personal data be shared to carry out business functions such as client management or maintenance of software. UBE will rely on public task where processing is necessary for the performance of a task carried out in the public interest.

There are specific areas where UBE will process special categories of personal data. These are where processing is necessary for:

- the purposes of preventative or occupational medicine, for assessing the working capacity of a student or member of staff, medical diagnosis, the provision of health or social care or a contract with a health professional or a non-medical help supplier;
- archiving purposes in the public interest, or scientific and historical research purposes or statistical purposes;
- recruiting and onboarding new staff;
- administering sickness absence reporting and sickness payment;
- administering employment benefits;
- managing health and medical matters during employment which may involve third party organisations, such as counsellors, advisors, GPs, Occupational Health, and other medical specialists and professionals.

## **4.2 Data can only be collected for specific, explicit, legitimate purposes**

Data must not be further processed in a manner that is incompatible with those purposes, but further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes.

UBE supplies statistical data to the Higher Education Statistics Agency (HESA), Office for Students (OfS), The Education and Skills Funding Agency (ESFA) and to other



Please see Appendix 1 for links to relevant third-party collection notices.

## **4.3 Data must be adequate, relevant and limited to what is necessary in relation to the purposes for which it is processed**

UBE must ensure that the personal data held is sufficient but that no more is held than needed. UBE will not hold information that will never be needed but UBE may hold information for a foreseeable event that never occurs.



## **4.4 Data must be accurate and, where necessary, kept up to date.**

Every reasonable step will be taken to ensure that personal data that is inaccurate, having regard to the purposes for which it is processed, is erased or rectified without delay

## **4.5 Data must be kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed.**

Personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the DPA 2018 in order to safeguard the rights and freedoms of individuals

## **4.6 Data must be processed in a manner that ensures appropriate security of personal data.**

This includes protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

# **5. Information Security**

Security is a critical part of keeping information confidential. UBE takes necessary and appropriate steps to ensure that all information is held securely both physically and electronically.

# **6. Data Protection by Design and**



## Default

UBE shall ensure that the risks to rights and freedoms of Data Subjects associated with processing are key considerations when:

- a) Designing, implementing and during the life of business practices and processes that involve the processing of personal data ("processing activities"); and
- b) Developing, designing, selecting, procuring, and using applications, services, products and other IT systems and technologies for collecting, holding, sharing, accessing, and otherwise processing personal data ("processing systems").

This risk-led approach to processing activities and processing systems shall apply throughout the full lifecycle of the processing, from initial planning and setting of specifications, during use of processing systems, through to disposal of the personal data. It shall take into account both the likelihood and the severity of the potential harm to the rights and freedoms of Data Subjects.

Where the risk to rights and freedoms of Data Subjects is likely to be high, or where otherwise required by law or the relevant supervisory authority, a DPIA shall be performed in accordance with our DPIA procedure.

Safeguards and preventive measures shall be implemented into processing activities and processing systems from the outset and throughout the processing lifecycle, to mitigate the risks to data subjects and protect their rights. These safeguards and measures shall be proportionate to the risks and include organisational (e.g. policy, awareness, governance, and assurance) as well as technical measures (e.g. pseudonymisation). The objectives of such safeguards and measures shall include:

- a) data minimisation
- b) limiting the extent of the processing, storage, and access to what is strictly necessary
- c) ensuring transparency for data subjects regarding the processing activities; and
- d) ensuring the security of the personal data.



## 7. Data Sharing

There are two types of data sharing: systematic and exceptional 'Systematic' means a routine sharing of data or pooling of data.

'Exceptional' is one-off sharing (which might have to happen in an emergency) When deciding whether to share data UBE will consider the following:

- **What is the sharing meant to achieve?** We will have a clear objective or set of objectives. Being clear about this allows us to work out what data we need to share and who with. We will document this.
- **What information needs to be shared?** We won't share all the personal data we hold about someone if only certain data items are needed to achieve our objectives.
- **Who requires access to the shared personal data?** We employ 'need to know' principles, meaning that other organisations should only have access to your data if they need it, and that only relevant staff within those organisations should have access to the data. This will also address any necessary restrictions on onward sharing of data with third parties.



- **When should it be shared?** Is this an on-going, routine process or should it only take place in response to particular events?
- **How should it be shared?** This involves addressing the security surrounding the transmission or accessing of the data and establishing common rules for its security.
- **How can we check the sharing is achieving its objectives?** We will judge whether it is still appropriate and confirm that the safeguards still match the risks.
- **What risk does the data sharing pose?** For example, is any individual likely to be damaged by it? Is any individual likely to object? Might it undermine individuals' trust in us?
- **Could the objective be achieved without sharing the data or by anonymising it?**
- **Do we need to update our notification?**
- **Will any of the data be transferred outside of the European Economic Area (EEA)?**

## 7.1 Routine data sharing

Data will be shared routinely with government departments and other bodies involved in the funding and regulation of higher education. Depending on the particular arrangements for different students, this includes:

- the Education and Skills Funding Agency (ESFA)
- the Higher Education Statistics Agency (HESA) – more information at 7.3
- the Office for Students (Ofs)
- the Student Loans Company (SLC)
- the Universities and Colleges Admissions Service (UCAS)

When students register with UBE, they consent to this sharing of data.

Where data is shared routinely with other organisations a data sharing agreement will be in place.

### 7.1.1 Data sharing agreements

These will, at least, document the following issues:

- the purpose, or purposes, of the sharing;
- the potential recipients or types of recipient and the circumstances in which they will have access;



- the data to be shared;
- data quality – accuracy, relevance, usability etc;
- data security;
- retention of shared data;
- individuals' rights – procedures for dealing with access requests, queries and complaints;
- review of effectiveness/termination of the sharing agreement; and



- sanctions for failure to comply with the agreement or breaches by individual staff.

## 7.1.2 Points we will consider before sharing:

### **Is the format of the data being shared compatible?**

The IT team is consulted about the secure transfer of data and, if a data sharing agreement is required, the IT team are also consulted to ensure all IT requirements are acceptable and can be delivered. The format of the data being shared must be compatible with the systems used by all those sharing. We will check that information is held in the same way and that it is accurate. If we need to share data urgently, we will test how well the systems used for sharing the data work when it is not urgent.

### **Is the information we are sharing accurate?**

We will agree how any incorrect data will be corrected by all parties

### **Agree common retention and destruction arrangements for the data sent and received**

Staff in the area affected will be sufficiently trained to know when to share data and in what circumstances

## 7.2 Exceptional data sharing

UBE complies with the Social Care Institute for Excellence guidelines on sharing information including compliance with the Prevent duty under the Counterterrorism and Security Act 2015. Information will be shared with the right people at the right time to:

- Prevent death or serious harm
- Coordinate effective and efficient responses
- Enable early interventions to prevent the escalation of risk
- Prevent abuse and harm that may increase the need for care and support
- Maintain and improve good practice in safeguarding students
- Reveal patterns of abuse that were previously undetected and that could identify others at risk of abuse
- Identify low-level concerns that may reveal people at risk of abuse
- Help people to access the right kind of support to reduce risk and promote wellbeing
- Help identify people who may pose a risk to others and, where



possible, work to reduce offending behaviour

- Reduce organisational risk and protect reputation

## **7.3 The Higher Education Statistics Agency (HESA)**

HESA and HEAT may share your data as detailed in their own privacy notices, which are accessible at the links provided in Appendix 1.

Student data will be stored on a scored database (the Higher Education Access Tracker – HEAT) and used to administer participation in success and progression activities and projects. For evaluation and monitoring purposes only, this data may also be shared with UBE's Regulatory Compliance team to help run and evaluate the effectiveness of any activity.

## **8. Closed Circuit Television**

Closed circuit television (CCTV) is a private television system involving video cameras that capture images for security, surveillance, law enforcement and general-purpose monitoring applications. Unlike public broadcast TV, it is a closed system intended for private use.

UBE collects CCTV images, some of which will fall within the definition of Personal Data. These images are captured in order to provide a safe and secure environment for all staff and visitors at all UBE sites. These images may be used to identify, apprehend and prosecute offenders and to identify actions where disciplinary action might be needed.

CCTV images are stored in a way that maintains the integrity of the information. They are kept securely, and access is restricted to authorised personnel. CCTV images will be viewed in a restricted area.

The retention period for CCTV images is informed by the purpose for which the information is collected.

## **9. Social media**

UBE has a corporate social media presence, the purpose of this is to inform and engage with stakeholders. UBE corporate social media accounts are monitored at regular intervals and only these corporately owned and managed social media channels will be reviewed as part of any Data Subject Access Request.

Views expressed by UBE staff or contractors on personal social media accounts



should not be interpreted as being the views of UBE. Personal social media accounts are not managed, monitored or held by UBE. This could also represent an infringement of individuals privacy rights to disclose such information. As such these accounts will not be part of any review of information held by UBE when it receives an DSAR.

## 10. Cookies

A cookie is a piece of information in the form of a very small text file that is placed on an internet user's computer. It is generated by a web server. The information the cookie contains is set by the server and can be used by that server whenever the user visits the site. It is like an ID card telling the website the user has returned. Cookies make the interaction between users and websites faster and easier. They save time and make browsing more efficient. If you use the internet to carry out certain transactions with UBE, your computer will store these cookies.

Cookies cannot read your computer's memory or storage and they cannot make any information available to third parties. They are used so that our systems can easily recognise you when you return to our websites and, as a result, enable us to provide you with a better service. We also track user traffic patterns in order to determine the effectiveness of our website. We do not release this information to third parties. If you prefer not to receive cookies while browsing our website, you can set your browser to refuse them. However, if you are a registered student with UBE you will need to allow "per-session" cookies in order to access password-protected sites.

The use of your personal information this way is necessary for the legitimate interests of UBE in operating and improving its website, analysing the use and ensuring the security of the website. Our website collects very little personal information and we use it in ways that are compatible with your individual rights and freedoms. Where you enter your personal



information into an online form on our website for any specified purpose, you will be told about the use we will make of that information.

## 11. Data Breach Notifications

All Personal Data breaches must be reported immediately to the DPO inbox ([dataprotection@ube.ac.uk](mailto:dataprotection@ube.ac.uk)), this inbox is monitored by Evalian Ltd (outsourced DPO) who will then liaise with the team reporting the breach, to understand exactly what has occurred and assess the risk level of the incident. Evalian will add the breach to the register of Personal Data breaches once it has been assessed.

Where UBE is a Data Processor, and a Personal Data breach occurs, and that breach is likely to result in a risk to the rights and freedoms of Data Subjects (e.g. financial loss, breach of confidentiality, discrimination, reputational damage, or other significant social or economic damage), the Data Controller must be notified immediately with further information about the breach provided as soon as information becomes available.

Where UBE is the Data Controller, unless a Personal Data breach occurs which is unlikely to result in a risk to the rights and freedoms of Data Subjects (e.g. financial loss, breach of confidentiality, discrimination, reputational damage, or other significant social or economic damage), the relevant supervisory authority must be notified of the breach without delay, and in any event, within 72 hours after having become aware of it, if this is feasible. If the notification is not made within 72 hours, it should be made as soon as possible, together with reasons for the delay. The Information Commissioner's Office (ICO) is the supervisory authority in the UK.

In the event that a Personal Data breach is likely to result in a high risk (that is, a higher risk than that described immediately above) to the rights and freedoms of Data Subjects, all affected Data Subjects are to be informed of the breach directly and without undue delay.

**Do not inform affected Data Subjects of a breach unless instructed to do by Evalian Ltd (outsourced DPO).**

Irrespective of whether UBE is a Data Processor or a Data Controller, all data breach notifications must be handled strictly in accordance with the UBE Personal Data Breach Procedure and be added to the UBE Personal Data Breach Register.

## 12. Data Retention & Destruction



Where UBE is a Data Processor, we may only retain Personal Data for the duration of the data processing agreement. Upon termination of the data processing agreement, we must, at the choice of the controller, delete or return all the Personal Data to the Data Controller and delete all existing copies unless otherwise required to store a copy by UK and/or EU member state law.

Where UBE is the Data Controller, we may only retain Personal Data for as long as is reasonably required and in any event, only for as long as set out in the UBE Personal Data Retention Policy. Written authorisation from the [Insert role] is required to retain Personal Data for longer than as set out in the Personal Data Retention Policy.

Once Personal Data records have reached the end of their life, they must be securely destroyed in a manner that ensures that they can no longer be used.

## 13. Contact details

If you have any queries or concerns about the handling of your personal data, please contact the Data Protection Officer at: [dataprotection@UBE.ac.uk](mailto:dataprotection@UBE.ac.uk)

If you remain dissatisfied with the handling of your request or complaint, you have a right to appeal to the Information Commissioner. There is no charge for making an appeal. Contact details are:

The Information Commissioner's Office

Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Telephone: 01625 545745 or 0303 123 1113 (local rate)

## 14. Implementation & Policy

### Management

This policy shall be deemed effective as of 01/08/2025. No part of this policy shall have retroactive effect and shall thus apply only to matters occurring on or after this date.



This policy will be reviewed by the Data Protection Officer annually.



## **Appendix 1: Collection notices**

The Higher Education Statistics Agency publishes collection notices for the HESA student and staff collections at <https://www.hesa.ac.uk/about/regulation/data-protection/notices>

The Education and Skills Funding Agency publishes a Privacy Notice at <https://www.gov.uk/government/publications/esfa-privacy-notice>

The Student Loans Company publishes a Privacy Notice at <https://www.gov.uk/government/publications/student-loans-company-privacy-notice>

The Universities and Colleges Admissions Service (UCAS) publishes a privacy policy at <https://www.ucas.com/about-us/policies/privacy-policies-and-declarations/ucas-privacy-policy>