

Middlesex University Lawful Basis of Processing Student Personal Data

|  |  |
| --- | --- |
| Policy owner | Legal Team |
| Author if different from above | N/A |
| Version | Version 2 |
| Last Review Date | 01/09/2022 |
| Next Review Due | September 2023 |

Approvals

|  |  |
| --- | --- |
| **Committee / Individual** | **Date** |
| Information Governance Group (IGG) | Approved by the Information Governance Group on 28 Nov 2022 |

This document is additional information for the following privacy notices relating to students (available at the following link <https://www.mdx.ac.uk/about-us/policies/privacy>):

* Prospective and applicant students;
* Current students;
* Alumni Association;
* Education Liaison and outreach;
* Research Participants.

|  |  |
| --- | --- |
| **Purpose** | **Legal Basis** |
| **To process and manage your Middlesex University (MU) enrolment**  We will use your personal information to:   * Enrol you as a student, where your application is successful and you accept our offer; and * Communicate with you about the enrolment process.   This will include asking all offer holders to disclose relevant criminal convictions (further information on this topic will be provided at the point when this question is asked).  In some cases, the information processed will include special category personal data. | **For all personal data**  ***Performance of a task in the public interest***  MU will be processing personal data in its capacity as a public authority in connection with its core purposes of education, research and innovation. Please see our *Statement of Tasks in the Public Interest* for further information (available on the Student and Legal Affairs intranet page).  ***Performance of contract***  The processing of your personal data may be necessary in relation to the contract we have entered into with you as a student at MU. |

|  |  |
| --- | --- |
| **Purpose** | **Legal Basis** |
| We will also process criminal convictions data where you are working with children or vulnerable adults, and/or because of fitness to practise requirements in certain regulated professions. For example, certain courses such as Medicine will require a DBS check to be carried out as part of the assessment of eligibility. You will be notified prior to the processing if this is a requirement for enrolment on your course.  [https://www.mdx.ac.uk/about-](https://www.mdx.ac.uk/about-us/policies/privacy/privacy-policy-for-prospective-students) [us/policies/privacy/privacy-policy-for-](https://www.mdx.ac.uk/about-us/policies/privacy/privacy-policy-for-prospective-students) [prospective-students](https://www.mdx.ac.uk/about-us/policies/privacy/privacy-policy-for-prospective-students)  [https://www.mdx.ac.uk/about-](https://www.mdx.ac.uk/about-us/policies/privacy/privacy-policy-for-current-students) [us/policies/privacy/privacy-policy-for-current-](https://www.mdx.ac.uk/about-us/policies/privacy/privacy-policy-for-current-students) [students](https://www.mdx.ac.uk/about-us/policies/privacy/privacy-policy-for-current-students) | **For special category personal data**  ***Equality of opportunity or treatment***  We process special category personal data in order to monitor equality of opportunity/treatment.  **For criminal convictions data *Regulatory requirements relating to unlawful acts and dishonesty***  We may process your criminal convictions data (DBS checks) in order to assist a third party to comply with a regulatory requirement that requires the taking of steps to establish whether another person has: (i) committed an unlawful act, or (ii) been involved in dishonesty, malpractice or other seriously improper conduct do so. DBS checks are required for the following Middlesex courses: nursing, midwifery, social work, healthcare science, sports or initial teacher training degree.  ***Safeguarding of children and of individuals at risk***  We may process your criminal convictions data in order to safeguard children or individuals at risk.  ***Protecting the public against dishonesty*** We may process your criminal convictions data in order to protect the public against dishonesty, malpractice or other seriously improper conduct; and unfitness or incompetence.  Where we are relying on a legal basis other than those set out above in processing your criminal convictions data, we will inform you of the legal basis before we start processing your criminal convictions data based on that legal ground. |
| **To deliver and administer your education**  We will use your personal information to:   * Facilitate your education; * Record the details of your previous academic studies (including any placements with external organisations); * Determine your examination achievements; and * Communicate with you about your education. | **For all personal data**  ***Performance of a task in the public interest***  MU will be processing personal data in its capacity as a public authority in connection with its core purposes of education, research and innovation.  Please see our *Statement of Tasks in the Public Interest* for further information |

|  |  |
| --- | --- |
| **Purpose** | **Legal Basis** |
| Special category personal data and criminal convictions data may be processed in certain circumstances, for example if you are on a course such as nursing, midwifery, social work, healthcare science, sports or initial teacher training degree where you are required to attend placements. This processing will generally be to ensure that you are fit to practise and to work with persons in the relevant placement. You will be notified prior to the processing if this is a requirement for your course.  [https://www.mdx.ac.uk/about-](https://www.mdx.ac.uk/about-us/policies/privacy/privacy-policy-for-current-students) [us/policies/privacy/privacy-policy-for-current-](https://www.mdx.ac.uk/about-us/policies/privacy/privacy-policy-for-current-students) [students](https://www.mdx.ac.uk/about-us/policies/privacy/privacy-policy-for-current-students) | (available on the Student and Legal Affairs intranet page).  ***Performance of contract***  The processing of your personal data may be necessary in relation to the contract we have entered into with you as a student at MU.  **For special category personal data *Management of health care systems / services***  We may process your special category personal data where this is necessary for health and social care purposes with respect to the management of health care systems and services.  ***Establishment, exercise or defence of legal claims***  It may be necessary to process your special category personal data in relation the establishing, exercising or defending legal claims.  ***Employment and social security and social protection law***  Where obligations or rights exist in the field of employment or social protection law we may rely on this condition.  ***Equality of opportunity or treatment and/or consent***  There may be occasions when we need to process your personal data relating to health to facilitate your education, e.g. administering our extenuating circumstances procedures, or ensure the equality of opportunity/treatment.  **For criminal convictions data *Management of health care systems / services***  We may process your criminal convictions data where this is necessary for health and social care purposes with respect to the management of health care systems and services. |

|  |  |
| --- | --- |
| **Purpose** | **Legal Basis** |
| **To manage the student experience at MU**  We will use your personal information to:   * Manage your use of facilities and participation at events (e.g. computing, libraries, accommodation, functions, graduation, careers); * Support your training, health, safety and welfare requirements; * Operate security, disciplinary, complaint, and quality assurance processes and arrangements; * Monitor compliance by you with MU’s policies and your other contractual and legal obligations. Please see MU’s Acceptable User Policy relating to use of the University’s Information Assets (UIAs) and University Computer Use Policy on Monitoring Computer and Network Use for further guidance on the monitoring that we may carry out; * Monitor your use of our networks to protect the security and integrity of MU’s IT network and information and electronic communications systems. Please see MU’s IT policies. * Allow your achievements via to be accredited, for example by inclusion in the Higher Education Achievement Report.   We may process special category personal data, such as data relating to your health and your religious beliefs for this purpose. For example, we may use disability information to help us make reasonable adjustments to meet your health and welfare requirements. | **For all personal data**  ***Performance of a task in the public interest***  MU will be processing personal data in its capacity as a public authority in connection with its core purposes of education, research and innovation.  Please see our Statement of Tasks in the Public Interest for further information (available on the Student and Legal Affairs intranet page).  ***Performance of contract***  The processing of your personal data may be necessary in relation to the contract we have entered into with you as a student at Middlesex.  ***Vital interests***  Your personal data may be processed by MU and transferred to the emergency services where this is required to protect your vital interests.  ***Consent***  In relation to managing participation at events, where we cannot rely upon public interest or performance of a contract legal basis we will generally seek to obtain your consent to the processing of your personal data.  **For special category personal data**  ***Vital interests***  Your special category personal data may be processed by Middlesex and transferred to the emergency services where this is required to protect your vital interests.  ***Consent***  Where we cannot rely upon protecting your vital interests, we will generally seek to obtain your consent to the processing of your special category personal data, e.g. data relating to your health, in this context.  Where we are relying on a legal basis that is not consent or your vital interests in processing your special category personal data, we will inform you of the legal basis before we start processing your special category personal data based on that legal ground. |

|  |  |
| --- | --- |
| **Purpose** | **Legal Basis** |
| **Internal and statutory reporting and other legal obligations, including compliance with health and safety law and monitoring equality of opportunity or treatment**  We will use your personal information to:   * Comply with our legal obligations. For example, we may process your personal data in the context of arranging and/or providing student accommodation, for the purpose of complying with health and safety and other applicable tenancy and housing legislation; * Produce statistics and research for internal and statutory reporting purposes; and * Monitor our compliance with our responsibilities under equalities legislation.   This may include the processing of special category personal data, e.g. information about disabilities or ethnicity. | **For all personal data**  ***Compliance with a legal obligation***  Much of our processing of your personal data in this context will be in order to comply with our legal obligations, e.g. health and safety legislation and UK equal opportunities monitoring.  ***Performance of a task in the public interest***  MU will be processing personal data in its capacity as a public authority in connection with its core purposes of education, research and innovation. Please see our Statement of Tasks in the Public Interest for further information (available on the Student and Legal Affairs intranet page).  **For special category personal data**  ***Equality of opportunity or treatment***  We process special category personal data in order to monitor equality of opportunity/treatment.  ***Employment law obligations***  We may also process certain special category personal data where this is necessary so that we can meet our obligations in the field of employment law. |
| **Fees and funding**  We will use your personal information to administer the financial aspects of your relationship with us and any funders/sponsors.  We will not generally process special category personal data or criminal convictions data in this context. | ***Performance of a task in the public interest***  MU will be processing personal data in its capacity as a public authority in connection with its core purposes of education, research and innovation. Please see our Statement of Tasks in the Public Interest for further information (available on the Student and Legal Affairs intranet page).  ***Performance of contract***  The processing of your personal data may be necessary in relation to the contract we have entered into with you as a student at MU. |
| **Alumni** [https://www.mdx.ac.uk/about-](https://www.mdx.ac.uk/about-us/alumni/privacy-policy) [us/alumni/privacy-policy]](https://www.mdx.ac.uk/about-us/alumni/privacy-policy) | ***Performance of a task in the public interest***  For some of our alumni activities, Middlesex will be processing personal data in its capacity as a public authority in connection with its core purposes of education, research and innovation. Please see our Statement of |

|  |  |
| --- | --- |
| **Purpose** | **Legal Basis** |
|  | Tasks in the Public Interest for further information.  ***Legitimate interests***  For some of our alumni activities, we rely upon our legitimate interests in communicating with our alumni as part of the extended Middlesex community.  ***Consent***  In certain limited circumstances, where we cannot rely upon our legitimate interests or performance of a task in the public interest, we will seek to obtain your consent to the processing of your personal data for our alumni programme. |
| **Marketing/publicity materials**  While you are at MU, we may take photographs or videos at an event or while you are participating in student life which may include images of you. These images will generally be used for MU's marketing/publicity materials. | ***Legitimate interests***  When using your personal data for the purpose of marketing or publicity materials, we will generally rely on our legitimate interests in promoting MU, including our courses, our activities and our overall aims and objectives. |
| **Research**  We may use your personal information for research purposes. | ***Performance of a task in the public interest***  MU will be processing personal data in its capacity as a public authority in connection with its core purposes of education or research. Please see our Statement of Tasks in the Public Interest for further information (available on the Student and Legal Affairs intranet page).  **For special category personal data and criminal convictions data**  ***Research***  We may process special category data and criminal convictions data for the purposes of research. |

Please note that where the provision of personal data is a statutory or contractual requirement, or a requirement necessary to enter into a contract, and you do not provide us with the personal data required, MU may not be able to process your application or provide you with the programme for which you have applied.

We do not generally process your personal data based on your consent (as we can usually rely on another legal basis). Where we do process your personal information based on your consent, you have the right to withdraw your consent at any time. See the "Your Rights" section below.

# Students:

Your personal data may be disclosed to other organisations as required by law, for crime prevention, investigation or detection purposes or in order to protect your vital interests. Disclosures may also be made by MU as outlined below:

* To the MU Students’ Union to enable it to manage your student union membership. MU Students Union will only use this information for running the Union, for example communications regarding your membership rights, including for example, notice of general meetings, referenda and election of trustees, as well as information about the Union's activities;
* To sponsors, government agencies and present or potential employers. One such body is the Higher Education Statistics Agency (HESA); further information about the uses for which HESA processes personal data can be found on the [HESA website](https://www.hesa.ac.uk/content/view/141);
* Your contact details may also be passed to the [Office for Students](https://www.officeforstudents.org.uk/) (OfS) and its agents, including for the purpose of administering the national student survey;
* To our agents for the purpose of administering our own surveys;
* Where a programme of study leads to a qualification recognised by a professional body we will disclose relevant information to that body (e.g. Nursing and Midwifery Council);
* Statements of student status will be provided on request to Council Tax Registration Officers;
* To the Student Loans Company;
* To debt collection agencies acting on our behalf in the event that you owe money to us;
* Release of results to former schools/colleges;
* If you decide to make on-line payments to us, limited information (date of birth and student numbers) may be disclosed to our service provider for validation purposes;
* To the Office of the Independent Adjudicator (OIA);
* To providers of anti-plagiarism software;
* To NHS services, where necessary in order to protect your health and welfare;
* If you undertake a placement or complete a period of study with a third-party organisation or institution in the UK or in another country, personal data relating to you may be shared with the partner organisation/institution for the purposes of administering the placement. Special category personal data relating to your health or a disability will not be shared without your express consent unless required by law or in your vital interests in an emergency situation.
* We use the services of various external service providers to help us run our university efficiently, particularly in relation to our IT systems. Some of these services (such as email hosting and data backups) involve the service provider holding and using your personal data. In each case where we share your information with one of our service providers, the service provider is required to keep it safe and secure. They are also not permitted to use your information for their own purposes. We include in our contracts with service providers

data processing clauses where the service providers will be handling any personal data on our behalf in the course of delivering the services that they have been contracted to provide. If we use a service provider who will process your personal data on our behalf, in any territory that is not recognised under UK data protection law as having adequate safeguards for the protection of personal data, we will enter into appropriate contract clauses relating to transfers of personal data to such territories. ICO guidance on international data transfers can be found on the ICO website at the following link: [https://ico.org.uk/for-](https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/international-transfers-after-uk-exit/) [organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-](https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/international-transfers-after-uk-exit/) [gdpr/international-transfers-after-uk-exit/](https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/international-transfers-after-uk-exit/)

And if you are an Undergraduate Degree Student

* To GradIntel, the service through which the Higher Education Achievement Record will be delivered;
* If you do not complete your programme, to the organisers of the "Back on Course" scheme

- the Open University and UCAS; and

* In order to support the UK’s effort to tackle Covid-19, contact information may also be shared with the relevant health authority where required.

# For further information on how we manage disclosures to parents and other third parties, including information about what disclosures we make in the case of emergencies, please email the data protection officer at: [dpa@mdx.ac.uk](mailto:dpa@mdx.ac.uk). Transfers for restricted territories – Middlesex

There are also many other circumstances in which we may transfer your personal data outside the UK, e.g. where we use a third-party cloud services provider based outside the UK to store personal data.

Where we transfer your personal information across national boundaries to a third party, such as one of our service providers, we will protect your personal information by ensuring that those transfers are made in compliance with all relevant data protection laws. Generally, this means where we transfer your personal information to a third party that is located in a country which does not have adequate privacy protection, we will put in place a contract with the third party that includes the standard international data transfer contractual terms approved by the ICO. For further information on the measures in place, please contact the University’s Data Protection Officer ([dpa@mdx.ac.uk](mailto:dpa@mdx.ac.uk)). You can also find more detail about data protection and international transfers of data protection on the ICO website.

# Retention

We will only retain your personal data for as long as reasonably necessary to fulfil the purposes we collected it for. Your personal data will be retained in accordance with Middlesex’s central Data Retention Schedule. After you leave Middlesex certain parts of your data may be retained as a permanent archival record for research purposes and to confirm your award and period of study. You can access the retention policy on the Middlesex intranet page.

# Principles

When processing your personal data, Middlesex is required by relevant data protection laws to comply with the following principles.

|  |  |
| --- | --- |
| **Principle** | **Personal Data shall be:** |
| Lawfulness, fairness and transparency | processed lawfully, fairly and in a transparent manner in relation to the data subject. |
| Purpose limitation | collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes. |
| Data minimisation | adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed. |
| Accuracy | accurate and, where necessary, kept up to date. |
| Storage limitation | 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. |
| Integrity and confidentiality | processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures. |

In accordance with the separate 'Accountability' principle under relevant data protection laws, Middlesex must also be able to demonstrate compliance with each of the above principles.

# Change of Purpose

We will only use your personal data for the purposes for which we collected it, unless we reasonably consider what we need to use it for another reason and that reason is compatible with the original purpose. If you wish to get an explanation as to how the processing for the new purpose is compatible with the original purpose, please contact us.

If we need to use your personal data for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your personal data without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

# Keeping personal data up to date

Data protection law requires us to take reasonable steps to ensure that any personal data we process is accurate and up-to-date. Please help us to do this by advising us of any changes to your personal data.

# Automated Processing

Middlesex does not use automated processing and decision making without manual intervention.

# Who regulates our use of personal information?

Middlesex maintains a data protection registration with the Information Commissioner's Office, the independent authority which oversees compliance with the UK's data protection laws. Our registration number is Z5439728.

# Who do I contact with questions?

If you have any questions about your personal data and that are not answered by this document and the student privacy policies on the Student and Legal Affairs (SLA) intranet page then please contact Middlesex 's Data Protection Officer at: [dpaofficer@mdx.ac.uk](mailto:dpaofficer@mdx.ac.uk) .

If we are unable to adequately address any concerns you may have about the way in which we use your data, you have the right to lodge a formal complaint with the Information Commissioner's Office. ICO information on making a complaint can be found at: <https://ico.org.uk/make-a-complaint/> .