

Middlesex University Statement of Tasks in the Public Interest

|  |  |
| --- | --- |
| 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 |

1. **Introduction**
	1. Whenever Middlesex University uses personal data, it needs to establish a legal basis for doing so in line with the General Data Protection Regulation (GDPR). One of these legal bases is the 'public task' ground.
	2. This will apply where the processing of personal data is necessary in order **to perform a task in the public interest** which is laid down by law, or in the exercise of official authority laid down by law.
	3. Universities are classed as public authorities for the purposes of data protection law. Current guidance issued by the UK Information Commissioner's Office (ICO) indicates that the 'public task' ground for processing is likely to apply to much of the processing of personal data carried out by universities, depending on the detail of their constitutions and legal powers. However, the ICO also states that where a university's processing is separate from its tasks as a public authority, other legal bases may be more appropriate.
	4. Middlesex University processes personal data in relation to a wide variety of activities and not all of those activities will be undertaken in the University’s capacity as a public authority. This statement is intended to clarify when Middlesex University will be carrying out tasks **in the public interest** in its capacity as **a public authority** and therefore can rely upon the **'public task' ground for processing personal data** set out in the GDPR.
	5. In relation to the University’s powers **as a public authority**, under the Education Reform Act of 1988, the University has the principal power to provide higher education, further education and to carry out research. The University has the additional power to do anything which appears necessary to the University to enable it to exercise its power to provide higher education.
	6. Where Middlesex University processes personal data in connection with the carrying out of tasks **in the public interest** in its capacity as **a public authority**, the University should rely on the 'public task' ground as its lawful basis for processing that personal data.
	7. Where the processing of personal data by Middlesex University is separate from its tasks as a public authority, a basis for processing that personal data other than the 'public task' ground is likely to be the most appropriate one to use.
	8. Please note that where Middlesex University processes **special categories** of personal data or criminal convictions data in its capacity as a public authority then a legal basis for processing that personal data will need to be found in line with the GDPR in addition to the 'public task' ground. **Special categories** of personal data are the following types of personal data revealing:
* Racial or ethnic origin;
* Political opinions;
* Religious or philosophical beliefs;
* Trade union membership;
* Genetic data;
* Biometric data;
* Data concerning health;
* Data concerning a person’s sex life;
* Data concerning a person’s sexual orientation
	1. Further guidance on the topic of establishing a lawful basis for processing personal data is available on the Student and Legal Affairs intranet page.
	2. Circumstances in which Middlesex University acts in its capacity as a public authority.
1. **Middlesex University’s core purposes**

The University will be carrying out tasks in its capacity as a public authority when it carries out the following tasks.

|  |  |
| --- | --- |
| **Middlesex University’s core purposes** **Category**  | **Description**  |
| ***Education Core Purpose***  |
| Education  | Providing courses of education at undergraduate and postgraduate level, engaging with and providing educational opportunities and resources to the wider public, demonstrating academic leadership and making Middlesex University a global educational establishment. This includes:  providing educational courses in a variety of forms, such as online, face-to-face and distance learning  teaching on undergraduate and postgraduate courses  arranging and facilitating student placements and exchanges  running summer schools  providing continuing professional development  providing executive education  providing a range of personal learning courses  carrying out cross-disciplinary educational activities  carrying out ancillary activities to facilitate the provision of educational courses, such as teacher development  |
| Qualifications  | Awarding recognised forms of undergraduate and postgraduate level educational qualifications such as degrees, diplomas and certificates.  |
| Award and prizes | This includes where Middlesex University cooperates with other institutions to award joint degrees and other qualifications.Founding and awarding scholarships, bursaries, studentships, medals and prizes |
| Publication of educational material  | Providing, publishing and distributing educational material in a variety of forms, including to members of the public.  |
| ***Research Core Purpose*** |
| Research  | Facilitating and carrying out research in any field.This includes:  research carried out by students at both undergraduate and postgraduate level  research carried out by Middlesex University staff  research carried out jointly with third parties  supervising research students  encouraging and facilitating cross-disciplinary research  carrying out ancillary activities to facilitate and support research, such  |
| Innovation | Innovation in the fields of education and research, including the commercialisation of Middlesex University’s research, as part of its core purposes. This includes:  knowledge exchange and enterprise activities  developing research and innovation excellence at Middlesex University  finding creative solutions to issues  showing academic leadership in the field of innovation  the creation of 'innovation clusters' around Middlesex University  providing relevant skills and training to students and staff  providing advice and mentoring, encouraging start-ups and the creation of spin-offs  supporting student entrepreneurship societies  |

1. **Ancillary activities linked to Middlesex University’s core purposes**

Middlesex University will be carrying out tasks in its capacity as a public authority when it carries out the following tasks, which are seen as being carried out to further the University’s core purposes of education, research and innovation.

|  |  |
| --- | --- |
| **Category**  | **Description**  |
|  |
| **Facilities**  | The provision and maintenance of facilities such as libraries, museums, labs, classrooms, residential accommodation, club premises, sports fields, lands, furniture, apparatus, equipment and books, in addition to IT services and facilities.  |
| **Goods and services**  | The procurement of goods and services to facilitate or further Middlesex University’s core purposes.  |
|  |
| **Governance**  | The governance of Middlesex University, including the exercise of the powers and duties of the relevant University decision making groups and other individuals involved in the governance of Middlesex University.  |
|  |
|  |  |
| **Category** | **Description** |
| **Planning**  | This includes Middlesex University’s strategic and operational planning and coordination activities, including those activities undertaken as part of the implementation and delivery of the University’s corporate plans.  |
| ***Staff***  |
| Management of Middlesex University staff  | This includes establishing or abolishing both academic and non-academic posts, appointing candidates to roles, removing staff from roles and determining the terms of employment contracts, staff pay and benefits.  |
| Payment of salaries, pensions and benefits  | The payment of staff members' salaries and pensions, including to employees' widows or widowers and dependants, and the provision of benefits to staff members.  |
| ***Financial***  |
| Grants  | Soliciting, receiving and administering grants, donations, gifts and loans of all types of property (including IP).  |
| Trustees  | Acting as trustees or managers of property, endowments etc. for the purposes of education or research.  |
| Investment  | Investing money in accordance with applicable Middlesex University’s powers.  |
| Fees  | Demanding and receiving fees, subscriptions and deposits.  |
| Guarantees  | Giving guarantees to financial and commercial institutions.  |
| Raising funds  | Borrowing and raising money, including the charging of Middlesex University’s s assets as security. If applicable establishing endowment funds in order to support students from low income backgrounds.  |
| ***Property***  |
| Property  | Acquiring, constructing, maintaining and managing real and other property.   |
| ***Insurance***  |
| Insurance  | Making appropriate insurance arrangements. This includes putting in place insurance (for individuals performing official roles) in respect of criminal prosecution brought against them in the course of carrying out their roles.  |

|  |  |
| --- | --- |
| **Category**  | **Description**  |
| ***Third party relationships***  |
| Relationships with other educational institutions  | Maintaining and developing Middlesex University’s relationships with other educational institutions. This includes developing relationships with schools and higher educational institutions around the world to promote education, research and innovation.  |
| Charities  | Subscribing to charities and granting charitable donations.  |
| Collaboration  | Collaborating with educational or research institutions with the same or similar educational or charitable purposes.  |
| Strategic partnerships  | Building and maintaining strategic partnerships with third party organisations such as the NHS, private businesses and government agencies.  |
| ***Students' Union***  |
| Students' Union  | This includes activities in relation to the Students' Union.  |
| ***Student recruitment and experience***  |
| Student recruitment  | This includes working with schools to raise aspirations and to help recruit students from under-represented groups at Middlesex University.  |
| Student experience  | Working to achieve high levels of student satisfaction and to become a world leader in the use of technology to enhance student experience and the quality of learning. This also includes the provision of student support services.  |

**If you have further questions you may contact:**

Data Protection Officer: dpaofficer@mdx.ac.uk