

University data protection code supplemental: transfer of personal data to collaborative partnerships overseas

Contents

| | |
|--|---|
| Purpose | 3 |
| Scope..... | 3 |
| The conditions legitimising the transfer of personal data to entities outwith the EEA | 3 |
| How will personal data be used by a partner institution?..... | 5 |
| What personal data will be transferred to the University by an overseas partner institution etc.?..... | 6 |
| Revision of the Supplemental Data Code | 6 |
| Availability..... | 6 |
| Contacts, further information..... | 7 |

Purpose

The purpose of this statement (“the supplemental Data Code”) is to inform students how and when personal data and/or sensitive personal data (“personal data”) will be transferred from the University to a partner institution/collaborating body etc. overseas, where:

- The University is a student’s home institution, and they are going to study and/or work overseas with a partner institution for a period of time, before returning to St Andrews to complete their studies; or
- Students have arrived at the University having commenced their studies with an overseas partner institution and are studying here as part of a collaborative arrangement, with the intention of returning to complete their studies at their home institution.

This statement supplements the “*University data protection code: collection and use of staff personal and sensitive personal data*” (“the Data Code”). Students should also refer to the Data Code for more specific details how their personal data will be collected and used by the University.

Scope

This supplemental Data Code:

- Is specific to the exchange of personal data from the University with an overseas partner institution that provides tertiary education or a body that provides industrial/work placements, where the party which is the recipient of personal data is based in a territory outside the European Economic Area (“the EEA”); and
- Provides an overview as to why personal data will be shared with an overseas partner institution and how this may be used.

The conditions legitimising the transfer of personal data to entities outwith the EEA

Schedule 4 of the Data Protection Act 1998 (“the DPA”) sets out the conditions that must be present before the University can transfer (pass) personal data to an overseas partner institution, based in a territory outside the EEA. The most common conditions that the University will rely upon in such circumstances are outlined below.

- The transfer is necessary to support a contract (a) between the student and the University and/or (b) between the University and another party

The relevant conditions legitimising the transfer of personal data in these circumstances are found in SCHEDULE 4, paragraphs 2(a) and (b), and paragraph 3 of the DPA i.e.

[Paragraph 2] “*The transfer is necessary-*

(a) for the performance of a contract between the data subject [a student] and the data controller [the University], or

(b) for taking steps at the request of the data subject [a prospective Study Abroad student] with a view to his entering into a contract with the Data Controller”

[Paragraph 3] “The transfer is necessary—

(a) for the conclusion of a contract between the data controller and a person other than the data subject which—

- (i) is entered into at the request of the data subject, or*
- (ii) is in the interests of the data subject, or*

(b) for the performance of such a contract.”

When students whose home institution is the University, agree to the terms and conditions surrounding study with an overseas partner institution etc., they have entered into a contract with the University of St Andrews, who will make arrangements for their studies to continue with a partner institution etc. To service that contract, the University will be required to pass to an overseas partner, information necessary to:

- Prepare to study and live overseas
- Administer study overseas;
- Manage welfare; and
- Manage and monitor academic progression.

Personal data can be passed by the University to an overseas partner etc. in preparation for the possibility of entering into a contract i.e. to:

- Establish the eligibility to study with a partner institution etc.

Contracts will also exist between the University and a partner institution etc. (typically collaborative educational arrangements), with information being shared legitimately to enable students to continue their education within that reciprocal/contractual agreement (see [Paragraph 3] above).

The other circumstances where it may be necessary to transfer personal data to a partner institution overseas, outwith contract include:

- To protect the vital interests of students (SCHEDULE 4, paragraph 6, DPA)

Vital interests in this context mean protecting the life and wellbeing of an individual. For example, the University would inform a third party overseas of known medical conditions of a student if asked should they be admitted to a medical facility with a life threatening condition.

- Consent is given to process personal data (SCHEDULE 4, paragraph 1, DPA.)

Circumstances may arise where it will be necessary for the University to seek the consent of students so that it can transfer personal data overseas to a partner institution. However, this is likely to be a relatively rare occurrence, as the majority of the information processed by the University for the purposes of supporting your studies with on a collaborative programme is done for fulfilling contractual purposes (see above). Where it is necessary to seek consent to process their personal data, this will be made clear to individuals at the point of data collection. Consent is and will always be truly optional. Individuals are under no compulsion to provide their consent.

How will personal data be used by a partner institution?

Personal data will be used for activities such as:

- The provision of a higher education or training
 - i. The administering of applications to study at a partner institution overseas.
 - ii. The creation and maintenance of a student record, by the partner institution.
 - iii. Administering access to services and facilities provided by or through the University as necessary to support your education and time spent with a partner institution, e.g. access to Library lending facilities, ICT account creation and provision for e-mail services, production of a Student ID card.
 - iv. The organisation and delivery of teaching events at the partner institution with which the University engages for providing part of your education.
 - v. Communicating with individual students and the student body, i.e. the dissemination of information to you from an overseas partner institution or any of its agents on (a) any matter(s) (internal or external) that are connected to your education and/or the services and facilities available to you as a student and (b) any matters necessary to maintain the health, safety and wellbeing of the student community.
 - vi. The administration and execution of voluntary surveys of student opinion – connected with the assessment and development of the student experience and performance of the overseas partner institution.
 - vii. The organisation and administration of activities to assess your educational achievement and progress, e.g. written examinations, on-line tests, viva-voce.
 - viii. The determination whether academic work submitted is consistent with partner institution requirements. This may include the application of measures to detect and prevent academic dishonesty, i.e. plagiarism detection services.
 - ix. The administration and execution of all processes/procedures concerning:
 - a. Student complaints;
 - b. Appeals (academic and non-academic); and
 - c. Student discipline.
 - x. The administration of your education between the overseas partner institution and the University. This will include the transfer to the University of any information/details that the overseas partner institution judges to be relevant in

terms of liaising with the University over matters related to participation on the collaborative programme.

- The provision of student support (welfare) services
 - i. The administration and management of student residential services – including the monitoring and use of facilities for billing purposes.
 - ii. The administration and provision of welfare and pastoral services. This could include professional counselling services provided by or through the University.
 - iii. The admission and provision of health care services provided by or through the partner institution. This may include passing details of specific medical conditions and/or medication to understand whether study at an overseas partner institution etc. is compatible with maintaining student wellbeing.
 - iv. Liaison with third-parties to secure the safety, security and well-being of students.

What personal data will be transferred to the University by an overseas partner institution etc.?

It will be necessary for partner institutions etc. to transfer personal data to the University, to facilitate the seamless transition between institutions, and to manage academic progression. Personal data transferred to and collected by the University will be used as per the conditions set out within the Data Code. The personal data transferred from a partner institution to the University will include details of:

- Academic performance. This could include information on attendance, and will contain details of academic credits achieved etc.

Personal data may also include details of any suspected or proven breach of academic and/or non-academic regulations in force at the partner institution, unpaid debts due to the partner institution.

Revision of the Supplemental Data Code

The supplemental Data Code will be reviewed at regular intervals. The review period will be approved by the University and recorded on the accompanying coversheet. Any significant change to relevant legislation, University Policy or procedures primarily concerned with the protection of personal data may trigger an earlier review. The Supplemental Data Code will be presented to the Proctor for approval.

Availability

The Supplemental Data Code will be published on the University website, and copies will be made to students who express an interest in participating in a collaborative programme.

Contacts, further information

Enquiries about the Supplemental Data Code should be directed to the Associate Chief Information Officer (Information Assurance & Governance) or by e-mailing data-protection@st-andrews.ac.uk