

**Data Sharing Protocol (DSP) for the sharing of personal data
between
University of East Anglia (UEA)
And
Partner Schools & Colleges**

**Data Sharing Protocol (DSP) for personal data collected by UEA Outreach
and neaco partners for uploading to HEAT (Higher Education Access
Tracker) Updated June 2019**

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Introduction and background

- UEA will require Partner Schools & Colleges to provide accurate data (where available) regarding school students for the purpose of evaluating and monitoring the University's Outreach activities, including those delivered by our partner organisations such as Villier's Park and neaco.
- neaco's partners are; University of East Anglia, Cambridge University, Anglia Ruskin University, University of Suffolk, Norwich University of the Arts, City College Norwich, Easton & Otley College and College of West Anglia.
- Data sharing is required in order for UEA and neaco partners to track students' engagement with Outreach activity and their Higher Education (HE) choices after year 13 through Higher Education Access Tracker (HEAT – <http://heat.ac.uk>). Reporting through HEAT will allow UEA and neaco partners to evidence the impact of its Outreach activity and provide schools/colleges with annual and 'on request' anonymised data regarding progression to HE. Where numbers are small enough for students to potentially be identified from the data (less than 3 generally, under 6 for Looked After Children), suppression will be used in line with The Department for Education's Statistical Policy Statement on Confidentiality (https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/190768/Confidentiality_Policy_v4.pdf)

Nature of the personal data being shared and process for sharing

Nature

- UEA will require from partner Schools & Colleges the following data regarding their students (where available):
 - School Name
 - Year Group
 - Student Name
 - Date of Birth
 - Home Postcode
 - Gender
 - Looked-After-Child status
 - Young Carer Status
 - Email address
 - Disability status
 - Ethnicity

Process

- Partner Schools & Colleges will provide the relevant supplied information (see appendix A) regarding the data capture to all data subjects and will provide UEA with the requested data in encrypted form and in the appropriate format. Data will be uploaded to HEAT as soon as possible after receipt in line with UEA's Record Retention Schedule.

- Data in its raw form will only be held by UEA for as long as is necessary to upload to HEAT. The shared data will be stored securely by UEA and securely deleted immediately after uploading.
- This DSP will apply only to data relevant to UEA Outreach and/ or neaco partner activity and will apply indefinitely (subject to review).
- Data should be provided by the school/college in advance of any Outreach or neaco activity taking place and by 1st November 2019 at the latest point.
- Where the institution is a Further Education College and is undertaking its own Outreach/Inreach activity funded by neaco, privacy notices shall be such that either the FEC or UEA can upload student data into HEAT.
- Data subjects will be provided with details of how to opt out of the data capture with the initial information. This will be via the **rao.data@uea.ac.uk** email address.
- If UEA receives notification that a school/college student (or parent of a pupil) does not want their data to be used in the ways outlined to them in UEA's Privacy Notice, UEA will not add their data into HEAT (or remove their entry from HEAT if it's already uploaded).
- If a partner School or College receives notification that a student (or parent of a pupil) does not want their data to be used in the ways outlined to them in UEA's Privacy Notice, they will ensure that appropriate action is taken, including notifying UEA of this at the **rao.data@uea.ac.uk** email address.

Justification/purpose of sharing of this personal data

- Data sharing and use of HEAT is essential in enabling UEA to evidence the impact of its Outreach work by tracking an individuals' engagement and participation in our activities, and their progression into Higher Education (if applicable). This approach is endorsed and supported by the Office for Students. See <http://heat.ac.uk>. HEAT data is intended to contribute to UEA's Access and Participation Plan, which documents our impact and achievement to the Office for Students.
- Having robust impact and progression data of the kind that HEAT offers will allow UEA & the neaco partners to improve the targeting, delivery and impact of its Outreach activity. This will assist UEA in its goal of Widening Participation in HE amongst under-represented groups, in particular those from low-participation neighbourhoods, students from particular ethnic groups, students with disabilities and those who have current or past experience of Local Authority Care. Schools will also benefit from the scheduled and ad hoc reporting of anonymised progression data made possible by HEAT, in terms of evidencing the value of their relationship with UEA Outreach and having more detailed data about progression into HE, particularly for Outreach target groups.
- Due to the long-term tracking nature of the system, data uploaded to HEAT cannot be anonymised, and using small samples of participants would be inappropriate. The personal data required have been kept to a reasonable minimum. Individuals will not be identified in any reports, and a suppression policy is in place (see introduction).
- Where the school/college is a target institution for the Network for East Anglian Collaborative Outreach (neaco), UEA may share data with neaco and its partner organisations. This will enable management of any overlap between UEA and neaco data sets. UEA is the data controller and is required to have contracts in place with each of these data processors.

HEAT will not feed to or from any other software systems, apart from scheduled and ad hoc (anonymised) exporting to .csv format to allow for manipulation and analysis of data outside of HEAT's built-in reporting tools.

Legal basis

- Both Parties warrant and represent that the sharing of personal data as described in this DSP will not breach the data subjects' human rights, nor constitute a breach of confidence.
- The data sharing which is described in this DSP complies with the first Principle (a): Lawfulness, fairness and transparency, in Article 5 of General Data Protection Regulation (GDPR) (Regulation (EU) 2016/679).
- Specifically, the sharing of these personal data by UEA meets the following conditions found in the General Data Protection Regulation and Data Protection Act 2018:
 - Article 6(1)(e) processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.
 - Processing is necessary for archiving purposes, scientific or historical research purposes or statistical purposes (Data Protection Act 2018, Schedule 1 Part 1 (4) 'Research etc.') – UEA has an Appropriate Policy document in place – see Appendix B.

Security and assurance

- Both Parties agree to apply appropriate security measures to protect the data commensurate with the requirements of GDPR Article 5(1)(f) and Article 32.
- Data provided by the school/college should be uploaded via the institution specific link provided by UEA to a spreadsheet in Microsoft OneDrive. The data will be uploaded to HEAT as soon as possible after receipt – where this is not immediate, the data will be transferred to a separate hard drive (which is kept in a locked drawer), and securely deleted immediately after upload.
- Access to HEAT data at the individual level will be restricted to the following UEA staff:
 - Widening Participation Officer
 - Business Intelligence Manager (Widening Participation)
 - Assistant Head of Planning
 - Assistant Head of Outreach
 - Outreach Managers
 - Outreach Officers
 - neaco HE Champions
 - Other appropriate members of UEA's Outreach and Widening Participation teams

No externally contracted companies or other third parties contracted by HEAT or the University (apart from HEAT themselves) will have access to the data. Other Higher Education Institutions (excluding neaco consortium members where applicable) will not have access to individual's data. UEA and HEAT may link your data to records held by the Higher Education Statistics Authority (HESA).

- Data will not be held locally for any longer than it takes to upload to HEAT. Once held on HEAT, the data will form part of long-term tracking information, and so will be kept indefinitely so that life cycle research can be conducted. Individual data can be permanently removed from the system by the University at any point if necessary.

Appropriate software (File Shredder, Eraser or equivalent) will be used to permanently delete files on local devices. If any paper data submissions are received, then these will be held securely in a locked drawer for a minimum amount of time and shredded in a cross-cut shredder along with other confidential waste.

- Each Party shall give reasonable assistance as is necessary to the other in order to enable that Party to:
 - Comply with the exercise of rights by Data Subjects and to respond to any other queries or complaints from Data Subjects;
 - Respond to Information Notices served upon him by the Information Commissioner;
 - Investigate any breach or alleged breach of the law.

in accordance with the statutory obligations under the GDPR and Data Protection Act 2018.

- The receipt by one Party of any Subject Access Request to access Data covered by this DSP must be reported at the earliest opportunity to the relevant Data Protection Officer or other such nominated officer representing each of the other Parties.
- The Parties shall agree between themselves which Party shall take responsibility and arrange the relevant response to a data subject's request, query or complaint.
- Each Party shall give reasonable assistance as is necessary to the other in order to enable that Party to comply with requests made under the terms of the Freedom of Information Act 2000.

Ownership of the personal data and procedure for data loss/breach notification

- Both Parties will be data controllers in common with regard to the personal data shared under the terms of this DSP.
- Any security incidents, breaches or newly identified vulnerabilities concerning the shared data must be communicated between the data controllers at the earliest opportunity.
- Where a potentially notifiable personal data breach has occurred, the data controller from whose employees or premises the breach occurred will be liable for any enforcement action from the Information Commissioner and will therefore be responsible for deciding on notification (to affected data subjects and/or the Information Commissioner).
- The Parties agree to provide reasonable assistance as is necessary to each other to facilitate the handling of any personal data breach in an expeditious and compliant manner.

Disputes

- If any dispute arises out of or in connection with this Agreement the Parties will attempt in good faith to settle it by negotiation. If the Parties are unable to settle any dispute by negotiation within twenty-

eight (28) days, the Parties will attempt to settle it by mediation in accordance with the Centre for Effective Dispute Resolution (CEDR) Model Mediation Procedure. If the Parties fail to agree within 60 days of the initiation of the alternative dispute resolution procedure, then the Parties shall be at liberty to commence litigation.

- This Agreement is subject to English Law and the jurisdiction of the English Courts.

Review arrangements

This DSP will be reviewed 12 months after coming into effect, and every 5 years thereafter unless required by legislative or regulatory changes. The review process will be initiated by the University’s Assistant Head of Outreach, and will be informed by all incidents, events, queries and concerns raised by either party during the preceding year of operation of this protocol. Both parties must agree to a revised agreement being created and signed.

- A Party may terminate their involvement in this DSP by the giving of 6 months’ written notice to the other Party.
- Following termination of this DSP, the University will retain any data shared by partner Schools & Colleges in accordance with its records retention policy, or unless the data subject has asked for processing to cease.
- In the event that any Party wishes to vary any term of this DSP, that Party will give notice, in writing to the offices of the other Party, explaining the effect of and reason for the proposed variation. The Parties shall within 30 days of receipt of such a notice meet to discuss the variation.
- All Parties must agree in writing to any proposed variation to this DSP.

Signatories

University of East Anglia

Name of head of business area:
IAN CALLAGHAN

Signature of head of business area:

.....

Date:

Agreement to the above protocol will be completed by each partner through an online signature. This protocol applies to all partner Schools & Colleges who provide a signature in this way.

Appendix A: Outreach Privacy Notice.

The full notice can be found here <http://tinyurl.com/y2fm9zym>

Appendix B – Appropriate Policy

Articles 9 and 10 of the General Data Protection Regulation Schedule 1 to the Data Protection Act 2018

Appropriate policy document for the UEA Outreach team to process special category personal data (ethnicity and disability)

Introduction

This document supplements the University's Record of Processing Activities and outlines occasions where special category personal data is processed under certain conditions permitted by **sections 10-11 of the Data Protection Act 2018 and set out in Parts 1-3 of Schedule 1 to the Act, as required under Part 4** of that Schedule. It outlines the relevant conditions relied on, the nature of the processing, and then summarises why this processing fulfils the principles in **Articles 5 and 6 of the GDPR**, as well as explaining relevant retention and erasure policies.

Context

1) Why do we want to capture ethnicity and disability data (purpose of processing)?

UEA is committed to ensuring Higher Education is promoted to and can be accessed by everyone regardless of their background. To measure this and be able to assess how well we as a University we are doing, we need to record, store and process personal data. We work with schools and colleges across Norfolk and North Suffolk and aim to record the Higher Education activities young people take part in, with a view to seeing which of those students then progress on to Higher Education. This information then helps us see which activities or combination of activities work best in supporting people from different backgrounds to progress into Higher Education. It will also enable us to identify gaps and groups we may not be reaching and will enable us to adjust our activities to be more inclusive.

2) What are we going to do with ethnicity and disability data?

UEA will use the data provided:

- to help improve the targeting, activity, focus, delivery and impact of its programmes – this includes tracking engagement with UEA's service by entering the data into the Higher Education Access Tracker (HEAT - <http://heat.ac.uk>), a monitoring and evaluation service for UK universities (use of this service will allow UEA to evaluate the impact of its programmes through your HE choices after year 13);
- to administer feedback surveys;

- to send invitations to connected follow-up events (e.g. reunions and celebrations) and to send additional relevant information and resources related to UEA/neaco activities;
- for UEA's own internal monitoring, evaluation and research purposes.

UEA considers the processing of your personal information for the above purposes to be necessary for the performance of tasks it carries out in the public interest (i.e. running events to promote access to Higher Education, informing students of their educational options, and carrying out related monitoring, evaluation, tracking and research).

3) Why do we need to have an Appropriate Policy document in place?

We are already working with schools and colleges to capture the following personal data; full name, date of birth, home postcode, gender, looked after child status, young carer status, email address and school/college name. We are capturing this under the legal basis of 'public task'. This means as long as we notify young people (or parent/carers of those under 13) of what is going to happen, through our [Privacy Notice](#), schools can share this data with us. We would also like schools and colleges to share with us ethnicity and disability data for their students, but in order to do so legally, the Data Protection Act 2018 requires us to have this 'Appropriate Policy document' in place. This is because legally ethnicity and disability data are classed as 'special category' data and, as such, need extra safeguards in place.

Relevant processing conditions from **Schedule 1 of the Data Protection Act 2018**

Most of the personal data we collect for this purpose is **not** special category and is collected under 'public interest' (*'processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller'*).

Further to this, for the same purposes as described above (under Question 2), we collect two pieces of special category personal data – these are racial/ethnic origin and disability status. We need to collect these to ensure equality of opportunity in relation to the Outreach activities we run, regardless of ethnic origins or disability. We also need to ensure that these Outreach activities are having a positive impact for all participants, regardless of ethnic origins or disability.

We have two lawful basis' for collecting these data:

1. The lawful basis of research and statistical purposes. (Sch.1, Part 1, Para. 4)
2. The lawful basis of substantial public interest, and data is processed under the condition of equality of opportunity or treatment. (Sch.1, Part 2, Para. 8)

How and why the data processing under the condition above meets the principles in [Articles 5 and 6](#) of the GDPR, including safeguards are we employing:

Lawfulness, fairness and transparency

- Two appropriate lawful basis' exist (conditions relating to employment, health and research > research, in addition to substantial public interest, under the condition of equality of opportunity or treatment).
- Processing is fair to the data subjects because we will be supplying a clear and detailed privacy notice upfront, explaining what we will be doing with their personal data.
- The privacy notice is supplied in advance of data collection, and it details the relevant condition relied on and the nature of the processing (this is attached/enclosed).

Purpose limitation

Ethnicity and disability data is only processed for the limited purposes specified above (under Question 2), and access is restricted so as to prevent any additional use in other ways.

Data minimisation

Processing will also be carried out in accordance with [Article 89\(1\)](#), will respect the essence of the right to data protection and will provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject. Only the minimum personal data will be collected to fulfil the purposes above, and where those purposes can be fulfilled by further processing which does not permit or no longer permits the identification of data subjects, those purposes shall be fulfilled in that manner.

Accuracy

Any inaccuracies in the personal data collected would be corrected without delay so as to prevent any unnecessary damage or distress to the data subjects.

Storage limitation, retention and erasure

UEA will keep data securely and confidentially for ongoing research purposes and will therefore be stored in an identifiable form while it remains necessary for this purpose. Data will be kept in accordance with our data retention schedule ([RAO](#))⁴ and UK data protection legislation, and we will ensure it remains anonymous in any reports. You are entitled to ask us to erase or stop using your data at any time. To do so, or for further information about this, please contact 01603 591845 or rao.data@uea.ac.uk. If you would like further information about your data protection legal rights, please see UEA's [further information web page](#)⁵ and [Data Protection Statement](#)⁶ for webforms, or contact the University's data protection officer at dataprotection@uea.ac.uk.

Integrity and confidentiality

Data are stored securely using appropriate technological controls, and access is highly restricted to certain 'need to know' staff. The information is not routinely shared beyond the University, except for with the organisations specifically mentioned within the wider privacy notice.

Further details

UEA will make this document publicly available until at least 6 months after we have removed/ deleted any personal data relating to ethnicity and disability captured under 'public task'.