

Data Protection and Use of Student Data¹

DATA PROTECTION ACT 1998 AND GENERAL DATA PROTECTION REGULATION

- 1) The Data Protection Act 1998 (DPA) regulates the processing of personal data in any format by ICL Education Group, including both digital and hard copy personal data and all other formats. 'Personal data' is any information relating to a living individual, and 'processing' is any activity carried out involving personal data, including holding and storing it. On 25 May 2018 the DPA was superseded in the UK by the General Data Protection Regulation (GDPR), which provides individuals with enhanced rights, and imposes increased responsibilities on organisations processing personal data. This statement applies under both the DPA and GDPR.
- 2) This statement establishes ICL Education Group's procedures governing the collection and release of student data and is provided to students at the application and registration stages. It includes information about how student data is used, and where it is supplied by the School.
- 3) ICL Education Group is the data controller for all personal data that it holds and processes, except where it is done in the capacity of a data processor on behalf of another data controller. ICL Education Group's contact details are below.
- 4) The ICL Education Group's Data Protection Officer is:
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NOTIFICATION TO APPLICANTS AND REGISTERED STUDENTS

- 5) ICL Education Group may obtain, hold and process the personal data of students including personal details, family and social circumstances, education and training records, employment information, financial details, and services provided. It may obtain, hold and process the sensitive personal data (the term used by the DPA) and special category data (the term used by GDPR) of students including racial or ethnic origin, religious or philosophical beliefs, biometric data, and physical or mental health.
- 6) Personal data and sensitive personal data/special category data held by ICL Education Group relating to students is obtained directly from the student or applicant, or in some cases from a third party organisation involved in the services provided by ICL Education Group that has obtained the information in the first instance, for example agents involved in student recruitment.
- 7) ICL Education Group holds the personal data and sensitive personal data/special category data of its students in order to implement and manage all services and processes relating to students, including student recruitment, admission, registration, teaching and learning, examination, graduation and other services such as accommodation, student support and careers. Only information required for these purposes is obtained and processed, and without it ICL Education Group may not be able to provide its services. Information is passed between various sections of ICL Education Group for operational reasons as is necessary and proportionate for intended purposes.
- 8) Student personal data is collected and processed by ICL Education Group as it is necessary for the performance of the contract under which ICL Education Group provides services to students. Some processing activities may also be carried out under a legal obligation, where it is necessary to protect the vital interests of the student or another party (for example, disclosures to external

¹ Adapted from University of Leicester

parties to ensure the safety and wellbeing of individuals), where it is necessary for the performance of a task carried out in the public interest or in the exercise of official authority, or where it is necessary for legitimate interests pursued by ICL Education Group or a third party (the legitimate interests will relate to the efficient, lawful and proportionate delivery of services and will not be to the detriment of the interests or rights of individuals). Where any of these legal bases do not apply, the consent of an individual to process their personal data will be sought.

- 9) Where students' sensitive personal data/special category data is collected and processed by the School this will be on the legal basis of explicit consent of the student, employment or social security/protection requirements, protecting the vital interests of the student or another party, the exercise or defence of a legal claim, reasons of substantial public interest, purposes of medical or health care, or where the information has been made public by the student. Any processing will be proportionate and relate to the provision of services by ICL Education Group. When this data is used for monitoring and reporting purposes it will be anonymised if possible.
- 10) ICL Education Group may disclose student's personal data and sensitive personal data/special category data to external agencies to which it has obligations; for example for visa and immigration purposes. It may also disclose information to examining bodies, legal representatives, Police or security agencies, suppliers or service providers, survey and research organisations engaged by the ICL Education Group, and regulatory authorities. If students have unpaid debts to the School at the end of their course ICL Education Group may, at its discretion, pass this information to debt collecting agencies in order to pursue the debt.
- 11) ICL Education Group also uses student's personal data as follows:
 - a) ICL Education Group's Safety Team may contact students declaring a disability to confidentially discuss available support.
 - b) Provide progress reports to sponsors of students (except relatives).
 - c) Provide references to education institutions and employers, usually with the consent of the student or graduate.
 - d) Publication of the names of graduating students in the degree ceremony graduation programme.
 - e) Disclose information about students and graduates for the purpose of promoting ICL Education Group, and to their former schools for the purposes of schools liaison, but only with the consent of the student or graduate if they are personally identified.
 - f) For the purposes of plagiarism detection, utilising the on-line *Turnitin* plagiarism detection service.
 - g) Supply personal and financial details to providers of financial services engaged by ICL Education Group, for example for the payment of fees.
 - h) Disclosing information to external parties for safeguarding and duty of care purposes, for example to medical practitioners and law enforcement agencies.
 - i) Produce degree certificates and transcripts for students.
 - j) Graduates of ICL Education Group are still able to access Pathway Service support and resources, and may be contacted after graduation by the Pathway Service to offer ongoing support with career plans, including coaching and job opportunities.
 - k) Subject to review on a case-by-case basis, providing contact details to third party companies and organisations formally engaged by ICL Education Group to provide enhanced levels of service to support core activities.
- 12) ICL Education Group requires all campus-based students to participate in its attendance monitoring system. For some student groups it is a statutory requirement that ICL Education Group monitors attendance (for example international students) and there may be a requirement to report non-attendance to official bodies (e.g. NZ Visas and Immigration). It also aids ICL Education Group in its duty of care and support provisions, as well as enabling the analysis of specific elements of service provision such as space management.

- 13) On graduating, all students automatically become members of ICL Alumni. They receive the opportunity to remain in touch with fellow graduates and to be kept up to date on ICL Education Group news, events, products, services and opportunities to support ICL Education Group. If you do not wish to receive these communications you must notify the ICL Alumni Office – this can be done at any time after you graduate.
- 14) In some instances ICL Education Group may transfer students' personal data to third parties located in other countries, including some outside of the European Economic Area. Any such transfers will be strictly in relation to the delivery of ICL Education Group's core services, including to partner institutions abroad. IT services used by ICL Education Group may involve the transfer or hosting of student personal data overseas. Personal data may be shared with international agents that ICL Education Group uses for the delivery of services to overseas students. All instances of overseas transfers of personal data are subject to appropriate technical safeguards and contractual provisions incorporating appropriate assurances to ensure the security of the data and full compliance with legislative and regulatory requirements.
- 15) Some sections of ICL Education Group undertake processes involving applicant or student personal data that include elements of profiling or automated decision-making, where these processes are employed to determine the nature of communications sent to individuals and to facilitate student recruitment and admissions procedures.
- 16) If you have any queries about the use of student personal data outlined above then please contact Information Assurance Services at info@icl.ac.nz

INDIVIDUAL RIGHTS

- 17) Individuals whose personal data and sensitive personal data/special category data is held by ICL Education Group have the following rights regarding their data:
 - a) The right to request access to their personal data held by ICL Education Group.
 - b) The right to have inaccurate or incomplete personal data rectified.
 - c) The right to erasure of personal data – this will only apply where there is no legitimate reason for ICL Education Group to continue to process the personal data. There will usually be a requirement for ICL Education Group to keep a basic student record indefinitely.
 - d) The right to restrict the processing of personal data – individuals have the right to block the processing of their personal data by ICL Education Group in specific situations.
 - e) The right to data portability – students have the right to request provision of some elements of their information (for example academic progress details) in digital form in order to provide it to other organisations.
 - f) The right to object – students can object to the processing of their personal data by ICL Education Group in certain circumstances, including the sending and receipt of direct marketing material.
 - g) The right to object to automated decision making and profiling – individuals have the right to object to decisions taken by automatic means without human intervention in some circumstances.

All requests to exercise any of these rights should be made to ICL Education Group's Data Protection Officer.

- 18) Where the processing of personal data or sensitive personal data/special category data is based on the consent of the student, they have the right to withdraw their consent at any time by contacting the department or service who obtained that consent or ICL Education Group's Data Protection Officer.
- 19) If a student is unhappy with ICL Education Group's handling of their personal data, or believes that the requirements of the DPA or GDPR may not be fully complied with, they should contact ICL Education Group's Data Protection Officer in the first instance. ICL Education Group's formal

complaint procedure can be invoked if appropriate, and they also have the right to submit a complaint to info@icl.ac.nz.

STUDENT AND LEAVERS SURVEYS

- 20) Your contact details may be passed to survey contractors and surveys of student finances on behalf of some of the organisations.
- 21) You may also be included in longitudinal surveys of leavers in the years after you graduate. If so, we will pass your contact details to the organisation that has been contracted to carry out that survey. That organisation will use your details only for that purpose, and will then delete them.
- 22) There is not requirement for you to take part in any of these surveys but participation assists ICL Education Group, as well as government and regulatory bodies, in performing their statutory, official and public duties. If you do not want to take part in any of these surveys please contact the ICL Education Group's Data Protection Officer.

MONITORING OF IT SYSTEMS AND ACCOUNTS

- 23) Students should also be aware that, in certain circumstances, ICL Education Group may monitor usage of its IT systems and access user information on its systems and networks that is normally private. Any institutional monitoring or access will comply with NZ legislation including the Data Protection Act 1998 and General Data Protection Regulation. Where necessary any access or monitoring will be justifiable, fair and proportionate, and will be in line with ICL Education Group's Institutional IT Usage Monitoring and Access policy (ISP-16).

STUDENT USE OF PERSONAL DATA

- 24) Student members of ICL Education Group are permitted to process personal data only for use in connection with their academic studies or research. They may do this only with the express prior permission of their supervising member of staff, and only in accordance with any guidance or Code of Practice issued by ICL Education Group and in force at that time. This applies whether or not those activities are carried out on equipment owned by ICL Education Group and whether or not they are carried out on ICL Education Group premises. This means that the personal data must be: fairly and lawfully obtained and processed; used only for specified and legitimate purposes; accurate and up-to-date; held securely; kept to the minimum possible and anonymised or pseudonymised where possible; not published or put online without the consent of the individual concerned; and be deleted or destroyed when it is no longer relevant to retain it. The individuals about whom data are held are entitled to inspect the data unless it is held only for research purposes and will not be released in such a way as to identify the individuals concerned.
- 25) Students needing to process personal data for academic or research purposes must make themselves aware of the general requirements of the Data Protection Act 1998 and the General Data Protection Regulation, and in particular must abide by the data protection principles. Students can do this by obtaining a copy of ICL Education Group's current guidance on data protection, and further relevant information from their supervising member of staff.
- 26) Students who fail to comply with any guidance or Code of Practice in force may be held personally liable for any resulting breaches of the Data Protection Act 1998 or General Data Protection Regulation.