

Nous Group: Full privacy notice

1. Introduction

The Office for Students (OfS) is the independent regulator of the higher education sector in England. Our aim is to ensure that every student, whatever their background, has a fulfilling experience of higher education that enriches their lives and careers.

We do this by regulating higher education providers in relation to matters such as access and participation, quality and student outcomes, financial health, student protection and governance. We also regulate at sector level to ensure that higher education delivers activity and outcomes that cannot be achieved by individual providers alone.

You can find more information about the OfS and the work that we do on our website: www.officeforstudents.org.uk

The Higher Education and Research Act 2017, which established the OfS, makes provision for the OfS to require providers wishing to charge above the basic fee to undergraduate students to have an OfS-approved access and participation plan, if they want to be registered with the OfS and receive public funds. The plan must set out what the providers will do to promote equality of opportunity in their own context. The Act also empowers the OfS to promote good practice in this area.

Following a national consultation, in December 2018, the OfS published a new approach to access and participation, including reforms to access and participation plans. In its guidance to the sector published in February 2019¹, the OfS set clear expectations required of universities and colleges in their 2020-21 to 2024-25 access and participation plans.

Access and participation plans must include:

- **An honest and rigorous self-assessment:** This should set out the gaps in equality between different groups of students in relation to access, continuation, attainment and progression into further study or work in relation to the provider's mission and location, and considering factors such as race, disability, age, childhood home and school performance.
- **Ambitious objectives:** Providers should set five-year targets for reducing the gaps identified through their self-assessment and for measuring their broader contribution to improving equality of opportunity locally and nationally.

¹ Regulatory notice 1: Access and participation plan guidance (OfS 2019.05) is available at: www.officeforstudents.org.uk/publications/regulatory-notice-1-access-and-participation-plan-guidance/.

- **Credible plans** based on a theory of change, setting out interventions that the provider will make to achieve the targets, the evidence informing them, and the investment underpinning it.
- **Robust evaluation and oversight:** The plan must demonstrate whether interventions are achieving their goals, and how they can be improved over time. It must set out how the governing body and senior management will provide the institution-wide commitment needed to bridge access and student success.

We are interested in knowing the extent to which these reforms have led to the increase in ambition and positive change in provider behaviour necessary for the achievement of equality of opportunity in higher education. Therefore, the OfS has commissioned Nous Group to undertake a review that will help us to understand our effectiveness in implementing reforms to access and participation.

The review comprises two interrelated parts:

- A. Analysis of the content of access and participation plans from 2020-21 onwards by theme, including comparison with 2019-20 plans and 2018-19 access agreements.
- B. A stakeholder review of how our guidance, engagement and assessment processes have influenced providers' behaviour in the development of access and participation plans.

The OfS is committed to protecting your personal information and being clear about the information we hold about you and how we use it. This privacy notice tells you what to expect when the OfS collects personal information to complete its review into access and participation plans, and how the data will be processed by Nous Group.

The OfS is registered with the Information Commissioner's Office (ICO). Our registration number is ZA309955, and you can check our entry details on the ICO's website: <https://ico.org.uk/about-the-ico/what-we-do/register-of-fee-payers/>

2. Data controller and Data Protection Officer

The OfS is the 'data controller' of any personal information collected within scope of this privacy notice. Our location and contact details are below:

Office for Students
 Nicholson House
 Lime Kiln Close
 Bristol
 BS34 8SR

Tel: 0117 931 7317

Email: dp@officeforstudents.org.uk

Our Data Protection Officer (DPO) is the first point of contact for people whose information is processed. You can contact the DPO using the details above.

As our data processor, Nous Group will handle and use personal data on our behalf.

3. How will we use your information?

We can only use your personal information where we have a specific purpose or purposes for doing so.

The OfS has asked Nous Group to undertake a review with stakeholders into how its guidance, engagement and assessment processes have influenced behaviour in the development of access and participation plans. Nous Group will process personal data on behalf of the OfS for the purpose of carrying out the stakeholder component of this review.

To achieve this aim, Nous Group will invite:

- providers' access and participation strategic contacts/access and participation plan contacts and the officers of providers' representative groups to complete a short online survey on behalf of their organisation
- a representative sample of senior managers (drawn from access and participation plan strategic contacts) for an interview
- a representative sample of those responsible for leading the development and implementation of the current plan (drawn from access and participation plan contacts) to join one of four focus groups
- officers from providers' representative groups for an interview.

In advance of participation in an interview or focus group participants will have received a brief question guide.

Nous Group will ensure that the analysis it shares with the OfS will not contain any responses that could be attributable to an individual or organisation.

If we want to use your personal information for a reason other than those purposes set out above, we will tell you before we start that use and provide further information about the new purpose(s).

4. Legal basis for using your personal information

Under data protection legislation, we require a legal basis from Article 6 of the GDPR to be able to process your personal information for the purposes set out above.

In this case, the legal basis is:

- Article 6(1)(e) - Processing of the personal data is necessary for the performance of a public task carried out in the public interest or in the exercise of official authority vested in the data controller.

These legitimate interests are set out below.

5. What personal information will we collect?

The personal information Nous Group will collect and use as part of this the review is:

- names of individuals taking part in the survey, interviews and focus groups
- job titles of individuals taking part in the survey, interviews and focus groups
- email addresses and telephone numbers of individuals taking part in interviews and focus groups
- survey responses
- notes of interview/focus group responses.

6. To whom will we give your personal information?

As a necessary part of the stakeholder review, the OfS will share the following personal information with Nous Group Limited:

- names and email address of individuals taking part in the survey, interviews and focus groups.

The OfS will share its coding framework for 2020-21 to 2024-25 access and participation plans and a database of evidence with Nous Group, which does not contain personal data.

This sharing of personal data and its purpose has been included in our contractual agreement with Nous Group. We have assessed the data protection and security measures in place at Nous Group, which means that your personal information is not put at any undue risk consequent on our sharing of data.

Nous Group will be using SurveyGizmo to carry out the surveys for the review. Personal information will therefore be shared with SurveyGizmo, as explained in section 7 below.

7. Where will your personal information be stored?

Your personal information will be stored securely by Nous Group and the OfS within the UK.

Nous Group have stated that they will be using a version of SurveyGizmo to carry out the surveys. This version will be with a German datacentre, meaning that data will be transferred to Germany by Nous Group.

This means your information will be transferred outside the UK. Therefore, we have assessed the risks with storing your personal information in this country, and we are satisfied that it will not be put at any undue risk as a result. The reasons for this are included below:

- As Germany is part of the European Economic Area (EEA), it is within the territorial scope of the GDPR.
- This means that personal information transferred to Germany is subject to all the obligations and safeguards laid down by the GDPR, including the principles of processing personal data fairly and lawfully, as well as the obligation to have appropriate organisational and technical measures in place to ensure the information is secure.
- SurveyGizmo's privacy policy can be found here: <https://www.surveygizmo.com/privacy/>

8. How do we protect your personal information?

The OfS has security measures in place to protect your personal information:

- Accredited to the Cyber Essentials² PLUS standard for cyber security.
- All staff are required to undertake training in data protection and information security on joining the OfS and then on an annual basis.
- Formal information security policies must be read and understood by all staff.
- Personal information is only available to those members of staff who require access as part of their role.

As part of the tender submission, Nous Group were required to inform the OfS of their data security controls. Nous Group confirmed:

- Their IT security policy provides all their staff with guidance and awareness measures.
- Personal data is stored securely and personal data is only accessible to assigned members of staff who need access for their specific roles in this review.
- Up to date firewalls and anti-virus software are in place.

9. Your rights over your personal information

Once your personal information has been collected, you have rights in relation to that personal information that may be exercised. You have the right to request:

- a copy of your personal information
- correction of inaccurate personal information held about you
- deletion of your personal information
- that processing of your personal information is restricted
- a copy of your information in a format that allows easy transfer ('data portability')
- that you are not subject to automated decision making or profiling (if these take place).

All these rights have limitations depending on the request and the purpose for which we are holding your personal information. Further information can be found about these rights and our processes for handling such requests at:

www.officeforstudents.org.uk/privacy/individual-rights-under-the-general-data-protection-regulation/

² See <https://www.ncsc.gov.uk/cyberessentials/overview>.

10. How long will we hold your personal information?

We are only able to retain a copy of your personal information for as long as it is needed for the purpose(s) for which it was collected. The personal information you have submitted will be retained until the end of the project with Nous Group, which is expected to be February 2021.

After that point, your personal information will be confidentially and securely disposed of by Nous Group and the OfS.

11. Complaints about the use of your personal information

If you are unhappy with the way in which your personal information has been handled by the OfS, please contact us via our Data Protection Officer (details in section 2) and we will try to resolve your issue informally.

If we are not able to resolve the issue to your satisfaction, you can also make a complaint to the data protection supervisory authority. In the UK, this is the Information Commissioner's Office (ICO) and they can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 0303 123 1113

Email: casework@ico.org.uk

12. Changes to this notice

We keep our privacy notices under regular review and we will inform you of any changes to this notice by placing an update on our website.

This privacy notice was last updated in September 2020.