

OfS registration process privacy notice

The General Data Protection Regulation (GDPR) requires that clear and transparent information is provided to individuals about the use(s) that will be made of their personal information:

“The principle of transparency requires that any information and communication relating to the processing of those personal data be easily accessible and easy to understand, and that clear and plain language be used.” (GDPR Recital 39)

To fulfil this obligation, we are employing a layered approach to privacy notices where a short form overview is provided as well as a full detailed privacy notice.

Short form summary privacy notice

Here is a short summary of how the personal information you submit for the purpose of registering with the OfS will be held and used:

- Personal information will be used for the purpose of the registration process
- The Data Controller of the personal information you submit will be the Office for Students (OfS).
- The legal basis for processing your personal information is to comply with the OfS’s legal obligations and in the performance of a public task.
- It will be stored on secure servers within the UK or the EEA.
- It will not be routinely shared with any other organisations except where described in the full privacy notice.
- Personal information will be subject to the retention schedule set out in the full privacy notice.
- You have certain rights in relation to your personal information, set out at: <https://www.officeforstudents.org.uk/contact/how-to-request-information-from-us/how-to-make-a-request-to-access-your-personal-information/>
You may contact our Data Protection Officer (dp@officeforstudents.org.uk) with any queries or concerns you have about the use of your personal information.

Full privacy notice

This full privacy notice explains in more detail how the personal information you submit for the purpose of registering with the OfS will be held and used:

1. Introduction

The Office for Students (“OfS”) is the regulator of the higher education sector in England and has certain statutory functions set out in the Higher Education and Research Act (HERA) 2017. You can find more information about OfS and the work that we do on our website: <https://www.officeforstudents.org.uk/>

Register of Providers:

Under section 75 of the HERA, OfS is required to prepare and publish a regulatory framework including conditions of registration. All registered providers will be listed on a single Register that is accessed through a single gateway. To register, providers will have to demonstrate that they satisfy a set of initial conditions of registration to ensure that they are able to offer high quality higher education to students. Conditions of registration are the primary tool that the OfS will use to regulate individual providers, and the OfS will decide, based on a risk assessment, which general and specific ongoing conditions should apply to the provider.

The Secretary of State for Education has laid regulations under section 3(6) of HERA to set out the information that must be contained in a provider’s entry in the Register. In addition, the OfS has decided that further information should also be published for each provider in the interests of transparency. Contact details for providers must be contained within the Register. Further details about the information collected within the Register is available here: https://www.officeforstudents.org.uk/media/1047/ofs2018_01.pdf

Assessing applications for registration:

All providers applying to register with the OfS will need to complete an application form which requests information that will be included on the OfS register, and information which will be used to assess the provider’s application for registration. The application form collects information across a number of areas of a provider’s business.

Specifically, we ask all providers to include contact details for a primary contact for the OfS registration process. These contact details will not be published but they will be held on a central OfS customer relationship management database.

For all providers applying to register with the OfS, in order to assess whether a provider satisfies the management and governance conditions, providers will need to demonstrate that their organisation is owned (where relevant) and managed by ‘fit and proper’ persons. The purpose of the ‘fit and proper’ test is to ensure that the ownership and management arrangements for a provider are appropriate and do not present a risk to students or to public funds. In order to assess whether an organisation is owned and managed by ‘fit and proper’ persons, we ask for information on the application form about key individuals. This applies to the following individuals at a provider:

- Accountable officer

- Chair of governing body
- Directors
- Trustees
- Main shareholders/members

Providers intending to be registered in the Approved (fee cap) category of the Register and charge above the basic fee cap will need to meet Condition A1 of the Regulatory Framework and submit an Access and Participation Plan (APP) for review and approval. The APP will contain contact details used by the OfS for discussion and challenge during the draft plan stage; these contact details will not be published but they will be held on a central OfS customer relationship management database.

The OfS is committed to protecting your personal information and being clear about what information we hold about you and how we use it. This privacy notice tells you what to expect when the OfS collects personal information.

The OfS is registered as a data controller 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-data-controllers/>

2. Data controller and Data Protection Officer

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. Contact details for our DPO are as follows:

Pippa Thompson
Head of Knowledge and Information Management
Office for Students
Nicholson House
Lime Kiln Close
Stoke Gifford
BRISTOL
BS34 8SR

Email: pippa.thompson@officeforstudents.org.uk

Tel: 0117 931 7177

3. How we will use your information

We can only use your personal information where we have legitimate reasons for doing so and have told you what those reasons are.

The Register will provide a single, authoritative reference for students, businesses, providers, other regulators, and members of the public about a provider's regulatory status. The Register entry must contain the Provider's contact details. These contact details will normally be generic to the provider but where contact details for general enquiries relate to an identifiable person these will be published on the Register.

To achieve the above aims, the specific uses that will be made of your personal information are listed below:

- *Publication within the Register*
- *To provide evidence of who was responsible for developing and authorising the submissions to meet Registration conditions*
- *To maintain contact between the OfS and the provider regarding its entry in the Register, including the service of documents on the provider.*
- *Contact details will be added to the OfS's database and may be used to consult or seek views to inform funding, policy development, policy analysis and research.*
- *To assess your application for registration.*

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 to be able to process your personal information for the purposes set out above.

In this case, the legal basis is:

- Article 6(1)(c) – processing is necessary for compliance with a legal obligation to which the controller is subject.
- 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.

5. What personal information we will collect

The personal information we will collect and use as part of this registration process is set out below:

The Register:

- Provider's contact details (address, email address, and telephone number)

Assessing applications for registration:

For the accountable officer, chair of governing body and all directors / trustees and individual shareholders / members:

- Legal first name
- Surname
- Role title
- Date of birth

Providers are asked to ensure that all individuals whose details have been included in this section of the application form have consented in writing to our holding and processing their personal data for the purpose of our regulation of providers, and that a copy of that consent will be provided on request.

We ask all providers to include contact details for a primary contact for the OfS registration process. These contact details will not be published but they will be held on a central OfS customer relationship management database.

7. Who we give your personal information to

Where necessary or required we may share personal information to some other organisations for specific reasons, including:

- *Government departments or other public sector bodies*
- *Agents or service providers*

We would only pass on personal information about individuals in exceptional circumstances if required to complete the registration process.

We may also share contact details with survey and research organisations working on our behalf and individual researchers and contractors.

Where personal information is disclosed routinely to another organisation, a contractual agreement will be in place with that third party to ensure the protection of your personal information and to ensure it is only used for the reasons described above. We also review the data protection and security measures in place at other organisations before sharing your personal information to ensure it is not put at any undue risk as a result of the sharing.

We will not disclose your information to any other organisation other than those listed except where required to do so as part of our functions or by law.

8. Where your personal information will be stored

Your personal information will be stored securely within the United Kingdom or within the European Economic Area (EEA) and will not be transferred outside that territory unless required by a court order.

9. How do we protect your personal information

The OfS has a number of security measures in place to protect your personal information, listed below:

- All staff are required to undertake training in data protection and information security on joining OfS and then on an annual basis;
- Formal information security policies that 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.

10. Your rights over your personal information

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

- A copy of your personal information;
- Inaccurate personal information held about you is corrected;
- Your personal information to be deleted;
- 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 certain 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:

<https://www.officeforstudents.org.uk/contact/how-to-request-information-from-us/how-to-make-a-request-to-access-your-personal-information/>

11. How long we will hold your personal information

We are only able to retain a copy of your personal information as long as it is still needed for the purpose(s) for which it was collected.

Information published in the Register will be kept for as long as a provider is registered. As part of National Archives fulfilment of the Public Records Act the published register will be archived twice yearly.

Contact details will be retained in our database until superseded. Any contact details submitted in a provider’s application will be retained as part of the record of the registration process.

Key individuals:

For continuing providers, details of key individuals will be retained until they are superseded and for a subsequent 7 years.

For deregistered providers, details of key individuals will be retained for 7 years following deregistration.

For unapproved providers, details of key individuals will be retained for 7 years following the decision not to register.

Any details of key individuals submitted in a provider's application will be retained as part of the record of the registration process.

After that point, your personal information will be confidentially and securely disposed of.

12. Use of cookies on OfS website

Cookies are text files placed on your computer to collect standard internet log information and visitor behaviour information. This information is used to track visitor use of the website and to complete statistical reports on website activity. For further information about our cookies visit: <https://www.officeforstudents.org.uk/cookies/> or for further general information visit: www.aboutcookies.org or www.allaboutcookies.org.

13. Complaints about the use of your personal information

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

If we have 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

14. 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 on 09 April 2018.