

OfS registration process privacy notice

The General Data Protection Regulation ('GDPR') requires that we, like other data controllers, provide clear and transparent information to individuals about how their personal information is to be used:

"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)

We meet this obligation by employing a layered approach to privacy notices where a short form overview is provided as well as a more detailed privacy notice.

Short form summary privacy notice

This is a short summary of how we will hold and use the personal information you submit:

- The personal information you provide will be used for the purpose of the registration process;
- We, the Office for Students ('the OfS'), will be the Data Controller of the personal information you submit;
- Our legal basis for processing your personal information is to comply with our legal obligations and in the performance of a public task;
- We will store the personal information on secure servers within the UK or elsewhere within the European Economic Area ('EEA');
- We will not routinely share your personal information with any other organisations except where described in the full privacy notice;
- We will hold personal information in accordance with the retention schedule set out in the full privacy notice. You have certain rights in relation to your personal information, set out at: www.officeforstudents.org.uk/contact/how-to-request-information-fromus/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 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 2017 ('HERA'). You can find more information about the OfS and the work that we do on our website:

www.officeforstudents.org.uk/

Register of providers

Under section 75 of HERA, the OfS must prepare and publish a regulatory framework including conditions of registration and under section 3 of HERA the OfS is required to establish and maintain a register of English higher education providers and make the information contained within the register publicly available. In order to achieve this we list all registered providers on a single publicly available Register. To register, providers will have to demonstrate that they satisfy a set of initial conditions of registration. 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. These formed The Office for Students (Register of Higher Education Providers) Regulations 2017 and Regulation 2 specifically sets out the information required at: www.legislation.gov.uk/ukxi/2017/1196/regulation/2/made.

Some of these requirements are repeated and some additional ones are incorporated at paragraph 72 of the OfS's Regulatory Framework: 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 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.

It is a statutory requirement of registration (as set out in section 14 (1) of HERA) with the OfS that providers satisfy the public interest governance principles set out at Annex B of our Regulatory Framework (www.officeforstudents.org.uk/media/1406/ofs2018_01.pdf).

The assessment that members of the governing body, those with senior management responsibilities and individuals exercising control or significant influence over the provider are 'fit and proper' is a two-step process:

- Through our assessment of each provider's self-assessment against the public interest governance principles (which include 'fit and proper' as a principle). We expect providers to assure themselves of this as part of their approach to management and governance, and to self-assess against this in their submission with regard to Condition E1: management and governance;
- Through the OfS's own assessment of 'fit and proper' for each named individual.

In order to assess whether an organisation is owned and managed by 'fit and proper' persons, we ask for personal 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 or equivalent (e.g. members of governing body);
- Main shareholders/members.

Providers who want 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; we will not publish these contact details but will hold them on a central OfS customer relationship management database.

We are 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 we collect personal information.

2. Data controller and Data Protection Officer

We are 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 ICO's website: <https://ico.org.uk/about-the-ico/what-we-do/register-of-data-controllers/>

The OfS is the 'data controller' of any personal information collected within scope of this privacy notice.

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:

Data Protection Officer
Office for Students
Nicholson House
Lime Kiln Close
Stoke Gifford
BRISTOL
BS34 8SR

Tel: 0117 931 7270

Email: dp@officeforstudents.org.uk

3. How we will use your information

We can only use your personal information where we have a lawful basis for doing so.

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. Regulation 2 of the Office for Students (Register of Higher Education Providers) Regulations 2017 sets out in detail what information is required from providers: www.legislation.gov.uk/ukxi/2017/1196/regulation/2/made. These contact details will normally be generic to the provider but where contact details for general enquiries relate to an identifiable person we will publish these on the Register.

We will use your personal information in the following ways:

- For publication on the register where contact details for general enquiries relate to an identifiable individual;
- To show who developed and authorised the submissions to meet Registration conditions – this is for our internal use and not publication;
- To maintain contact between the OfS and the provider regarding its entry on the register, both formally and informally. Again, this is for an internal purpose and not publication;
- To add contact details to the OfS database which we will use to consult or seek views to inform funding, policy development, policy analysis and research;
- To assess your application for and status of registration and your continuing compliance with any ongoing conditions of any subsequent registration, using personal information collected to undertake 'fit and proper' person tests when necessary;

- To fulfil any of our other statutory functions or legal requirements from time to time; If we intend 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) and the lawful basis for that use.

4. Legal basis for using your personal information

Under data protection law, we require a legal basis to be able to process your personal information for the purposes set out above. That legal basis is enshrined in our functions which, in the present case, include the establishment and maintenance of an English higher education register as laid out in section 3 of HERA:

www.legislation.gov.uk/ukpga/2017/29/section/3

The main provisions permitting the processing are set out in the GDPR within Article 6 at www.privacy-regulation.eu/en/article-6-lawfulness-of-processing-GDPR.htm

They are specifically:

- Article 6(1)(c) – where the 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. Legal basis for requiring your personal information from the governing body as part of the registration process

- Section 62 (1) of HERA: The OfS may by notice require the governing body of an unregistered provider to provide the OfS with such information for the purposes of the performance of OfS functions as the OfS requests in the notice. This could be to satisfy any one of our functions or powers now in force or to come into force including but not limited to establishment and maintenance of an English higher education register, (through our partner) assessing quality and standards in higher education, monitoring access and participation, monitoring financial sustainability, granting funds, authorising degree awarding powers or to validate university title applications.
- Once a provider is registered, section 8 (1)(b) of HERA applies: The OfS must ensure that the ongoing registration conditions of each registered higher education provider include a condition that requires the governing body of the provider to provide the OfS, or a person nominated by the OfS, with such information for the purposes of the performance of the OfS's functions as the OfS may require it to provide.

6. 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) where this relates to an identified or identifiable individual rather than generic information.

In assessing applications for registration, we will need from each:

Accountable officer, chair of the governing body and all directors/trustees (including all members of governing bodies or equivalent) and individual shareholders/members, their:

- Legal first name;
- Surname;
- Role title; and
- Month and year of birth

To undertake the assessment of the 'fit and proper' person.

We would expect you to inform these individuals that you are providing information to the OfS and to provide them with a copy of this privacy notice.

We ask all providers to include contact details for a primary contact for the OfS Registration process. We will not publish these but will hold them on a central OfS customer relationship management database.

7. Who we give your personal information to

We may, in circumstances that arise through our regulation of providers, share personal information with other organisations including:

- Government departments or other public sector bodies; and
- Agents or service providers.

The OfS will not routinely share personal information with other organisations except where we are required to do so in order to perform our functions or where otherwise permitted by law.

8. Where your personal information will be stored

Your personal information will be stored securely in the United Kingdom or within the EEA and will not be transferred overseas 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, including:

- We require all staff to undertake training in data protection and information security when they join the OfS and to refresh this training annually;
- We retain formal information security policies that staff must read and understand;
- We ensure that only those members of staff who require access to particular personal information as part of their role have access to it; and
- We employ technical and organisational measures to secure the information we hold.

10. Your rights over your personal information

You have certain rights in relation to any personal information that we have collected. You have the right to request:

- A copy of your personal information;
- That inaccurate personal information held about you is corrected;
- Your personal information 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 basic information about these rights and our processes for handling such requests may be accessed at:

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

More detailed information is available from the Information Commissioner's Office (contact details below).

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 or where otherwise permitted by law.

We will keep information published on the Register for as long you are registered. As part of The National Archives fulfilment of the Public Records Act, the published Register will be archived twice a year.

We will retain contact details in our database and will routinely check that these are accurate and up-to-date. We will retain any contact details submitted in a provider's application as part of the record of the registration process.

Key individuals:

- For continuing providers, we will retain details of key individuals as long as they are required for the Registration process and for a further seven years;
- For deregistered providers, we will retain details of key individuals for seven years following deregistration;
- For unapproved providers, we will retain details of key individuals for seven years following the decision not to register.

We will retain any details of key individuals submitted in a provider's application as part of the record of the registration process for seven years. After that point, we will confidentially and securely dispose of your personal information.

12. Use of cookies on the 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: www.officeforstudents.org.uk/cookies/ or for further general information visit: www.aboutcookies.org or www.allaboutcookies.org.

Information about the specific cookies used when submitting information via the OfS Extranet can be accessed here: www.officeforstudents.org.uk/privacy/extranet/.

13. Concerns about the use of your personal information

If you are concerned about the use of your personal information or would like to discuss this with us, please either contact us at dp@officeforstudents.org.uk or by another method using the contact details for our DPO (section 2).

If we have not resolved 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) which you may reach using the following contact details:

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 is the second version of this privacy notice and was last updated on 18 July 2018.

Details of the Data Protection Officer were amended on 15 August 2018.