

Privacy notice for use when collecting personal information – Harassment and sexual misconduct consultation

Here is a short summary of how the personal information you submit will be held and used:

- All questions asked are optional.
- Your name and email address will be collected so that we may contact you for any queries in relation to your submission. This will not be optional if you wish to save a partially completed survey to return to later.
- We will also ask about the organisation you are from (if applicable), which will be used to record and analyse the responses. Individuals or organisations will not be identifiable in our consultation response.
- For individual responses we will also collect demographic data, such as ethnicity and gender, to identify whether we are capturing a representative and inclusive sample.
- The Data Controller of the personal information you submit will be Office for Students.
- 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 bases are:
 - Necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller
 - Consent - for special category data (e.g. ethnicity, gender, disability) should you choose to submit such information.
- It will be stored on secure servers within the UK
- It will not be routinely shared with any other organisations
- It will be retained for four months after the end of the consultation then securely disposed of
- You have certain rights in relation to your personal information, set out at: www.officeforstudents.org.uk/ofs-privacy/individual-rights-under-the-general-data-protection-regulation/
- 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

1. Introduction

The Office for Students is consulting on proposals for the regulation by the Office for Students (OfS) of harassment and sexual misconduct affecting students in OfS registered higher education providers. Your input will help us decide how we can most effectively do that.

There are two proposals in total:

1. A statement of the OfS's expectations for the prevention of harassment and sexual misconduct, and then for addressing it when it occurs.
2. An approach to assessing compliance with existing ongoing conditions of registration under the OfS's regulatory framework where there is evidence that registered providers have not effectively addressed harassment and sexual misconduct cases raised through their student complaints' processes.

The questions we are asking related to proposals described in full in 'Consultation on harassment and sexual misconduct in higher education'. This can be found in full on our website at: www.officeforstudents.org.uk/publications/consultation-on-harassment-and-sexual-misconduct/.

If you would like to respond to this consultation, please do so by 27 March 2020.

2. Who we are

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 2017. You can find more information about OfS and the work that we do on our website: www.officeforstudents.org.uk

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 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/>

3. 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.

4. How we will use your information

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

The Office for Students is consulting on proposals for the regulation by the Office for Students (OfS) of harassment and sexual misconduct affecting students in OfS registered higher education providers.

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

- Your name and email address will be collected to so that we may contact you for any queries in relation to your submission.
- We will also ask about the organisation you are from (if applicable), which will be used to record and analyse the responses. Individuals or organisations will not be identifiable in our consultation response.
- We will also collect demographic data, such as ethnicity and gender, to identify whether we are capturing a representative and inclusive sample.

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).

5. 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.

6(1)(e) The legal basis for processing your personal information is that 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.**

9(2)(a) In regards to special category data, the legal basis for processing this information is the data subject has given **explicit consent** to the processing of those personal data for one or more specified purposes, except where Union or Member State law provide that the prohibition referred to in paragraph 1 may not be lifted by the data subject.

Withdrawal of consent

Consent must be a clear positive action that you have given your agreement to the use of your personal information, and consent can also be withdrawn at any point if you are no longer happy with the use of your personal information for a specific reason. If you to wish to withdraw consent, please do so in writing to:

Data Protection Officer

Office for Students

Nicholson House

Lime Kiln Close

Bristol

BS34 8SR

Email: dp@officeforstudents.org.uk

Once consent is withdrawn, we will destroy all relevant personal information unless we are relying on a different legal basis to justify keeping your personal information. If that is the case, we will tell you in writing. However, withdrawing your consent does not affect the lawfulness of processing based on consent before you withdrew consent.

6. What personal information we will collect

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

- Name
- Email address
- Organisation
- Further information about organisation
- Type of response (collective or individual)

Special category data

- Age
- Disability
- Gender

- Gender identity matching sex registered at birth
- Sexual orientation
- Religion or belief
- Ethnicity

7. Who we give your personal information to

We will not routinely pass your information to any other organisation 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 UK and will not be transferred outside that territory unless required by a court order.

The responses to this survey are collected via SmartSurvey. Information collected through SmartSurvey is stored on secure servers in the UK or EU and does not leave Europe at any point. Their privacy notice can be accessed via their website: <https://www.smartsurvey.co.uk/privacy-policy>.

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:

- Accredited to the Cyber Essentials 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 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:

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

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. The personal information you have submitted will be kept for four months after the end of the consultation then securely disposed of.

12. 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 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

13. Changes to this notice

We keep our privacy notices under regular review and we will inform you of any changes to this notice by writing to you via email.

This privacy notice was last updated on 10 January 2020.