

Privacy notice for the consultation on a new approach to regulating harassment and sexual misconduct in English higher education

Short form privacy notice

The Office for Students (OfS) intends to review its approach to regulating harassment and sexual misconduct in English higher education providers. To do this the OfS would like to engage in consultation with you/your organisation. For this consultation to occur, the OfS requires some of your personal information.

Here is a short summary of how the personal information you submit will be processed:

- The following personal data will be collected:
 - name
 - email address
 - organisation.
- We intend to collect this information in order to analyse responses and identify whether we are capturing a representative sample. Individuals will not be identifiable in our consultation response. The Data Controller of the personal information you submit will be Office for Students.
- The Data Processor is Pye Tait, who will be analysing responses to the consultation on our behalf.
- The legal basis for processing your personal information is:
 - 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 (see GDPR Article 6(1)(e) and for statistical and research purposes (see GDPR Article 89).
- It will be stored on secure servers within the UK and EEA.
- It will be shared with Pye Tait as part of the consultation.
- It will be retained for one year after the end of the consultation then securely disposed of.
- You have certain rights in relation to your personal information, which are set out at: <https://ico.org.uk/your-data-matters/>

- 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. You may also wish to read the full privacy notice, available below.
- Submission responses are collected using SmartSurvey and their privacy policy is available via the following link: <https://www.smartsurvey.co.uk/privacy-policy>

Full privacy notice

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 the 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 as part of the consultation on a new approach to regulating harassment and sexual misconduct in English higher education.

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. The data processor will be Pye Tait. They are analysing responses to the consultation on our behalf.

The location and contact details for the OfS are below:

Office for Students

Westward 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. You should note that this email address is monitored by other members of the OfS's data protection team. Therefore, please mark any correspondence 'for the attention of the Data Protection Officer'.

3. What personal information we will hold and use

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

- name
- email address
- organisation.

You can choose to 'save and continue' on SmartSurvey at any point, but to enable this feature you will need to provide your name and email address. You will be emailed a unique link which you can use to return to your survey at a later stage. SmartSurvey's privacy policy is available via the following link: <https://www.smartsurvey.co.uk/privacy-policy>

4. Our purpose for using the information

We can only use your personal information where we have a specific purpose or purposes for doing so. The consultation sets out proposals for the OfS's future approach to regulating harassment and sexual misconduct in English higher education.

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 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 your response. Individuals will not be identifiable in our consultation response.

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:

- 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 (see GDPR Article 6(1)(e) and for statistical and research purposes (see GDPR Article 89).

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 wish to withdraw consent, please do so in writing to our data protection mailbox: 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.

5. Information we obtain from other sources

We will not obtain any more personal information about you from other sources.

6. Who we share your personal information with and why

We will share your personal information to some other organisations for specific reasons, as explained below:

- Pye Tait for the purposes of analysing consultation responses to produce both qualitative and quantitative analysis for the OfS.

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.

Where personal information is disclosed routinely to another organisation, a contractual agreement will be in place to ensure the protection of your personal information and to ensure it is only used for the reasons described above.

7. How long we 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.

Your personal information will be kept for one year after the end of the consultation. After that point, your personal information will be confidentially and securely disposed of. If we need to keep your personal information for longer than the retention period above, we will inform you and explain the reasons for this.

8. Where your personal information will be stored

Your personal information will be stored on servers in the UK and will not be transferred outside that territory unless required by a court order.

9. How we protect your personal information

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

- Accredited to the Cyber Essentials PLUS standard for cybersecurity.
- All staff are required to undertake training in data protection and information security on joining the OfS.
- 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.

Pye Tait has a number of security measures in place to protect personal information, including:

- Registration with the ICO and full compliance with the Data Protection Act 2018 and GDPR.
- Privacy policy and participant privacy notice are overseen by two directors.

- Staff use encrypted and networked company laptops or PCs.
- Data will only be shared with appropriate individuals as directed by the requirements of the research and the level of confidentiality needed for the data in question.
- No third parties will be involved in data handling or processing.

You can read more information on our approach to information security on our website:

www.officeforstudents.org.uk/ofs-privacy/information-security/

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. 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 two) and we will try to resolve your issue informally.

If you remain dissatisfied, you can complain 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

<https://ico.org.uk/make-a-complaint/>

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 writing to you via email.

This privacy notice was last updated on 21 February 2023.