

Data Protection Policy

1 Your personal information and the purposes for which it is used

1.1 As soon as you contact us, we create a record in your name. To that record we add information that you give us at reservation, registration and throughout your studies. We hold general information about students, such as their name, address, courses studied and fee payments, and data to do with examinations, assessments and course results. We keep records when you contact us and we keep records of your participation in learning activities.

We may monitor and record telephone calls between you and the University to make sure that we have carried out your instructions correctly and to help us improve our services through staff training.

We do not sell personal information to other organisations

The data controller for your personal data is The Open University.

1.2 We use your personal information in the following ways:

- To process enquiries, applications and registrations.
- To provide services to enquirers and students including sending you information about current and future study opportunities with the University; providing certain online facilities and/or services as referred to the *Conditions of registration*. We sometimes use external service providers to process your personal information when providing relevant services to the OU under strict contractual confidentiality obligations.
- To allow other organisations to provide services to students and alumni, for example, other institutions who host residential schools.
- To carry out research to help us plan and improve our services. We may contact you ourselves or ask outside research agencies to do so on our behalf.
- To produce aggregated statistical information, including data for monitoring equality of opportunity.
- To provide information about students to other organisations, such as the Higher Education Statistics Agency (HESA), in line with legal and government requirements (see 1.3).
- To support you in your studies. We may use information you have given us such as your ethnic background, disability and/or educational qualifications in addition to information we collect about your participation in learning activities to identify students who require additional support or specific services. We consider your disclosure of such information and your acceptance of the terms and conditions of registration as explicit consent to use this information for this purpose.

The Open University is incorporated by Royal Charter (RC 000391), an exempt charity in England & Wales and a charity registered in Scotland (SC 038302). The Open University is authorised and regulated by the Financial Conduct Authority.

- 1.3 We are required to send some of the information we hold about registered students to HESA. This information forms your HESA record. Your contact details may be passed to survey contractors to carry out the National Student Survey (NSS) and surveys of student finances. These contractors will use your details only for that purpose and will then delete them.
- About six months after you graduate, we (The Open University) may contact you to ask you to fill in the HESA Destinations of Leavers from HE questionnaire. We will not give your contact details to HESA.
- If you do not want to take part in any of these surveys please let us know using the details given in Section 6.
- For full information about how HESA uses the information please see <https://www.hesa.ac.uk/data-protection> or read the HESA Data Collection Notice at the end of this policy.
- 1.4 We would also like students and alumni to be told about products or services offered by our associates, such as goods marketed by the Open University Students' Association (OUSA), which may involve our associates receiving some personal information about you. If you do not want to receive information about products or services, either from the OU or our associates, you can make this choice at registration or by contacting us at any time on **+44 (0)300 303 5303** or in writing or by email using the details given in Section 6.
- 1.5 When you register as a student, we will share some information with the Open University Students' Association (OUSA) as you automatically become a member at no extra charge. If you do not want to become a member, please write to OUSA at PO Box 397, Walton Hall, Milton Keynes MK7 6BE.
- If you apply to the Open University Students' Educational Trust (Ouset) we may pass information about you to the Trust if requested to do so.
- 1.6 If you open an account with the Open University Student Budget Account (OUSBA), we will share some information with OUSBA. You will need to inform OUSBA of any changes to your contact details.
- 1.7 When you are awarded a qualification you automatically become a member of the OU Alumni Association at no extra charge. If you do not want to become a member, please contact us at any time using the details given in Section 6. The Alumni Association may contact its members for the purpose of fundraising. If you do not want to be contacted for this purpose, please inform the Alumni Association or the Data Protection Coordinator using the details given in Section 6.
- 1.8 We will also give your name, contact details and award details to the Association of OU Graduates who may contact you about becoming a member.
- 1.9 If your fee or part of your fee is being paid for by sponsorship, information may be released to the sponsor organisation, including your name, OU Personal Identifier, course details and course result.
- 1.10 If you are on a programme of study that leads to professional recognition we may share some information with the relevant professional body.
- 1.11 If you are in debt to us, we may give other people information for the purposes of recovering the debt.

- 1.12 We submit the content of student assignments to a plagiarism detection system. This may involve data being held on a server outside the EEA. No personal details will be submitted to this system
- 1.13 We may contact HESA or other educational institutions to confirm the qualifications you have obtained or to check whether you have been included in a previous HESA or Individual Learner Record (ILR) return.
- 1.14 Your information may be used to detect and prevent fraud in respect of public funding and we may release information to the police and other law enforcement agencies for crime prevention and detection purposes if required to do so.

2 Our principles

We are committed to the data protection principles of good practice for handling information. All personal information is held in secure computer and manual files, and we will only transfer data within the University on a 'need-to-know' basis so that we can support our academic and other services to you.

We have a retention schedule for information and keep records only for as long as they have a legal or business purpose. For example, we will destroy some data that is relevant to exams and assessment shortly after the course result is decided, and we will only keep the result itself.

3 Transfer of data outside the EEA

- 3.1 If you are studying outside the European Economic Area, we may need to transfer your personal data to countries outside the EEA and make it available to institutions which have a partnership arrangement with us so that we can provide services to you.

Such countries may not have the same level of protection for personal information, and individual rights in relation to personal information, as in the EEA, but the OU will only transfer your personal information to such recipients where necessary safeguards have been secured by contract.

- 3.2 As part of our provision of online services and activities, your name and other information (as stated in the *Conditions of registration*), may be visible to OU staff, students, OU service providers and other authorised persons who may be outside the EEA.

By registering on an OU course, you agree to your personal information being processed in this way.

4 Cookies

If you use the internet to carry out certain transactions with the University, your computer will store small pieces of information, known as 'cookies', in its memory. Cookies cannot read your computer's hard disk or make any information available to third parties. They are used so that we can easily recognise you when you return to our websites and, as a result, will enable us to provide you with a better service. We also track user traffic patterns in order to determine the effectiveness of our website. We do not release this information to third parties. For more detailed information see [Cookie use on the OU website](#). If you prefer not to receive cookies while browsing our website, you can set your browser to refuse them. However, if you are a registered

user of the University you will need to allow “per-session” cookies in order to access password-protected sites.

5 Security

- 5.1 All staff are made aware of the security procedures they must follow when handling personal information. Information is protected from unauthorised access and we are confident no one will be able to access your personal information unlawfully. We also protect information which is being transferred. As long as your web browser supports the Secure Sockets Layer (SSL), any personal information transmitted from your browser to our web service, or from the service to your browser, will be encrypted to make it unreadable. Please note that email is never a 100% secure way of communicating. By using it, you agree that you will send any information by email at your own risk.
- 5.2 While we will take all reasonable precautions to make sure that other organisations who we deal with have good security practices, we are not responsible for the privacy practices of those organisations whose websites may be linked to our service.

6 Access to your data

Under the Data Protection Act, you have the right to receive a copy of the personal data we have about you. If you want a copy, please write to:

The Data Protection Coordinator

PO Box 497

The Open University

Walton Hall

Milton Keynes

MK7 6AT

or email data-protection@open.ac.uk

You will have to pay a fee for this.

7 Processing personal data as part of your studies

- 7.1 Students are not usually expected to process personal data as part of their Open University studies, but if you need to do so you must get the agreement of your tutor or supervisor that the processing is necessary and immediately tell the Data Protection Coordinator at the address above.
- 7.2 If you do need to process personal data, you will be covered by the University's notification as long as you have followed the advice in 7.1 above. Otherwise, it will be your own responsibility.

8 More information and advice

For more information and advice on data protection matters, contact the Data Protection Coordinator at the address above.

January 2016

HESA Student Collection Notice

We are obliged to make this notice available to you as part of our own Data Protection Policy

Student and leaver surveys

Your contact details may be passed to survey contractors to carry out the [National Student Survey](#) (NSS) and surveys of student finances, on behalf of some of the organisations listed below under [Purpose 1](#). These organisations and their contractors will use your details only for that purpose, and will then delete them.

About six months after you graduate, we may contact you to ask you to fill in the Higher Education Statistics Agency (HESA) 'Destinations of Leavers from HE' questionnaire. You may also be contacted as part of an audit to check that we have undertaken this survey properly. We will not give your contact details to HESA.

You may also be included in longitudinal surveys of leavers in the years after you graduate. If so, we will pass your contact details to the organisation that has been contracted to carry out that survey. That organisation will use your details only for that purpose, and will then delete them.

If you do not want to take part in any of these surveys, please let us know.

Submission of your information to HESA

Every year we will send some of the information we hold about you to HESA ("your HESA information"). HESA is the official source of data about UK universities and higher education colleges www.hesa.ac.uk. HESA collects, and is responsible for, the database in which your HESA information is stored. HESA is a registered charity and operates on a not-for-profit basis. HESA uses your HESA information itself for its own purposes. HESA also shares information from your HESA information with third parties. It may charge other organisations to whom it provides services and data. HESA's use of your HESA information may include linking information from it to other data, as described further below. All uses of HESA information must comply with the Data Protection Act 1998 www.legislation.gov.uk/ukpga/1998/29/contents.

Sensitive information

If you give us information about your disability status, ethnicity, sexual orientation, gender reassignment or religion these may be included in your HESA information and used to assist with monitoring equality of opportunity and eliminating unlawful discrimination in accordance with the Equality Act. Some other sensitive information is used to enable research into the provision of fair access to higher education, for example information as to whether you are a care leaver.

If you are enrolled at a higher education provider in England regulated by the Higher Education Funding Council for England your HESA information will include details of any financial support you may receive from us.

Your sensitive information will not be used to make decisions about you. Your HESA information including linked data is used for four broad purposes:

Purpose 1 - Public functions

Education statistics and data

Your HESA information is used by some organisations to help carry out public functions connected with education in the UK. These organisations are data controllers in common of your HESA information under the terms of the Data Protection Act (this link explains what this means ico.org.uk/for-organisations/guide-to-data-protection/key-definitions/). Such organisations may include:

- Department for Business, Innovation and Skills
- Welsh Government
- Scottish Government
- Department for Employment and Learning, Northern Ireland
- Higher Education Funding Council for England
- Higher Education Funding Council for Wales
- Scottish Further and Higher Education Funding Council
- Department for Education
- Research Councils
- Education Funding Agency
- National College for Teaching and Leadership
- National Health Service
- General Medical Council
- Office For Fair Access
- Quality Assurance Agency for Higher Education

and any successor bodies.

Other uses

Your HESA information may also be used by some organisations who are also data controllers in common to help carry out public functions that are not connected with education. Such uses may include the following:

- Measurement of population levels and migration by the Office for National Statistics, National Records of Scotland and the Northern Ireland Statistics and Research Agency
- Monitoring of public expenditure by the National Audit Office
- Monitoring of the accuracy of electoral registers by Electoral Registration Officials.

Purpose 2 - Administrative uses

Fraud detection and prevention

Your HESA information may be used to audit claims to public funding and student finance, and to detect and prevent fraud.

Previous study

If you are enrolled at an HE provider in England: The Higher Education Funding Council for England (HEFCE) may share your previous education records with us, including HESA

information submitted by other institutions, to determine the nature of any prior higher education study, including your current qualifications. This may be used to make decisions about the fees you are required to pay, the support available to you or the availability of a place for you to study with us.

Your HESA information will not be used to make decisions about you other than for those uses outlined under Purpose 2.

Purpose 3 - HESA publications

HESA uses your HESA information to produce and publish information and statistics. This includes some National Statistics publications (www.statisticsauthority.gov.uk/national-statistician/types-of-official-statistics) and online business intelligence and research services. HESA will take precautions to ensure that individuals are not identified from any information which is processed for Purpose 3.

Purpose 4 - Equal opportunity, research, journalism and other processing in which there is a legitimate interest

HESA and the other data controllers in common (see Purpose 1) may also supply information to third parties where there is a legitimate interest in doing so. Examples of use for this purpose include:

- Equal opportunities monitoring
- Research - This may be academic research, commercial research or other statistical research where this is in the public interest
- Journalism - Where the relevant publication would be in the public interest e.g. league tables
- Provision of information to students and prospective students

Users to whom information may be supplied for Purpose 4 include:

- Higher education sector bodies
- Higher education providers
- Academic researchers and students
- Commercial organisations (e.g. recruitment firms, housing providers, graduate employers)
- Unions
- Non-governmental organisations and charities
- Local, regional and national government bodies
- Journalists

Information supplied by HESA to third parties within Purpose 4 is supplied under contracts which require that individuals shall not be identified from the supplied information. A copy of HESA's current agreement for the supply of information is available at www.hesa.ac.uk/bds-details#e. HESA student information may be linked to school and/or further education college information and supplied to researchers. A copy of the Agreement for the supply of linked data about pupils from schools in England is available at www.gov.uk/government/collections/national-pupil-database

Linking of information in the HESA reord

As indicated above, where HESA and organisations covered by Purpose 1 use HESA information this may include linking HESA information to other information for example:

- UCAS data
- National Student Survey data
- School and Further Education data
- Student Loans Company data
- Qualification Awarding Bodies data
- Tax, Benefits, and Employment data.

Where HESA provides information from your HESA information to third parties under Purpose 4, the permitted uses of the information by a third party may include linking HESA information to other information held by the third party. Permission for such use is considered on a case by case basis. It is only given where the linking is for the purposes outline in Purpose 4 and subject to the requirement not to carry out linking to identify individuals.

Destinations information for schools and colleges – If you attended a school or college in England linked data may be disclosed to the last school or college you attended (or its successor body) to enable them to assess the outcomes of secondary and further education.

The HESA Initial Teacher Training Record (“ITT”)

If you are on an ITT or EYITT course at a higher education provider in England, HESA will collect additional information about you and provide this to The National College for Teaching and Leadership (NCTL).

ITT or EYITT courses are those that lead to Qualified Teacher Status (QTS) or Early Years Teacher Status (EYTS)

NCTL is an executive agency of the Department for Education (DfE) and for the purposes of the Data Protection Act 1998 DfE and HESA are data controllers in common of the ITT record. NCTL will process your personal data for the administration and monitoring of initial teacher training schemes, including the allocation of Teacher Reference Numbers. NCTL may share personal data with us, its partners and contractors, including employers, employment agencies, Ofsted, Capita Teachers’ Pensions and the Department for Business, Innovation and Skills (BIS), for this purpose and may link it to other sources of information about you.

About the HESA student collection notice

The HESA Student Collection Notice is regularly reviewed. The most up to date version can be found at www.hesa.ac.uk/fpn. Minor updates to the Student Collection Notice (including organisation name changes and clarification of previously specified purposes) may be made at any time. Major updates (such as a new purpose or administrative use) will be made no more than once per year.

Your rights

Under the Data Protection Act 1998 you have rights of access to the information HESA holds about you. You will have to pay a small fee for this. For further information about data protection and your HESA information please see <http://www.hesa.ac.uk/dataprot> or email data.protection@hesa.ac.uk.

Data Protection Policy

Summary of major changes January 2016

The Data Protection Policy has been updated to better reflect the processing of students' personal information by The Open University.

The following points have been added to inform students that:

- the University keeps records of their participation in learning activities;
- the University combines some personal characteristic data with information collected about participation in learning activities in order to provide appropriate support;
- personal information is not sold to other organisations;
- personal information is used for equal opportunities monitoring;
- information may be shared with appropriate professional bodies;
- information may be used for crime prevention and detection including fraud;
- Information is retained for as long as there is a legal or business purpose.

The following point has been removed.

- Information relating to PGCE and ITE students, as there are no longer registrations to this programme.

The HESA Statement, that we are required to provide in full, has been moved to the end of the document.

There are some other minor revisions to wording and ordering.