

Guidance on how to deal with requests for the disclosure of student personal data

1. What is personal data?

Personal data is any information that can be used to identify a living person. This will not just include the more obvious identifiers such as names and contact details, but will include reference numbers that are assigned to individuals, such as student candidate or registration numbers, and other unique characteristics that could be used to identify specific people. It will also include information about courses, job roles and education history. Be mindful that although a single piece of information about a person may not be enough to identify them, their identity could become known when it is pieced together with other data.

‘Special category data’ is data that is particularly sensitive and comprises the following:

- Information about a person’s race or ethnicity;
- Information about a person’s political opinions;
- A person’s religious or philosophical beliefs;
- Whether a person is a member of a trade union;
- A person’s genetic data;
- A person’s biometric data;
- Information about a person’s health; and
- Information about a person’s sex life or sexual orientation.

2. Disclosure of personal data

Data protection legislation sets out a number of obligations when dealing with personal data. These obligations help us determine when it is appropriate to disclose data, either to internal colleagues or external parties. This guidance relates to the disclosure of student data and gives examples of the types of request you may receive for personal data relating to current or previous students.

Before sharing any personal data, either internally or externally, data protection legislation states that there needs to be a lawful basis to do so. If you need to share any special category data, you will also need to meet certain conditions set out in data protection legislation, such as having the explicit consent of the individual.

We also have to meet the two underlying principles of necessity and proportionality, which simply means that we need to be sure that it is necessary to share the personal data that we hold and we only share as much data as is needed and no more.

You can always contact the [Data Protection Officer](#) if you are unsure about whether data should be shared. In some cases, it is the DPO that makes the decision about disclosure, for example, disclosure to the Police.

3. Lawful basis for disclosure

Usually, there will be a contractual or legal obligation which means the University is able to disclose personal data. For example, we have a legal obligation to share data about students with the Higher

Education Statistics Agency or with Student Finance England. Disclosure in these sorts of cases is dealt with centrally by the University and usually on the basis of Data Sharing Agreements or notices being in place.

When dealing with individual requests for personal data about students, our lawful basis will usually be consent or vital interests.

a) Consent

Consent means “*any freely given, specific, informed and unambiguous indication*” of an individual’s wishes / agreement to the processing of their personal data.

For consent to be valid, the student needs to know exactly what information about them will be shared and with whom. Consent must be given by a clear affirmative action – the option to ‘opt in’ is required, rather than simply to ‘opt out’. Remember to check that the consent is current and that the student has not withdrawn it or changed their preferences.

b) Vital interests

Personal data can be disclosed where it is necessary to protect the vital interests of the student or of another person. Vital interests only cover interests that are essential for someone’s life and so this only applies to matters of life and death, rather than broader welfare concerns.

You should still seek consent where possible. If the student is physically unable to give consent or lacks the mental capacity to do so, then personal data can be disclosed without their consent. But disclosure should only be made to those parties that need to know, such as police or emergency health care services, and limited to what is necessary.

4. Requests from students

Students have a number of [rights](#) in relation to their personal data including the right to ask for their own data, known as a Subject Access Request. A request can be made orally or in writing and the University must respond within one month from the date of the request being made. Any student request for their own data should be referred to the [Data Protection Officer](#) without delay.

Some requests from students are dealt with by specific teams rather than the Data Protection Officer, namely requests for official letters, transcripts and replacement certificates:

- If a current student requests an official letter then you can refer them to their School Office. Former students should be directed to the Student Systems and Records Office via the following webpage: <http://www.sussex.ac.uk/ssro/enquiries>
- If a student requests a transcript then they can visit the following webpage for instructions on how to do so: <http://www.sussex.ac.uk/ssro/transcripts/officialtranscripts>
- If a student would like to request a replacement certificate then they can visit the following webpage and complete the required form: <http://www.sussex.ac.uk/ssro/transcripts/certificate>

5. Requests from within the University

You may receive requests for student data from colleagues in other Schools or Divisions. It is important to remember that even though these requests are coming from University staff it is not necessarily appropriate to share data. It may also not be necessary to share all of the data that has been requested.

When we collect data from students, it must be for a specific purpose. We should not then use that data for a reason that is at odds with the original purpose. You also need to ensure the principles of necessity and proportionality are met – is it necessary to share for you to share the data and how much data should be disclosed? If you have a query or concern about sharing data internally, please contact the [Data Protection Officer](#).

6. Requests that come from outside the University

Requests for student data also come from a variety of external sources. Some of those requests are dealt with by the Data Protection Officer or specific teams at the University, but other requests can be dealt with by staff generally.

Before you release any student data to any external party, you should be satisfied that the requestor is who they say they are. If you are in any doubt you can ask for verification of their identity.

Requests might come from the following external sources:

a) Police forces or other law enforcement bodies

Before we are able to disclose student data to the police and other law enforcement bodies, we have to consider whether the exemptions in the data protection legislation apply, for example, is it necessary for the apprehension or prosecution of offenders. So all such requests must be referred to the [Data Protection Officer](#). These requests may be made urgently by telephone, but they still need to be referred to the Data Protection Officer to decide whether personal data can be disclosed.

b) Local authorities

Often, local authorities will approach the University and ask for information about students. These requests relate to a range of issues such as housing, council tax, and noise complaints. As with the requests from police forces detailed above, we have to assess each request and consider whether there is an exemption in the data protection legislation or other law that allows our disclosure of the data. For this reason, please refer any local authority requests for student data to the [Data Protection Officer](#).

c) Statutory or regulatory bodies

Requests for general or aggregated student data are likely to be received only by certain teams who will handle these requests regularly. Requests for data about individual students are rare. Where these are received there are often specific data sharing arrangements in place to allow for the sharing of these students' data. If that is not the case, then the student's consent will be required prior to disclosure.

d) Family or friends

Even though a requestor might be related to the student or a close friend, they are no different to any other party and not entitled to that student's personal data, even if it seems that disclosure would be low risk or harmless. Unless the student has given their consent to release data to this person, we cannot release any personal data to them. Remember that consent needs to be specific so should cover the particular scenario or request

e) Sponsors

Student sponsors often contact the University to ask for details of student attendance, progress and engagement. Although the student may have their own obligation to provide this to the sponsor as part of their sponsorship agreement, we do still require the student's consent to release it.

At the point of registration we seek the student's consent to provide certain information to their sponsor, via a tick box in the registration screens. Please note that the student is able to edit this at any time during their studies so, prior to any disclosure, you should check with the Student Progress Team in the Student Systems and Records Office to ensure that the student has given their consent to the sharing of their data. The Student Progress Team will also be able to check the status of the consent previously given by the student, to ensure that it is still valid.

Students' consent is for "*details of my academic progress to be shared with my fee sponsor*". So information should be limited to academic progress and should only be disclosed to the fee sponsor and no other parties. Evidence of the valid consent should be kept alongside any disclosure which is then made.

f) Media

If you receive a request for student personal data from a journalist or other media source you should direct them to the following webpage where they will be able to get further details of who to contact: <https://www.sussex.ac.uk/news/media-centre/contact-us>

We would not normally disclose personal data to the media, but the media team will review the request and determine whether the data requested should be released or withheld.

g) Award confirmation

The Student Systems and Records Office handle all requests for award confirmation. If you receive such a request then please refer the requestor the following web page: <http://www.sussex.ac.uk/ssro/verification>.

h) Recruitment agents

Requests for student personal data may come in from recruitment agents. No student personal data should be disclosed without student consent, even if the agent requires it for a job offer or other valid reason. If you receive such a request then please refer the requestor the following web page: <http://www.sussex.ac.uk/ssro/verification>.

i) References

Depending on your role, you may be asked to provide a reference for a current or former student. This may relate to further study or employment. Again, the reference should only be given if the student has given their consent.

It is good practice to limit your response to the confirmation of the facts, for example to confirm the statements made in the student's application relating to their course, results etc. and to your relevant opinion i.e. your opinion as to the student's suitability for a post, a further programme of study, or general potential.

The reference you provide needs to be factually accurate and any opinions you express should be relevant, fair and objective. You should avoid emotive or biased comments.

If you receive a request for a student with whom you had limited contact, then it may not be appropriate to provide a reference, or it should be limited to factual matters such as their course, duration of study, etc. If you receive a reference request and think there may be an issue around the student's level of responsibility or personal integrity then you should discuss your concerns with the [Data Protection Officer](#) first, who can provide guidance on the most appropriate level of disclosure .

Where the reference relates to a student who is / was also a staff member, then any request about their staff role should be referred to Human Resources.

j) Other requests

Please refer any other requests for student personal data to the [Data Protection Officer](#).