

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.

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 “_____” 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 Ofc](#)

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 a law enforcement body, we must be satisfied that the request is lawful and that the disclosure is necessary and proportionate.

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

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 further study or employment.