

# REGULATIONS

## E12 POLICY ON CONFIDENTIALITY AND THE USE OF STUDENTS' INFORMATION

### 1. General principles

- 1.1. Confidentiality is an issue that concerns all teaching, research, management, administrative, advisory and chaplaincy staff whose work entails direct involvement in the lives of students while at university. The University is the custodian of information and the provider of advice in a variety of ways and through a number of mechanisms. In respect of electronic records, manual records and the provision of advice and counselling, all students have a right to expect that information received and recorded by the University will be treated in absolute confidence. Information is only used for the purposes for which it was provided and is not given to third parties without the student's permission or in circumstances when disclosure to a third party is legitimate.

### 2. Compliance

- 2.1. The University will ensure that the procedures it operates in the processing of confidential information and provision of advice and counselling complies with relevant legislation, ethical standards and codes of practice. Specifically, the University will lawfully manage information held about its students in compliance its legal obligations including adherence to:
- The Data Protection Act 1998
  - Freedom of Information Act 2000
  - The Human Rights Act 1998
- 2.2. The University has an approved data protection policy which provides statements on the appropriate use of data and compliance with the act. Under data protection legislation particular care needs to be taken concerning the processing of sensitive information including information about a student's health, disabilities, race or ethnic origin, membership of external organisations such as political parties or trades unions and criminal convictions. Sensitive information is held by the University in circumstances where the University has a duty of care. Specific guidelines on the use and retention of data are included within the Data Protection policy and the guidelines on data protection for academic staff ([E13 Data Protection Policy and E14 Data Protection Guidelines for Academic Staff](#)).

### 3. Provision of advisory and counselling services

- 3.1. Information gleaned following discussions with individual students including occasions when a third party is present will be treated in confidence. Client information recorded in the normal course of a consultation may under certain defined circumstances be accessible to other organisations and across other departments within the University. In these instances the permission of the client will be required unless specific lawful exemptions apply. The University will take all reasonable measures to ensure records are kept secure.

### 4. Personal records

- 4.1. The University holds information for academic, administrative and commercial purposes and the processing of all such information complies with the data protection principles under the Data Protection Act 1998. Students have a right under the legislation to expect that information is legitimately held for a lawful purpose, processed according to the data protection principles and kept

secure to prevent unauthorised access and processing. Unauthorised disclosure is a disciplinary matter and may be considered gross misconduct in certain circumstances.

- 4.2. Records may be defined as any information retained on students' personal details, academic results, records concerning admission to the University and subsequent progression as an enrolled student. Personal records may not be disclosed to a third party including enquiries from the following individuals and organisations unless written permission to disclose such information has been received from the student:
- i. Parents
  - ii. Spouses, partners or relatives, friends or associates
  - iii. Credit companies, banks or other financial companies
  - iv. Landlords, letting agencies or estate agents
  - v. Solicitors, barristers or court officials (unless subject to legal disclosure)
  - vi. The media
  - vii. Schools, colleges or universities other than in legitimate enquiries concerning transfer, admission to programmes of study or other related matters where the students has given permission to disclose relevant information
  - viii. The Home Office and HM Revenue and Customs
  - ix. The Police
- 4.3. In the case of the Home Office, HM Customs and Excise and the Police requests for information should be referred to the Academic Registrar who shall determine whether certain exceptions specified in section 5 (below) apply and provide advice on any other requests for information not listed.

## 5. Exceptions

- 5.1. In order for the University to administer student records effectively and ensure that the management of the institution meets statutory requirements, it is necessary on occasions to provide information to external bodies such as local education authorities. It is also necessary for the University to release information for the purposes of writing references, guidelines on which are available to staff ([E11 Procedures for the preparation of student references](#)). Such exceptions are brought to the attention of all students within the statement on the [Use of Students' Information](#) which is available on the web site upon enrolment. There are circumstances therefore when the right to confidentiality is limited. These circumstances are relevant to both student welfare and records.
- 5.2. Student welfare
- Information disclosed to members of the University staff by individual students that is of a serious enough nature to cause genuine concern for the safety and wellbeing of those students, the wider university community and/or the general public may be disclosed to a third party under the following circumstances:
- 5.2.1. Should information be given to a member of staff in confidence concerning, for example a serious assault, the University in fulfilling its 'duty of care' obligations could be held to be negligent if it did not use this information to take necessary action in order to prevent the perpetrator of the assault from continuing to be a serious risk to other students and staff.
- 5.2.2. Where information is given to the University concerning the health and welfare of an individual which indicates that the student could be a danger to themselves or others, the University will follow the standard practice advised by the General Medical Council that such information will be the subject of limited confidentiality on the grounds of public interest.
- 5.2.3. Mental illness which may inhibit the ability of a student to take decisions about the appropriate levels of confidentiality in respect of seeking help or other courses of action.

5.2.4. Under the provisions of the Equalities Act 2010, educational institutions are required to make 'reasonable adjustments' to enable a student with a disability to embark upon a programme of study. The Act has implications for confidentiality since the University may not be able to maintain complete confidentiality about a student's disability if it is to comply with the legislation. In this case the University will notify individual students that in seeking to comply with requirements, it may be necessary to disclose relevant information to third parties which would otherwise be considered confidential.

5.3. Generally students will be consulted if their confidential data needs be shared with a third party and consent of the student will be sought. However in certain circumstances, for example under safeguarding rules and in order to protect the vital interests of the student, data may be shared without consent. The aforementioned circumstances are rare and such steps will be carefully considered and involve professional decisions.

## 6. Records

6.1. Certain records held by the University are designed to be seen by third parties (detailed in 6.1.1 to 6.1.5 below). In such cases it is not necessary to obtain the permission of the student to disclose the information to any third parties since such disclosure is implicit by virtue of the nature of the information itself:

6.1.1. Academic records containing profiles of module and programme results including course work, work experience and practice outcomes will be shared among relevant academic and administrative staff for the purpose of examination committee approval of marks and awards.

6.1.2. Final award decisions are considered to be in the public domain. Such awards are published on notice boards and within the graduation awards book. Students may, however, opt for confidentiality and request that their final award outcomes are not published in any form at any time. All students should therefore be given an opportunity to request that such information is withheld and the University will in such circumstances ensure that final award information is not publicly displayed or published.

6.1.3. Personal references written by members of the University staff will be held on record and released to appropriate third parties. Students will be informed that references will be released upon request (see [Use of Student Data Guidelines](#)).

6.1.4. Disclosure of personal information following a court order.

6.1.5. Disclosure of results to sponsor employers.

*For further information about these regulations, please contact the Academic Registrar.*

Updated by S. Marshall, Academic Registrar, September 2005

Reviewed and updated by Information Compliance Officer and Head of Wellbeing, July 2016