

Privacy notice: Nominations of individuals to become members of the OfS specialist provider panel

The General Data Protection Regulation (GDPR) requires that clear and transparent information is provided to individuals about the use(s) that will be made of their personal information.

To fulfil this obligation, we are employing a layered approach to privacy notices where a short form overview is provided at the point at which personal data is collected, with a link then provided to a full detailed privacy notice.

Short form privacy notice

Here is a short summary of how the personal information you submit will be held and used:

- Submitting a nomination is optional.
- In order to process nominations, we are undertaking a two-stage approach:
 - Stage one: we are seeking nominations of individuals from organisations. We will ask about the organisation the nominator is from, so we can ensure we receive nominations that reflect a wide spectrum of subject specialisms and that the panel includes, or has access to, individuals with an internationally recognised reputation in their specialism. We will also ask for the name and contact details of the nominator to enable us to contact them about their nomination. We will also ask for the name and contact details of the nominee to enable us to contact them at stage two.
 - Stage two: following receipt of nominations, we will contact all nominees. We will ask for their equality and diversity data (also known as special category data). It will be optional for nominees to provide us with this data to enable us to monitor the nomination pool to support us in establishing a diverse panel and to monitor equality and diversity data across all our committees.

This privacy notice covers both stages of the nomination process.

In order to process nominations, we are collecting personal information from the nominator and the nominee. To achieve the above aims, the specific uses that will be made of your personal information are listed below:

Nominating body:

- The nominating body's name, nature of nominating body and field of interest will enable us to ensure we have a wide spectrum of subject specialisms and that members of the panel have an internationally recognised reputation in their specialism.
- Name, email address and position of the person making the nomination so that we may contact them for any queries relating to the form.

- If we want to use the personal information from the nominating body for a reason other than those purposes set out above, we will tell them before we start that use and provide further information about the new purpose(s).

Nominee:

- The nominee's name and email address so that following receipt of nominations, we can contact all nominees to confirm their availability and willingness to be on the panel, confirm if they wish to add anything else to the submission made by the nominating body, collect equality and diversity data (optional), conflict of interests and to provide them with the outcome of the nominations process.
- Current role(s) and organisation(s) they work for to ensure we have a wide spectrum of subject specialisms and that members of the panel have an internationally recognised reputation in their specialism.
- If we want to use the personal information of nominees for a reason other than those purposes set out above, we will tell them before we start that use and provide further information about the new purpose(s).

When we contact nominees (stage two) we will collect separately equality data from nominees to monitor the nomination pool to support us in establishing a diverse panel, to monitor equality and diversity data across all our committees, as well as fulfilling our obligations under equality legislation. This is also known as special category data. It is optional for nominees to provide this data and if they choose to supply it, we will not make this information available to any staff outside of the Human Resources team in a way that can identify the nominee. Their nomination will not be affected if they choose not to supply equality and diversity data.

We will be using SmartSurvey to collect the information from nominators which offers a 'save and continue later' functionality, and to make use of this you will need to provide your name and email address in order that SmartSurvey can send you a personalised link. Information collected through SmartSurvey is stored on secure servers in the UK or EU and does not leave Europe at any point. Their privacy notice can be accessed via their website: <https://www.smartsurvey.co.uk/privacy-policy>. The OfS does not have access to any personal data submitted to SmartSurvey for this functionality.

Nominees' personal information (including equality and diversity data) will be held on Workday and will be stored securely within the European Economic Area (in Ireland and backed up in Germany) and will not be transferred outside that territory unless required by a court order.

The final membership of the panel will be published on the OfS website and this will include a list of names of individuals and any conflicts of interest. It will not contain other personal data such as contact details or the name of the organisation and individual that made the nomination.

We will retain the personal data of nominees and nominators for one year after the publication of decisions the panel has taken.

The Office for Students is the Data Controller.

The legal basis for processing your personal information is:

- **Article 6(1)(a) Consent:** the individuals will give clear, withdrawable consent for us to process their personal data for a specific purpose.
- **Article 9(2)(a) – special category data:** the data subject has given explicit consent to the processing of those personal data for one or more specified purposes.

It will be stored on secure servers within the UK.

It will not be routinely shared with any other organisations.

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 at 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 at www.officeforstudents.org.uk/ofs-privacy/other-privacy-notices/.

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 2017 (HERA). 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.

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. Our location and contact details are below:

Office for Students
Nicholson 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. Please note that this mailbox is monitored by other members of the data protection team.

3. How we will use your information

This nominations process relates to the establishment of a time limited committee of the OfS board which will make decisions about whether a registered provider is world-leading in its specialism, based on submissions from those providers against published criteria.

The proposals set out relate to the OfS's powers under the HERA in relation to financial support for registered higher education providers (section 39). We have also had regard to our general duties under section 2 of HERA, the statutory guidance issued by the Secretary of State in January 2021, the condition of grant letter applied by the Secretary of State in March 2021, and the public sector equality duty.

In considering nominations to the panel we will need to ensure that we reflect a wide spectrum of subject specialisms and that members of the panel have an internationally recognised reputation in their specialism. We also want to monitor the nomination pool to support us in establishing a diverse panel, monitor equality and diversity data across all our committees and ensure that any potential conflicts of interest for panel members are minimised, declared and managed.

With that in mind, we would like to receive nominations for panel membership from national or international organisations, such as representative bodies (of employers, higher education providers and professional or subject associations) and other relevant organisations such as other regulators or funders.

In order to process nominations, we are undertaking a two-stage approach:

- Stage one: we are seeking nominations of individuals from organisations. We are collecting personal information from the nominator and about the nominee.
- Stage two: following receipt of nominations, we will contact all nominees. We are collecting additional personal information from the nominee which will include equality and diversity data (also known as special category data). It will be optional for nominees to provide us with equality and diversity data.

This privacy notice covers both stages of the nomination process.

We can only use nominees and nominators personal information and nominee's equality and diversity data where we have a specific purpose or purposes for doing so.

To achieve the above aims, the specific uses that will be made of your personal information are listed below:

Nominating body:

- The nominating body's name, nature of nominating body and field of interest will enable us to ensure we have a wide spectrum of subject specialisms and that members of the panel have an internationally recognised reputation in their specialism.

- Name, email address and position of the person making the nomination so that we may contact them for any queries relating to the form.
- If we want to use the personal information from the nominating body for a reason other than those purposes set out above, we will tell them before we start that use and provide further information about the new purpose(s).

Nominee:

- The nominee's name and email address so that following receipt of nominations, we can contact all nominees to confirm their availability and willingness to be on the panel, confirm if they wish to add anything else to the submission made by the nominating body, collect equality and diversity data (optional), conflict of interests and to provide them with the outcome of the nominations process.
- Current role(s) and organisation(s) they work for to ensure we have a wide spectrum of subject specialisms and that members of the panel have an internationally recognised reputation in their specialism.
- If we want to use the personal information of nominees for a reason other than those purposes set out above, we will tell them before we start that use and provide further information about the new purpose(s).

The final membership of the panel will be published on the OfS website and this will include a list of names of individuals and any conflicts of interest. It will not contain other personal data such as contact details or the name of the organisation and individual that made the nomination.

4. 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 bases for processing your personal information are:

- **Article 6(1)(a) Consent:** the individuals will give clear, withdrawable consent for us to process their personal data for a specific purpose.
- **Article 9(2)(a) – special category data:** the data subject has given explicit consent to the processing of those personal data for one or more specified purposes.

5. What personal information we will collect

The personal information we will collect from the nominator and the nominee are set out below:

From the nominator we will collect:

- Nominating body's name, nature of nominating body and field of interest
- Name, email address and position of the nominator
- Nominee's name and email address
- Nominee's current role(s) and organisation(s) they work for.

Following receipt of nominations, we will contact all nominees to collect the following personal data (including optional equality and diversity data):

- Nominee's optional equality and diversity data (special category data – nominees can select 'prefer not to say' for all these categories):
 - Age range
 - Ethnicity
 - Disability
 - Gender/Gender identity
 - Religious belief
 - Sex
 - Sexual orientation
 - Unpaid caring responsibilities.

We are collecting equality and diversity data to monitor the nomination pool to support us in establishing a diverse panel, to monitor equality and diversity data across all our committees, as well as fulfilling our obligations under equality legislation. If nominees choose to supply equality and diversity data, we will not make this information available to any staff outside of the Human Resources team in a way that can identify them. Their nomination will not be affected if they choose not to supply equality and diversity data.

If we invite nominees to an interview, we will ask if they require any reasonable adjustments to be made in relation to the interview process. This information will be held and used separately from the nomination form.

- Conflicts of interest of nominee.
- Confirm if the nominee wishes to add anything else to the submission made by the nominating body.

By providing this information nominators and nominees consent to the OfS processing their data for the reasons set out in this privacy notice. Consent can be withdrawn at any point – see below.

6. Who we give your personal information to

We will not routinely pass your information to any other organisation except where required to do so as part of our functions or by law. For example, we may need to share information, in whole or part, with the Department for Education (DfE) under section 78 of HERA (<https://www.legislation.gov.uk/ukpga/2017/29/section/78/enacted>).

We use SmartSurvey to manage the nomination process and Workday to manage the selection process.

7. Where your personal information will be stored

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

The information collected from nominators is collected via SmartSurvey. Information collected through SmartSurvey is stored on secure servers in the UK or EU and does not leave Europe at any point. Their privacy notice can be accessed via their website:

www.smartsurvey.co.uk/privacypolicy.

Nominee's personal information (including equality and diversity data) will be held on Workday and will be stored securely within the European Economic Area (in Ireland and backed up in Germany) and will not be transferred outside that territory unless required by a court order.

Workday uses strictly necessary cookies to allow the site to function properly and to enable the successful communication between the end-user and the service, as follows:

- Session management cookies – User, device and session ID cookies along with timestamp cookies for timing out sessions after inactivity. These cookies expire at the end of the session.
- Routing cookies – To forward requests for a single session to the same server for consistency of service. These cookies expire at the end of the session.
- Application Security Management (ASM) cookies – To help protect web applications and infrastructure from security attacks. These cookies expire at the end of the session.

8. How we protect your personal information

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

- 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 and then on an annual basis:
 - 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.

9. 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).

In relation to the collection of personal data (including equality and diversity data), consent must be a clear positive action that you have given your agreement to the use of your personal information (including equality and diversity data) as set out in this privacy notice, 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 by emailing: specialists@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.

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/.

10. How long we will 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. The personal information you have submitted will be kept for one year following the publication of the decisions of the panel on the OfS website.

After that point, your personal information will be confidentially and securely disposed of.

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

If we are not able to resolve the issue to your satisfaction, you can also make a complaint 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

Email: casework@ico.org.uk

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 16 December 2021.