

Privacy notice for the consultation on the OfS's new free speech complaints scheme

Short form privacy notice

This consultation seeks views on the proposals for a new free speech complaints scheme, which forms part of our implementation of the requirements of the Higher Education (Freedom of Speech) Act 2023.

Here is a short summary of how the personal information you submit will be used.

- The personal information being collected is:
 - Name (optional)
 - Email address (optional)
 - Organisation
 - Basis for submitting the response to the consultation: personally, or on behalf of an organisation
 - Relationship to the higher education sector.
- Your personal information will be used to contact you for any queries in relation to your submission and to analyse responses so that we can identify whether we are capturing a representative sample. Individuals will not be identifiable in our consultation response.
- The Data Controller of the personal information you submit will be the Office for Students.
- The Data Processor is Pye Tait, who will be analysing responses to the consultation on our behalf.
- The responses to this survey are 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:
<https://www.smartsurvey.co.uk/company/privacy-policy>.
- The legal basis for processing your personal information is:
 - **Article 6(1)(e) Public task:** the processing of your personal information is necessary to perform a task in the public interest or for our official functions, and the task or function has a clear basis in law.

- **Article 9(2)(j) Statistical and research purposes:** Processing of special category data is necessary for statistical and research purposes in accordance with Article 89(1) and Schedule 1 part (4) of the DPA 2018.
- It will be stored on secure servers within the UK and EEA.
- It will be shared with Pye Tait as part of the consultation analysis.
- It will be retained for one year after the end of the consultation then securely disposed of.
- 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 (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 below.

Full privacy notice for the freedom of speech consultation

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 (HERA) 2017. You can find more information about the OfS and the work that we do on our website: www.officeforstudents.org.uk

This consultation seeks views on the proposals for a new free speech complaints scheme, which forms part of our implementation of the requirements of the Higher Education (Freedom of Speech) Act 2023. The Act strengthens the legal requirements of universities and colleges in relation to free speech and academic freedom, and the OfS's regulatory role. The complaints scheme will consider free speech complaints about universities and colleges or relevant students' unions, from students, staff members, members or visiting speakers. Anyone who has applied to become a member of academic staff at a registered university or college can also make a complaint.

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 as part of submission of this freedom of speech consultation.

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, data processor and Data Protection Officer

The OfS is the 'data controller' of any personal information collected within scope of this privacy notice. The 'data processor' will be Pye Tait. They are analysing responses to the consultation on our behalf.

The contact details for the OfS are:

Office for Students

Westward 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. You should note that this email address is monitored by other members of the OfS's data protection team. Therefore, please mark any correspondence 'for the attention of the Data Protection Officer'.

3. What personal information we will collect and how we will use it

This consultation seeks views on the proposals for a new free speech complaints scheme, which forms part of our implementation of the requirements of the Higher Education (Freedom of Speech) Act 2023.

In order to analyse the responses to the consultation, we are collecting personal information (alongside your views on our proposals) in order to understand who has responded and the views that they have on our proposal.

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

- Your name and email address (where provided) will be processed so that we may contact you for any queries in relation to your submission.
- We will also ask about the organisation you are from (if applicable), which will be used to record and analyse the responses.

We will summarise and/or publish the responses to this consultation on the OfS website (and in alternative formats on request). This may include a list of the providers and organisations that respond, but not personal data such as individuals' names, addresses or other contact details.

The personal information we will collect and use as part of this consultation is set out below:

- Name (optional)
- Email address (optional)
- Organisation
- Basis for submitting the response to the consultation: personally, or on behalf of an organisation

- Relationship to the higher education sector.

SmartSurvey 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.

Special category data

Special category data is personal data that needs more protection because it is sensitive, such as health, racial or ethnic origin, political opinions, religious or philosophical beliefs, sex life or sexual orientation. Whilst we do not directly request this information within the consultation, we recognise that you might include special category data within your response where it is relevant. Please do not include special category data about other identifiable individuals.

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 basis is:

Article 6(1)(e) Public task: the processing of your personal information is necessary to perform a task in the public interest or for our official functions, and the task or function has a clear basis in law.

Article 9(2)(j) Statistical and research purposes: Processing of special category data is necessary for statistical and research purposes in accordance with Article 89(1) and Schedule 1 part (4) of the DPA 2018

5. Information we obtain from other sources

We will not obtain any more personal information about you from other sources.

6. Who we share your personal information with and why

We will share your personal information to some other organisations for specific reasons, as explained below:

- Pye Tait for the purposes of analysing consultation responses to produce both qualitative and quantitative analysis for the OfS.

We will not disclose your information to any other organisation other than those listed except where required to do so as part of our functions or by law.

Where personal information is disclosed routinely to another organisation, a contractual agreement will be in place to ensure the protection of your personal information and to ensure it is only used for the reasons described above.

7. How long we 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.

Your personal information will be kept for one year after the end of the consultation. After that point, your personal information will be confidentially and securely disposed of. If we need to keep your personal information for longer than the retention period above, we will inform you and explain the reasons for this.

8. Where your personal information will be stored

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

The responses to this survey are 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:
<https://www.smartsurvey.co.uk/company/privacy-policy>.

9. How we protect your personal information

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

- Accredited to the Cyber Essentials PLUS standard for cyber security
- All staff are required to undertake training in data protection and information security
- 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.

Pye Tait has a number of security measures in place to protect personal information, including:

- Registration with the ICO and full compliance with the Data Protection Act 2018 and GDPR
- Privacy policy and participant privacy notice are overseen by two directors
- Staff use encrypted and networked company laptops or PCs
- Data will only be shared with appropriate individuals as directed by the requirements of the research and the level of confidentiality needed for the data in question
- No third parties will be involved in data handling or processing.

You can read more information on our approach to information security on our website:
www.officeforstudents.org.uk/ofs-privacy/information-security/.

11. 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).

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/.

13. 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 you remain dissatisfied, you can complain 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

14. Changes to this notice

We keep our privacy notices under regular review and we will inform you of any changes to this notice by placing an update on our website.