

General Data Protection Regulation – advice for higher education providers

The General Data Protection Regulation (GDPR) will come into force on 25 May 2018, and represents the first major overhaul of data protection legislation for over 20 years.

Notable changes include:

- higher standards for obtaining consent from individuals to use their personal data
- tougher penalties for non-compliance
- enhanced rights for individuals in respect of their personal data, including:
 - requesting deletion of data ('right to be forgotten')
 - enhanced rights of access to personal data
 - a right for personal data to be transferred directly to third parties ('data portability')

We've received some enquiries from providers, about whether the GDPR will have an impact on the services we provide, and if we need to make any changes to comply. Our position is that the GDPR does not significantly change the relationship we have with providers from a data protection perspective.

Under the existing Data Protection Act 1998, UCAS is a 'data controller', responsible for ensuring our use of personal data, such as the collection and sharing of personal information to support our admissions schemes, is compliant with legislation. However, once personal data is transferred to a provider and, for example, used to populate a student record system, that provider becomes the data controller, responsible for making decisions about data protection compliance, such as retention, or deciding the types of communications to send to applicants. Our terms of service place obligations on UCAS and providers to ensure compliance with data protection legislation.

The enquiries we've received focus on the consent UCAS obtains from applicants, and whether this adequately supports uses of data providers undertake to support the admissions process, and possible further uses that may be made – such as contacting the applicant for promotional activities at the point of application.

When applicants provide information to UCAS to support an application to higher education, we provide detailed information about our uses of personal information. They also agree to: 'We share personal information in your application with the universities and colleges that you have applied to, so that they can consider and process your application. This will also include sharing your results from the examination and awarding bodies with the universities and colleges where you hold offers'.

We may slightly amend this wording as we review the information we provide to applicants about our uses of their data, but it's unlikely to change significantly. In our view, post-GDPR implementation, providers will still be able to use personal data collected by UCAS, where this use is necessary to support the admissions process (such as communicating with

applicants to support their application, or sharing it with employees necessarily involved in the admissions process), without seeking additional consent from applicants.

We recognise the central role UCAS plays in the admissions process, and would welcome feedback – both on our initial thoughts, and about how we might assist you with GDPR compliance in respect of the services we offer. You may wish to consult your own legal or data protection colleagues before doing so.

Please send your feedback to datagovernance@ucas.ac.uk by Friday 28 July. We will carefully review any comments, and may approach the Information Commissioner's Office for advice on how we can address any concerns or questions raised.

Further information about preparing for the GDPR can be found on the [Information Commissioner's website](#).