**Personal data processed by students**

This guidance is intended for students undertaking work during the course of their studies that involves living, identifiable individuals as part of their programme of study at the University of South Wales.

**Background**

The UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018 protect the rights of individuals when personal data is processed about them. Processing includes everything that happens to personal data from the time it is collected to the time it is destroyed and includes; using, storing, editing and deleting etc.

Personal data is defined as, in its simplest form as information that relates to an identified or identifiable individual.

Within the University an undergraduate and post graduate taught students use personal data for four main reasons:

1. To maintain a personal life, for example to communicate with family and friends.
2. To pursue a course of study with the University, for example to research and write an essay, report or thesis.
3. As part of a University hosted clinic (such as the Chiropractic Clinic and the Legal Advice Clinic)
4. To carry out research as a member of a University established research group.

**The data protection laws and the student**

The University is only responsible for personal data when it is the data controller for that data. A data controller is the person who determines the purposes for which, and the manner in which any personal data is to be processed. Therefore, the University is only responsible for the personal data processed by its students when the students process data for the University’s purposes.

The following scenarios are the most likely circumstances in which students will process personal data.

**Case study 1**

Students process personal data in the course of their personal life, for example writing emails via their University provided email accounts to their friends and family.

The University is not the data controller for personal data processed by students in the course of their personal lives as it does not determine the manner and purpose of the processing.

**Case study 2**

A student processes personal data in order to pursue a course of study with the University.

The University is not the data controller for personal data processed by students to pursue a course of study with the University. Students undertake a course of study with a University for their own personal purposes (to obtain a qualification). Students are not employees or agents of the University and do not act on behalf of the University. Students decide what work they will do, the way in which they do it and what is relevant within the final thesis/assignment.

In this instance the student is the data controller.

**Case study 3**

A research student processes personal data whilst working on a project led by a University research group. This scenario is only relevant for postgraduate research.

The University is the data controller for personal data processed by a student working on a research project whereby the University has laid down the purposes and the remit of the research

**Case study 4**

A student, as part of their chiropractic course, provides chiropractic treatment within the University run clinic. This involves them handling client personal data.

The University is the data controller for this information as the Clinic decides on the purpose and manner of the processing.

This would also apply to other clinics withing the University where students gain experience (e.g. Legal Clinic, Counselling Clinics)

**Student Responsibilities**

Where the University is the data controller, the student must ensure that they follow the policies and undertake training as required by the University. They must also only process personal data in line with the guidance and instruction of the University.

Where the student is the data controller it is advised that they familiarise themselves with the [data protection principles](https://ico.org.uk/for-organisations/guide-to-data-protection/). Further tips for students acting as a controller can be found below.

1. It is necessary to carefully consider at the outset what personal data is needed to collect for the project and discuss this with the supervisor or tutor.
2. Ethical consent should be obtained from the data subject participating in the research, this will usually be obtained in writing.
3. The data subject participating in the research should be provided with an explanation of the use of their data.
4. Only data that is necessary for the research should be kept. Data should be anonymised where possible by removing names and identifiers.
5. All personal data held must be recorded accurately.
6. Requests from individuals to update or delete data must be respected.
7. Personal data must always be stored securely.
8. Personal data should not be disclosed to anyone except the individual concerned.
9. Personal data should be securely destroyed when it is no longer needed for purposes relating to the research.

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