



## Note of Guidance

### Requests from Persons outside the University for Information about Students and Former Students

As a general rule the University does not disclose information about its staff and students. There are some exceptions, such as where the subject has consented, disclosure is to the subject's authorised agent, or disclosure is to a law enforcement agency.

The purpose of this note is to offer brief guidance on responding to requests from outside the University for information about a student or a former student of the University. Additional, more detailed information and advice is available from John Elliott or Tessa Harrison.

All information held by the University about students either in electronic or paper format is classed as personal information and as such is subject to the Data Protection Act 1998. The University has a Data Protection Policy which is available from John Elliott and can be viewed on the Finance web pages (Financial Procedure FIN022) <http://www.uwe.ac.uk/finance/sec/dp/index.shtml>. Under the terms of the Act, personal data cannot be disclosed to anyone outside the University without the consent of the 'data subject' i.e. the student, except for the purposes for which the University is registered and certain other purposes (set out below). Disclosure includes confirmation, or not, of a student's presence at the University.

Requests for information under the Freedom of Information Act may sometimes include a request for personal data relating to a student. Care needs to be taken in dealing with any such requests to ensure that the University's obligations under the Data Protection Act are not breached. Further information and advice on the Freedom of Information Act can be obtained from Katie Owen-Jones.

#### **BE ON YOUR GUARD:**

It is not unknown for debt collectors and others to pretend to be solicitors in order to obtain information. The first thing is to establish identity and bona fides of the enquirer. If the initial request is made by telephone then the caller should be asked to put the request in writing on headed paper (faxes acceptable). Giving information over the telephone should be avoided.

The purposes for which the University is entitled to disclose information about students to outsiders are many. But guidance on some of the most common sources of requests is below.

- 1 Parents/spouses/family members: The University's contractual and legal relationships are with its students, not their parents or other relatives. If the University is approached by a family member for information about a student, it should be politely refused. There are some exceptions, such as where a student has authorised disclosure (in writing) or has asked the relative to act as his/her advocate in a dispute with the University – but do not assume that a parent has the student's support or authority.
- 2 Employers/sponsors: Where financial assistance is provided, the University may disclose limited, relevant information such as attendance details and overall performance. Care must be taken that such information is revealed only to organisations with which the student has a contract. The Student Loans Company and

the NHS may be considered sponsors to whom such data may be disclosed as necessary.

- 3 LEAs, UK Border Agency: The University is under a statutory obligation to confirm that students have taken up their place at University and are still in attendance.
- 4 Benefits Agencies, Government Departments, NHS Counter Fraud Department: In cases of alleged fraud, the University will usually co-operate, but such written requests should be forwarded to a senior member of staff, such as a faculty academic registrar or the Clerk to the Governors, to handle as there may occasionally be a subsequent requirement to appear in court. Benefits agencies may request information relating to dates of attendance which, usually with the student's authorisation, may be provided in response to a written request. Any other requests for information should be declined.
- 5 The Police: UWE's practice is to co-operate with the police in the detection and prevention of crime. Where a request for information is received from the police it should be referred to Tessa Harrison to decide whether it is to be handled centrally.
- 6 Potential employers, employment agencies and other educational establishments (except requests for references, but see note below): Typically when a student applies for a job or other course, disclosure of relevant information will usually be in the best interest of the student. Academic references may be provided without the explicit written consent of the student as long as the request is in writing from a *bona fide* employer or agency. The information released should be the minimum relevant to the request – usually attendance and award details.

Note: neither this information nor references should be provided in either of the following situations:

- 1 the student is currently enrolled and has a debt or written-off debt from a previous academic year
- 2 the student is withdrawn or has completed and has either a debt or a written-off debt.

The agency requesting the reference must not be informed of the reason for a refusal to supply a reference, but should be requested to ask the student to contact the University.

- 7 Solicitors: A solicitor acting on behalf of a student is the agent of that student or former student, so it is lawful to disclose information about the student to the solicitor. However, all such requests\* should either be referred to Tessa Harrison, or her advice sought, before a reply is made. Any reply should be made by a senior member of staff, such as a faculty academic registrar or the Clerk to the Governors.

\* With the exception of those related to student debt which should be referred to Shaila Shastry in Finance.

Note:

A solicitor not acting for a student does not have a right to any information.

The University does not agree to serve legal documents on students on behalf of third parties.

A note should be kept on file of any disclosures made, to whom and when, and by whom they were authorised.

Although the University will not give out students' addresses, it will usually agree to forward any correspondence to the latest known address.