**Privacy Notices**

***Page 1: Information and Checklist***

***Page 2: Privacy Notice template ready for you to edit***

**Privacy Notices**

A Privacy Notice describes to individuals (Data Subjects) when, why and where their information (personal data and sensitive personal data/special categories data) is being used by the University. In order for processing of personal information to be demonstrably fair and transparent, individuals must be provided with a Privacy Notice. Further guidance on [Privacy Notices](https://ico.org.uk/for-organisations/guide-to-data-protection/privacy-notices-transparency-and-control/privacy-notices-under-the-eu-general-data-protection-regulation/) is available from the Information Commissioner’s Office (ICO).

You will need to provide a specific Privacy Notice to data subjects whose personal information you are processing. It is also important to include the legal basis for processing personal information. For further information, please refer to [ICO guidance on lawful basis for processing](https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/lawful-basis-for-processing/) and use the [interactive tool](https://ico.org.uk/for-organisations/resources-and-support/getting-ready-for-the-gdpr-resources/lawful-basis-interactive-guidance-tool/) to help you decide which legal basis is applicable.

**What should the Privacy Notice include?**

There are defined criteria for what must be inclusion in Privacy Notices:

* Identity and contact details of the Data Controller (which will be St Mary’s University Twickenham) and the Data Protection Officer.
* Details of the information being processed, the purpose and the legal basis for processing.
* Details of any other organisation or person who may access the data.
* Details of transfers to countries outside the European Economic Area (EEA) and the safeguards in place (e.g. whether a data sharing agreement is in place).
* Information on the retention period or criteria used to determine how long the information will be held.
* Details of applicable data subject rights.
* Where relevant, the existence of automated decision making, including profiling and guidance on how decisions are made, the significance and resultant consequences.
* Where consent is being relied upon as the legal basis for processing, the right to withdraw this consent any time.
* Right to complain to the Information Commissioner’s Office.

**Personal data**

This is any information relating to an identified or identifiable person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in reference to an identifier such as name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

**Examples of Privacy Notices**

See Cambridge university template: <https://www.information-compliance.admin.cam.ac.uk/data-protection/applicant-data>

See university of Stirling <https://www.stir.ac.uk/about/faculties-and-services/policy-and-planning/legal-compliance/data-protectiongdpr/privacy-notices/>

University of London <https://www.ucl.ac.uk/legal-services/privacy>

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**All text highlighted in grey or in square brackets should be amended/removed accordingly.**

**St Mary’s University, Twickenham**

**Privacy Notice for [Insert name of project/processing activity and name of faculty/department.]**

1. **The Purpose**

Personal data means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

We are collecting your basic personal data such as[*name, email address/contact details - amend or expand as necessary] and, where relevant, limited special categories data (such as disability, ethnicity, other health data)]* in order to *[insert purpose for processing the data. If information will be used for marketing purposes, this must be explicitly referenced. If data will be used for direct marketing purposes, this must be specified and explicit consent sought].* We will only collect data that we need in order to provide and oversee this service to you.

1. **Legal basis for processing your data**

We must have a legal basis for processing all personal data. In this instance, the legal basis is *[select one from the list below]*

* **Consent: You have given us your consent for processing your personal data.**

 *A consent clause needs to be included at the end of the privacy notice. See page 5 for template.*

*To use consent you must be able to show it was*

1. *Freely given*
2. *Specific for the processing intended (i.e. they must explicitly give consent for this particular purpose)*
3. *Informed and unambiguous*

*There is a right to withdraw the consent at any time. Therefore where they are unable to give consent freely, consent should not be used as the legal basis.*

* **Contract: The processing is necessary for the performance of a contract or in order to take steps prior to entering into a contract** – *details should be provided of the consequences of not providing any information.*

*You can rely on this if you need to process someone’s personal data:*

* + 1. *To fulfil your contractual obligations to them; or*
		2. *Because they have asked you to do something before entering into a contract.*

*The processing must be necessary. If you could reasonably do what they want without processing their personal data, this basis would not apply.*

*You should document your decision to rely on this lawful basis and ensure that you can justify your reasoning.*

* **Legal obligation** – **Processing is necessary for compliance with a legal obligation to which the University is subject**. *Provide details of the legal requirement*
* **Public task/Official authority** – *this covers activities undertaken as part of the core functions of the University.*
* **Legitimate interests** – *this should only be used for activities which are not part of the University’s core functions and in this case details should be provided of what interests the University or relevant third party has in the data. E.g. It may be necessary for the University’s legitimate interests to collect a student’s personal data to enable the University to manage certain operations of the University effectively (e.g. to enable your access to external services).*
* **Vital Interests:** *The processing is necessary to protect someone’s life e.g.: emergency medical care.*
1. **Processing of Sensitive Personal Data (Delete section 3 if not applicable)**

This data is different from ordinary personal data (such as name, address, telephone) and sensitive data are subject to much stricter conditions of processing.

**Sensitive/Special Category Personal Data:**

* racial or ethnic origin
* political opinions
* religious or philosophical beliefs
* trade union membership
* genetic data
* biometric data for the purpose of uniquely identifying a natural person
* health conditions
* sexual life or sexual orientation
* personal data relating to criminal convictions and offences

If special categories/sensitive personal information is being processed, it must be based on **one of the Legal Basis above (section 2) and an additional Legal Basis below**:

* **Explicit consent**: obtain written consent, see page 5.
* **Legal Obligations**: necessary for complying with employment or social security law
* **Vital interests** where it is necessary to protect your vital interests or those of another person and where you/they are physically or legally incapable of giving consent. This would be in an emergency situation where your health, wellbeing or welfare was at risk.
* **Where subject has made the data public**
* **Legal Claims**: processing is necessary for the establishment, exercise or defence of legal claims.
* **Preventive or occupational medicine**: processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services.
* **Substantial public interest** –proportionate to aims & safeguards.
* **Public Health**: processing is necessary for reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring high standards of quality and safety of health care and of medicinal products or medical devices.
* **Archiving, research or statistical purposes**: processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes.
1. **What we do with it and who we share it with**

All the personal data you submit is processed by staff at St Mary’s University, Twickenham. (Access to your personal information is limited to staff who have a legitimate need to see it for the purpose of carrying out their job at St Mary’s University, Twickenham.) [This wording should only be used if the processing will be undertaken by the University staff. If data is shared with any third parties, then please amend this sentence and detail who the third parties are here. If the information will not be shared with third parties then please state this.

 **5. Transfer: Whether the information will be transferred to a country outside of the European Economic Area (EEA).**

We do not transfer your personal data outside the European Economic Area (EEA)/ If the personal information will be transferred outside the EEA details should be provided along with information about what safeguards have been put in place. If any personal information will be placed on a website this should be stated. Note that many online services have servers that are located outside the EEA. Clarification should be sought from the service provider on whether or not this is the case and if so details should be included in the privacy notice.

 **6. Security**

We have put in place appropriate security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. We have established procedures to deal with any suspected personal data breach and will notify you and any applicable regulator of a breach where we are legally required to do so. You may give details on how the personal information will be stored and what security measures will be in place. For instance, who will have access to it, will it be encrypted, will it be anonymised or pseudonymised?

 **7. How long do we keep it for**

Your data will be retained by the University for [insert planned retention period or retention criteria e.g. xx months after the conference has ended or the survey has concluded]. After this time, data will be securely deleted.

(Profiling – If automated decision making is carried out details should be included)

(Sources of data – Where personal data has not been obtained directly from the data subject details should be provided)

**8. What are your rights?**

You have the right to request to see a copy of the information we hold about you and to request corrections or deletions of the information that is no longer required.

[Where the legal basis for processing is consent] If you provide consent for us to use your personal data in the ways outlined above you have the right to subsequently withdraw you consent.

In some circumstance you may have the right to object to the processing of your personal data, to request it is erased where it is no longer required for the stated purposes, or that inaccurate information about you is corrected.

A reminder of the following rights of the individual:

1. access to the individual’s data
2. rectification
3. erasure
4. restriction of use
5. objection to the use
6. data portability

If you wish to exercise any of these rights, please submit your request to GDPR@stmarys.ac.uk

**9. Complaints**

If you wish to raise a complaint on how we have handled your personal data, you can contact the University Data Protection Officer who will investigate the matter.

Our Data Protection Officer can be contacted at GDPR@stmarys.ac.uk

If you are not satisfied with our response or believe we are not processing your personal data in accordance with the law, you can complain to the Information Commissioner’s Office (ICO) <https://ico.org.uk/>.

**\*Consent clause**

[Where the legal basis for processing is *consent* a consent clause will need to be included which separately asks for consent for all the different aspects to the processing e.g. ]

☐ I consent to the University processing my personal data for the purposes detailed above.

[Or for example]

I agree to my personal information being used for direct marketing purposes via:

☐ Email ☐ Post ☐ Text message

[Where *consent is not the legal basis* for processing you might include a general agreement clause instead e.g.]

I have read and understand how my personal data will be used.

Signed: …………………………………………………………………………………………………………………

Date: ……………………………………………………………………………………………………………