

Information Compliance: Students Processing Personal Data



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1. Introduction

The University of Lincoln is only responsible for the processing of personal data when it is the data controller for that data.

'Processing', as defined in data protection legislation, means 'any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction'¹.

A 'data controller' is the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data².

The University of Lincoln is therefore only responsible for the personal data processed by its students when the students process data for the University's purposes or the University becomes responsible for the processing because of its own purposes.

2. Students processing personal data in their personal lives

Students process personal data in their personal life, mostly to communicate with family and friends. This might include writing e-mails to family members using their University-provided e-mail account.

The University is not the data controller for personal data processed by students in the course of their personal life, as the University does not determine the purpose of the processing. Students choosing to use their University e-mail account for personal reasons does not make the University responsible for the processing of personal data for that purpose.

Students are the data controller but the domestic purposes (purely personal or household activity) exemption may apply, meaning data protection legislation does not apply to the

¹ [Art. 4 GDPR – Definitions - General Data Protection Regulation \(GDPR\) \(gdpr-info.eu\)](#)

² [What are 'controllers' and 'processors'? | ICO](#)

processing activity. Students should consult the Information Commissioner's Office website³ for further information as there may be circumstances where this does not apply.

3. Students processing personal data *solely* in pursuit of their own studies

Students will process personal data during their studies, such as when preparing written and other assessments. Students study for their own personal purposes. In most circumstances this is to obtain an academic qualification.

Students are not employees or agents of the University, and do not act on behalf of the University. They decide what work they will do, the way in which they will do it and what they will include in their assessment submissions, which evidences their ability to study at the appropriate award level.

The University of Lincoln is therefore not the data controller for personal data processed by students *solely* in pursuit of a programme of study with the University.

Whilst the domestic purposes (purely personal or household activity) exemption may apply in the circumstance set out in this section, the student will still be bound by the University's regulations, policies and procedures⁴ as per the Admissions Terms and Conditions⁵ of the University (the student contract) and must comply with these when processing personal data.

There are certain circumstances where the University may become a joint controller or simply be the controller of personal data processed by students during the pursuit of their studies. This is covered in later sections of this guidance.

4. Students processing personal data as part of any research project

If students process personal data as part of any research project, be this honours or postgraduate dissertations, or thesis, for example, they must comply with the University of Lincoln's regulations, policies and procedures. This requires fulfilment of the University's research ethics requirements and any requirements arising during the research ethics approval process.

Students processing personal data as part of any research project must assess the issue of controllership to determine if the University would be a controller or joint-controller of said research project, honours or postgraduate dissertation, or thesis. This will determine if the student or the University, or of the two parties jointly, are responsible for the personal data processed. See Section 5 below.

Should students require further information relating to the undertaking of research and requirements, they should consult their supervisor in the first instance.

5. Circumstances where the University becomes controller or joint-controller

The University of Lincoln is only responsible for the personal data processed by its students when the University becomes a controller or joint-controller. Below, examples scenarios are presented.

- i) When a student submits a piece of work to the University for assessment, in which there is personal data, the University becomes a joint-controller alongside

³ [Exemptions | ICO](#)

⁴ [University Policies | Governance | University of Lincoln](#)

⁵ [Student, Admissions, Terms, and Conditions.pdf \(lincoln.ac.uk\)](#)

the student and becomes jointly responsible for any personal data in the submission.

The purpose of determining what grade to award the student via marking of the work, is the University's purpose. If the work is then stored on University systems or held physically for, for example, quality assurance processes, or as reference (a PhD thesis held in the University Library) the University is responsible for any processing of the personal data. The above examples are not exhaustive; the University will always be a controller for personal data as long as the processing is for a University purpose.

- ii) When a student is processing personal data for a research project which is led by a University research group, the remit of the project has been determined by the research group (therefore the University) and not the student. The purposes are therefore the University's and not the student's. The University is therefore the data controller as the student is acting as an agent of the University.
- iii) When a postgraduate research student processes personal data to pursue a programme of study with the University of Lincoln where the University is the sponsor of the research, the University will become a joint-controller.
- iv) If a student was to use personal data collected during their programme of study during subsequent employment at the University of Lincoln, then the University becomes the data controller for any future processing of that personal data.

6. Further guidance

Information Compliance (compliance@lincoln.ac.uk) can be contacted for further guidance. Any guidance issued by Information Compliance does not alter controllership of personal data.