**Data protection and fair processing issues – the Graduate Outcomes survey**

Please note that the following is for information only and should not be considered as legal advice.

The Data Protection Act 1998 (DPA) and the up-coming General Data Protection Regulations (GDPR) oblige Data Controllers to inform individuals about how their data is processed to ensure that processing is ‘fair’. While some details about the flow of personal data for the purposes of undertaking the Graduate Outcomes survey are still to be determined, students should still be informed about how their data will be processed to the extent that this is known.

Providers, via their own privacy notice, should consider informing their 2017/18 enrolled students that their contact details will be held for the purpose of undertaking the Graduate Outcomes survey approximately 15 months after graduation, and that the survey will be undertaken by a specialist organisation contracted for this purpose.

The GDPR (Article 13 (1)(c)) obliges Data Controllers to state the legal basis for processing personal data. In this case the processing of personal data to conduct the Graduate Outcomes survey is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Data Controller (See GDPR Article 6(1)(e)) and for statistical and research purposes (See GDPR Article 89).

Although graduates may choose whether or not to respond to the survey, the processing of their contact details for the purpose of undertaking the survey is justified by the conditions above, and not on the basis of consent.

When further details about the flow of contact information are decided, these should be added to the information for students. For example, the name of the contracted surveying organisation, and whether HESA or other official body will also process students’ contact details.

At the time of the survey, graduates will be provided with further privacy information about the use of their survey response data. This notice will be circulated to providers as soon as it has been finalised.

For reference, HESA’s ‘Student Collection Notice’ for students at higher education providers can be found here: <https://www.hesa.ac.uk/about/regulation/data-protection/notices>. The 9th section (of 11) informs students that they will be contacted for a survey of graduate outcomes after they graduate, and advises that further privacy and data protection information will be provided if they are contacted for the survey.