

Nicholson House
Lime Kiln Close
Stoke Gifford
BRISTOL
BS34 8SR

0117 931 7317

www.officeforstudents.org.uk

24th December 2019

Dear Ms Persson,

Request for information under the Freedom of Information Act (FOIA) 2000 – 2019-175-FOI

Thank you for your recent request for information under the Freedom of Information Act, which is referenced at Annex A. This letter is to provide you with the outcomes of your request, which can be found in Annex A and Annex B.

The Act says that you are usually entitled to be told whether we hold any information that falls within the scope of your request and, if we do, to have that information provided to you except where it is covered by an exemption.

Appeals

You have the right to appeal this decision. Details of our appeals process and what to do if you are unhappy with the outcome of that process are provided at Annex C.

Yours Sincerely,

Robyn,
FOI Team

ANNEX A: Your request

Copied below is a copy of your request, for your reference.

Please provide the following information in accordance with the FOI Act 2000, and as of the date of receipt.

The number of students' equality monitoring characteristics for data at individual level, held by the OfS in each category of monitoring, broken out by:

A) type (ie religion, sexual orientation and all other categories)

B) source year

C) source from which the data came to the OfS

D) a register of all recipients or those who have had access via the OfS ie. the OfS third party data access and distribution register (or link to this if published online)

E) the terms of reference and/or policy document on decisions of how use is made /access granted (or link to this if published online)

E) a copy of the data protection impact assessment for such data held, including the name of the database

Our Response:

Questions A – C

The number of students' equality monitoring characteristics for data is attached to the email:

- **Counts.xlsx** – this is a table of protected characteristics against year and the number of data collections we hold that contain that characteristic at the individual level.
- **Summary.json** – this is the data file used to generate Counts.xlsx, containing additional information such as the full name of the source.

In terms of the number of students covered by the data, please see Annex B for a detailed explanation.

Question D:

We don't hold this information.

Question E: terms of reference and/or policy document

Any decision to share data that could potentially be identifiable, whether or not it contains protected characteristics, would be subject to a data sharing agreement which would be signed off by a director (usually the Director of Data, Foresight and Analysis) having taken account of the need for the data to meet OfS functions and the privacy impacts. The requirement for any contract or data sharing agreement to be signed off by a director is part of the OfS scheme of delegation.

Question E: draft HESA storage data protection impact assessment – is attached to the email

Please note the following:

- We do not have a DPIA that exactly matches what has been requested;
- The draft HESA storage DPIA is the closest in description;
- This draft is still being assessed, and as such contains some internal notes;
- Staff names have been redacted under section 40(2) of the FOIA, please Annex B for details.

ANNEX B: Refusal Notices

Notice of Refusal issued under Section 17 FOIA – Section 12 where the cost of compliance exceeds the appropriate limit

Section 12 allows a public authority to refuse to deal with a request where it estimates that it would exceed the appropriate limit to: either comply with the request; or confirm or deny whether the requested information is held. The appropriate limit is currently £450.00 for public authorities such as the OfS. Section 12 is an absolute exemption and thus we don't need to take the public interest into account.

In terms of the number of students covered by the data, each data source has different coverage and most individuals will appear in multiple years and multiple data sources, for example a student taking a degree will typically appear in three years data and will appear in HESA student data, SLC data and UCAS data. Therefore, providing counts of the number of individuals covered by each source in each year would significantly overstate the number of individuals on whom we hold data. The lack of robust persistent identifiers makes it hard to give a definitive answer on the number of individuals as they will be duplicated across years and data sources. In order to help you understand the scope of the data, the HESA student data is the largest single dataset we hold and in 2017-18 this covered three million individual students.

For student numbers, we have insufficient data to derive the individuals from ERFD, FESR and USR. More recent datasets we can derive a person identifier, which would need to be run on 8 datasets across multiple years. Applying the person identifier mapping and checking for consistency across each of the 8 datasets for each year takes around 2 hours each, plus an additional hour to check them against the quantities published by the data sources – 24 hours

Consolidating all the years into a single population and removing duplicates would take at least half a day – 3 hours. A number of these datasets do not have personal identifiers calculated and this work would take an additional 37hrs. Therefore, this work would take a total of 64hrs, which exceeds the 18-hour limit set in the FOIA.

For information about student number, Jisc offer bespoke analysis about the higher education sector, which might be of use to you, and which can be accessed here: <https://www.jisc.ac.uk/tailored-datasets>
Jisc would be able to provide numbers by characteristic.

HESA also provide student data, which is available here: <https://www.hesa.ac.uk/data-and-analysis>

Notice of Refusal issued under Section 17 FOIA – Section 40(2) personal information

This section of the FOIA provides an exemption from the right to information if it is personal data of a third party where its disclosure would be a breach of the data protection principles. We have redacted OfS staff names from the Comments section of the data protection impact assessment, as staff names constitute personal data and disclosure must therefore be in accordance with data protection law, namely the General Data Protection Regulations 2018. In accordance with guidance from the Information Commissioner's Office, we do not normally disclose the names of staff below the level of the Senior Management Team. This is because junior staff would not reasonably expect their details to be made public, and disclosure would therefore be unfair, and unlawful, which is a breach of the first data protection. As this is an absolute exemption there is no duty to consider disclosure in the public interest.

ANNEX C: Copyright and Appeals

The following section explains our standard approach to copyright and provides details of our FOI appeals process in case you are dissatisfied with our response.

Some of the information that we provide in response to requests under the Freedom of Information Act will be subject to copyright protection. In most cases the copyright will be owned by OfS. The copyright in other information may be owned by another person or organisation, as indicated in the information itself.

You may use any information supplied for your own use, including for non-commercial research purposes. The information may also be used for the purposes of news reporting. However, any other type of re-use, for example, by publishing the information or issuing copies to the public will require the permission of the copyright holder.

Please note that it is your responsibility to determine whether there are any obligations of confidentiality or other legal obligations which restrict your ability to make onward disclosure of this material.

If you think that an exemption has been wrongly applied or you are otherwise dissatisfied with our response you may submit an appeal to OfS' FOI Appeals Panel. We will need to receive your appeal within two calendar months of your receipt of this letter. After this time, we will consider your request for information closed.

Should you wish to appeal, please write to:

Freedom of Information Officer
Office for Students
Nicholson House
Lime Kiln Close
Stoke Gifford
Bristol
BS34 8SR

Or email us at: foi@officeforstudents.org.uk

Please state the reasons for your appeal. The Chair of the Appeal Panel will contact you to advise you of the outcome. Further details of the internal appeal process are available on our web-site: <https://www.officeforstudents.org.uk/contact/how-to-request-information-from-us/how-to-appeal/> . A printed copy is available on request.

If you are unhappy with the outcome of your appeal to OfS

Under section 50 of the Freedom of Information Act you have the right to complain to the Information Commissioner if you believe that your request has not been handled correctly. The Information Commissioner will not consider your complaint unless you have first been through our appeals process. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel.: 0303 123 113 or 01625 545745

E-mail: casework@ico.org.uk (please note that this e-mail may not be secure)

We would encourage you to contact the ICO to confirm time limits for the submission of complaints.

You can find out more about the Freedom of Information Act and how it affects you from the Information Commissioner's website: <http://www.ico.org.uk/>.