

Jen Persson

Reply via email / [Whatdotheyknow.com](https://www.whatdotheyknow.com)

1<sup>st</sup> December 2020

**Re: FOI-2020-07-08-01**

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[www.ucas.com](https://www.ucas.com)

Dear Ms Persson

In relation to your request for internal review, I am sorry that you were not happy with the response you received. In accordance with our internal review process I have reviewed your request and the concerns you have raised in your email.

In your initial Freedom of Information Act (FOI) request, which we received on 8<sup>th</sup> July 2020, you asked for the following information:

*With regards to the processing of any student or Higher Education staff personal data, please provide your most recent Data Protection Impact Assessment(s) regards processing or data that you control, and that may contain "protected characteristics" of age, disability, gender reassignment, race, religion or belief, pregnancy and maternity, sexual orientation and, in certain circumstances, marriage and civil partnership.*

*For example but not only, with regards to personal data originally sourced through the Higher Education admissions process.*

UCAS wrote to you on the 5<sup>th</sup> August with the following response and attached two copies of the most recent privacy impact assessments completed at the point of your request; namely regarding our Accommodation Platform and Clearing Plus. This response was provided within 20 working days and in accordance with the timeline for compliance under Section 10 of the Act.

*UCAS may process data that contains "protected characteristics", but it depends entirely on what individuals have chosen to share with us. Age is the only characteristic mentioned that we would definitely have, as providing a date of birth is mandatory.*

*I attach our two most recent Privacy Impact Assessments relating to use of personal data: Virtual Events and Clearing Plus. Please note that there have been some redactions where there is personal data (Section 40 exemption) or it would prejudice our commercial interests (*

You subsequently wrote to UCAS on the 3<sup>rd</sup> November 2020 noting your dissatisfaction with the response which we have reviewed under our internal review process. You kindly provided your concerns regarding UCAS' handling of your FOI request and as a result, I have used these concerns as a framework for this response.

*with reference to your reply FOI-2020-07-08-01 please can you reply with the information requested, namely not only the two most recent for \*some\* of your processing of protected characteristics, but that covers \*all\* of the processing activity including the routine applicant admissions process, not only virtual events or the new product Clearing Plus. i.e. If I am a Sixth Form student applying through UCAS to university admissions -- please provide the*

*DPIA that covers that process in which protected characteristics might be processed if the applicant includes them.*

In this regard I have reviewed the scope of the initial request you made to UCAS in July and I appreciate that UCAS could have, upon receipt of your request, made contact with you through [whatdotheyknow.com](http://whatdotheyknow.com) in order to receive further clarification in regard to the specific focus of your FOI request. However, in review of the specific terms of your request the individual handling your FOI identified that you were hoping to obtain the most recent DPIA completed by UCAS and therefore the most recent and the previous DPIA were both provided to you.

*Part of the reply should be to confirm that you hold that information and the grounds on which you have chosen not to release it OR confirm if you do not have a DPIA for that process.*

In the response sent UCAS did provide copies of the information considered to be relevant to your request and no further information was refused above the minor redactions completed in the documents disclosed.

*"with regards to the processing of any student or Higher Education staff personal data, please provide your most recent Data Protection Impact Assessment(s) regards processing or data that you control, and that may contain "protected characteristics" of age, disability, gender reassignment, race, religion or belief, pregnancy and maternity, sexual orientation and, in certain circumstances, marriage and civil partnership.*

*For example but not only, with regards to personal data originally sourced through the Higher Education admissions process."*

Should you have a specific wish to obtain a DPIA for a defined UCAS process you have the right to submit a new FOIA request and we will review and provide information if held, and if not subject to exemption under the Act. In this context I would note that not all UCAS processes or systems will have been subject to a DPIA being completed prior to them going live. They may have been in place prior to the General Data Protection Regulation and the Data Protection Act 2018 coming into force, where there is a legal requirement for a DPIA to be completed when *high risk processing* is likely to occur (Art 35 GDPR). Processes may also not meet requirements for a DPIA if the processing is not high risk and no other significant privacy concerns are identified.

In conclusion I consider that our initial response was a reasonable interpretation of the request you had made and the focus that you had provided. It was considered that the focus of your request was for the 'most recent' DPIA(s) we had processed and that they 'may include' details in protected characteristics. The two DPIAs provided were our most recent DPIAs and therefore considered appropriate for disclosure.

As noted above you retain the right to make further FOI requests to UCAS and therefore you may wish to review the ways UCAS handle personal data as noted within our [privacy policy](#) or the wider information in regard to UCAS' processes available on our website [www.ucas.com](http://www.ucas.com).

If you are dissatisfied with UCAS' handling of your request, you have a right of complaint to the Information Commissioner's Officer. Further details of this right and how to contact the ICO can be found at <http://www.ico.org.uk>.

Kind regards

Mark

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UCAS

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