

The Information Commissioner's response to the consultation on the Admissions Process Review

The Information Commissioner has responsibility for promoting and enforcing the Data Protection Act 1998 (DPA), the Freedom of Information Act 2000 (FOIA), the Environmental Information Regulations (EIR) and the Privacy and Electronic Communications Regulations (PECR). He is independent from government and upholds information rights in the public interest, promoting openness by public bodies and data privacy for individuals. The Commissioner does this by providing guidance to individuals and organisations, solving problems where he can, and taking appropriate action where the law is broken.

The Information Commissioner's Office (ICO) welcomes the opportunity to comment on the consultation. As many of the specific consultation questions relate to areas outside the ICO's remit, this response relates only those proposals to improve efficiency within the admissions process via the processing of applicant personal data. The ICO of course welcomes proposals to process data more efficiently as long the data is still processed in line with information rights law.

The suggestion on page 27 that criminal convictions checks could be undertaken on a central basis rather than separately by individual higher education institutions (HEIs) is worthy of comment, as applicant data with regard to criminal convictions falls within the definition of sensitive personal data in the Data Protection Act 1998 (DPA). This data must therefore be treated with considerable caution, as misuse of it could cause substantial harm or distress to a data subject. It is likely that UCAS has a legitimate interest in collecting this data as it is clearly relevant for the purpose of assessing the suitability of an applicant to attend an institution. UCAS must ensure that information collected from applicants is only used for the stated purposes, and that related fair processing information clearly explains what will happen to the information disclosed by applicants, in terms of who it will be disclosed to and for what purpose. Therefore it must be made clear that a check will take place at this stage.

Similarly in the case of undertaking fee status checks for international students; the key is transparency – UCAS must make clear to applicants that a check will be undertaken at this stage, and which organisation(s) data will be shared with.

Reference is made to potential data sharing with the UK Border Agency for international students. If any new data sharing is planned, it must be a proportionate and necessary response to the issue it is designed to address. Further information is available in our [Data sharing code of practice](#), which contains clear advice on ensuring that data sharing is fair and transparent, and in line with the rights and expectations of applicants whose data is being shared.

Section 22, page 32 describes the proposed operation of the online 'myucas' account. The use of a common portal to register with UCAS and apply for student finance is likely to deliver efficiencies, although the operation of the portal should ensure that UCAS does not access any of the student's financial information that it has no need for, and that the relevant student finance agency does not access any of the applicant's UCAS data unnecessarily. In addition it should be made clear to applicants what the purpose for collecting data is, and which agency that data is being collected by.

Finally, whilst it is highly likely that applicants will welcome contact from HEIs about open days and site visits, such contact may constitute marketing messages and as such must comply with both the DPA and PECR. Transparency is therefore important – it should be made clear to students that HEIs will send information to them if shortlisted on 'myucas', and that a means of opting out of receiving information is offered.

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