**The Data Controller of the information being collected is: The University of the Highlands and Islands (UHI), Executive Office, 12B Ness Walk, Inverness IV3 5SQ. Phone: 01463 279000.**

**For any queries or concerns about how your personal data is being processed you can contact the relevant Data Protection Officer at** dataprotectionofficer@uhi.ac.uk

**This privacy statement relates to the following processing:**

Academic Misconduct

Under sections 19.1 and 19.2 of the University Academic Standards and Quality Regulations, and as part of their contract with the University students must ensure that all assessed work presented is their own and that it fully acknowledges the work and opinions of others.

Academic misconduct may be proven to have taken place even if the student(s) has not gained any unfair advantage by doing so.

Academic misconduct is considered to be a serious offence by the university, and action will be taken against any student(s) who contravenes these regulations through negligence, foolishness or deliberate intent.

**Your information will be used for the following purposes:**

|  |  |
| --- | --- |
| **Purpose 1:** Informal procedure | Identification of suspected offence, informal discussion between student(s) and staff. Issue resolution. As per [Academic Regulations](https://www.uhi.ac.uk/en/about-uhi/governance/policies-and-regulations/regulations/regulations-2018-19/)  Section 19. |
| **Purpose 2:** Formal Investigation | formal investigation procedures into suspected offence as per [Academic Regulations](https://www.uhi.ac.uk/en/about-uhi/governance/policies-and-regulations/regulations/regulations-2018-19/)  Section 19. |
| **Purpose 3:** Appeal processing  | Instigation of Appeals process as per [Academic Regulations](https://www.uhi.ac.uk/en/about-uhi/governance/policies-and-regulations/regulations/regulations-2018-19/)  Section 19. |

**Our legal reasons for using the data are:**

|  |  |
| --- | --- |
| **To achieve the following purposes:** | Purpose 1: Informal procedure Purpose 2: Formal InvestigationPurpose 3: Appeal Processing |
| **Our legal reason to use the data is:** Use is necessary for the performance of a contract with you or to take steps, at your request, before entering into such a contract. That contract being between the university and its students, staff and other parties to provide educational and other products and/or services.  |
| **To achieve the following purposes:** | Purpose 1: Informal procedure Purpose 2: Formal InvestigationPurpose 3: Appeal Processing |
| **Our legal reason to use the data is:** Use is necessary for us to comply with a legal obligation. Those legal obligations being the return of statistical data and reports to satisfy various agencies that the university's academic standards and conditions of funding are sufficient and our obligations are being met.  |
| **To achieve the following purposes:** | Purpose 1: Informal procedure Purpose 2: Formal InvestigationPurpose 3: Appeal Processing |
| **Our legal reason to use the data is:** Use is necessary for the performing a task in the public interest or under official authority vested in us. That being the university's public task as an educational establishment. |

**The data we use during the Academic Misconduct Process may include special category (sensitive) data. You are not obliged to provide this information. Our legal reason for using this sensitive data, as provided, is:**

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| --- |
| Processing is necessary for the purposes of carrying out the obligations of the university in the field of social protection law.All special sensitive data is stored in a secure location. Data is anonymised and used for the sole purpose of providing statistical analysis on protected characteristics to monitor compliance with the Equality Act 2010. |

**\*Please note:** every Academic Misconduct case is judged independently and on its own merits. Given the wide ranging nature of circumstances which may be taken into consideration, on a case by case basis an alternative lawful basis may be applied as and where deemed necessary.

**If you were to withhold the personal information we require for the academic misconduct process, the consequences would be:**

**Purpose 1: Informal Procedure** – where the student withholds relevant information, formal procedures may be initiated and/or penalties applied where staff are not made aware of potential mitigating factors.

**Purpose 2: Formal investigation –** where the student withholds relevant information, a more severe penalty may be applied where staff are not made aware of potential mitigating factors.

Where the student declines to, or does not, attend an interview without good reason, the programme leader will report the matter and the circumstances to the Dean of Students who will convene the Academic Misconduct Panel *(Academic Standards and Quality Regulations 2018-19: 19:18)*

**Purpose 3: Appeals process -** where the student withholds relevant information, this will reduce the likelihood of their appeal being upheld.

**Your data will, or may, be shared with the following recipients or categories of recipient:**

|  |  |
| --- | --- |
| **Purpose 1:** Informal procedure | * Lecturer
* Personal Academic Tutor
* Quality Manager Home Academic Partner
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| **Purpose 2:** Formal Investigation | * Lecturer
* Module Leader
* Programme Leader
* Exam Officer
* Personal Academic Tutor
* Quality Manager Home Academic Partner
* Academic Misconduct Panel
* Dean of Students
 |
| **Purpose 3:** Appeal processing  | * Dean of Students
* Personal Academic Tutor
* Lecturer
* Module Leader
* Programme Leader
 |

**Limited personal data will, or may, be shared with contracted third parties to enable provision of services for the purposes of teaching, learning and administrative support and IT provisioning. This includes:**

|  |
| --- |
| * + Microsoft for student email accounts
 |

**This process involves your data being sent outside of the European Union. The following safeguard is in place for this international transfer:**

|  |
| --- |
| We transfer data to the USA for Turnitin plagiarism software, the data transferred comprises;* Student ID
* Student’s university email address
* Student’s assessment (their own work, as submitted in the course of study)

This is a system data transfer from the Virtual Learning Environment (VLE) directly to the originality software (Turnitin). This data is transferred for processing to ensure student work is original and the university is making awards based on original student work.  |

**This relevant protection in place for this international transfer:**

|  |
| --- |
| The data is transferred to Turnitin LLC in the USA under the European Commission’s adequacy decision regarding the protection provided by the EU-U.S. Privacy Shield. |

**Your data will be retained in the university student records system and accordance with the student records system retention schedule; a summary of which can be accessed** [**here**](https://myuhi.sharepoint.com/%3Aw%3A/r/_layouts/15/Doc.aspx?sourcedoc=%7B91E68E00-D051-4318-8DEC-5E211DE12CFC%7D&file=University%20retention%20and%20disposal%20policy.docx&action=default&mobileredirect=true)

 **The following rights are rights of data subjects:**

• The right to access your personal data

• The right to rectification if the personal data we hold about you is incorrect

• The right to restrict processing of your personal data

**The following rights apply only in certain circumstances:**

*•* Theright to withdraw consent at any time if consent is our lawful basis for processing your data

• The right to object to our processing of your personal data

• The right to request erasure (deletion) of your personal data

• The right to data portability

**You also have the right to lodge a complaint with the Information Commissioner’s Office about our handling of your data.**

**The Information Commissioner’s Office is UK’s independent authority set up to uphold information rights in the public interest. Their website is** [www.ico.org.uk](http://www.ico.org.uk)