

Code of Student Conduct

Privacy Notice

How we will use information about you

Under the Universities (Scotland) Acts, the University has the responsibility to oversee the discipline of the University. This is reflected in contract between the University and each student, which states that if students do not act in accordance with the contract, the University may take disciplinary action under its Code of Student Conduct (the Code).

- [Code of Student Conduct](#)

Under the Code, the University will receive information on, screen, investigate, and make decisions regarding alleged breaches of the Code. This may include information about students, staff, and members of the public, obtained either directly from the data subject or indirectly from others, which will be used in accordance with the processes and procedures set out in the Code.

In the course of this, the University may share information provided by students, staff and other witnesses as described below:

- Information may be shared with people involved in the case, including the student under investigation ("The Respondent"), for transparency and to provide a fair process.
- Information may be shared with people who have reported alleged misconduct ("The Reporting Party"), including evidence from other parties to which they should reasonably be given an opportunity to respond, relevant information regarding any precautionary suspension, and as much information regarding the status and outcome of an investigation as is reasonably possible. In determining what information to provide to the Reporting Party, the University will take account of the need to balance the interests of the Respondent, the Reporting Party, and any other witnesses, and the University's obligations under relevant data protection legislation and other relevant legislation.
- Information may be shared with Conduct Investigators, Student Discipline Officers, the Secretary to the Student Discipline Committee, staff and student members of the Student Discipline Committee, and other staff involved in the process of handling and advising on student discipline cases, or the implementation of any precautionary suspension or penalty applied under the Code.
- Under the Code, in relation to Respondents on professional programmes with 'Fitness to Practice' requirements, a case may be remitted to the relevant Fitness to Practice

committee for action or advice.

- Under the Code, the University may report to the police any allegation that a criminal offence has been committed for the purpose of prevention and detection of crime or the apprehension and prosecution of offenders or to safeguard a person's wellbeing where appropriate. Each instance will be judged on its own merit and any sharing of information will be done within the law.
- The University may share information regarding investigations with our insurers to enable us to make insurance claims and engage with solicitors, where appropriate. The University may share information regarding investigations with solicitors appointed on its behalf for the exercising or defence of legal claims.
- For overseas, non-UK / EU students only, the University may share investigation, criminal offence and convictions data with the internal Immigration Compliance Team, who may share this information with UK Visas and Immigration in order to comply with our obligations as a student visa sponsor/license holder under immigration legislation.
- The University may also share information with the Scottish Public Services Ombudsman if required.

Declaring Criminal Charges and Convictions

Students must inform the University about certain criminal charges and convictions. Information on the relevant criminal charges and convictions and the process for disclosure can be found here:

- [Declaring Criminal Charges and Convictions](#).

The University may also receive reports that a student has a relevant criminal conviction or relevant charge from a third party or agency, for example Police Scotland. Information about criminal charges or convictions will be reviewed by the Deputy Secretary (Student Experience) or delegated authority, to determine whether to take action under the Code of Student Conduct.

Sharing information for the purposes of student support

The University recognises that involvement in disciplinary matters can be difficult and stressful for students and staff. Information about students may be shared with relevant staff, in order to facilitate the provision of pastoral support, in line with the University general student Privacy Statement.

- [University general student Privacy Statement](#)

How information is handled

All information handled under this privacy notice will be stored securely and treated in line with the University of Edinburgh's Data Protection Policy. All staff involved in the handling and processing of sensitive personal data or Special Category data have a duty of confidentiality in

relation to the content and processing of this data.

- [University of Edinburgh Data Protection Policy](#)

The University does not use automated decision making or profiling in relation to Conduct investigations. A human decision maker will always be involved before any decision is reached under the Code of Student Conduct.

If you write to us in Gaelic, we may be using a third party translator to translate your message into English and our response back into Gaelic.

Ma sgrìobhas sibh litir no post-d thugainn sa Ghàidhlig, tha e comasach gun cleachd sinn eadar-theangair airson do theachdaireachd eadar-theangachadh bhon Ghàidhlig gu Beurla agus freagairt air ais dhan a' Ghàidhlig.

How long the University will hold this information

Information gathered in relation to proceedings under the Code of Student Conduct will normally be retained for 5 years after the closure of proceedings, and subsequently destroyed. In some circumstances, the University may retain information longer where a case might be relevant to an ongoing relationship between the individual and the University. In cases where a student is permanently excluded under the Code, the University holds all case records in perpetuity.

When a student discloses a criminal conviction or charge to the University:

- If the University decides that this requires action under the Code of Student Conduct, data will be retained in line with information held about proceedings under the Code of Student Conduct.
- If the University decides that this does not represent a potential breach of the Code of Student Conduct, the University will hold a record for 5 years after the disclosure of the date of disclosure, the nature of the charge or conviction, and the decision not to investigate under the Code.

Legal Basis for Processing

The University's legal basis for processing personal data for this purpose is a task in the public interest, exercising official authority laid down by law under section 7(1) of the Universities (Scotland) Act 1889 as amended by the Universities (Scotland) Act 1966; and performance of a contract.

Secondary Legal Basis (Special Category Data and Criminal Charge and Conviction Data)

The University recognises that processing potential breaches of the Code may involve data about highly sensitive and personal issues. As a result, the University may have to process 'Special Category' data about students, staff and members of the public, as defined by the UK General Data Protection Regulation. When processing Special Category Data, the University must have a legal basis for processing this data. The legal bases under which the University processes Special Category data in relation to these mechanisms are available here:

- [Special Category Data](#)

The University's legal basis for processing criminal charge and criminal conviction data for this purpose is substantial public interest, exercising official authority laid down by law under section 7(1) of the Universities (Scotland) Act 1889 as amended by the Universities (Scotland) Act 1966.

Data Controller and Contact Details

For data collected under this privacy notice, the University of Edinburgh (the "University") is the Data Controller (as that term is defined in the UK General Data Protection Regulation) registered with the Information Commissioner's Office, Registration Number Z6426984.

You can contact our Data Protection Officer at dpo@ed.ac.uk. Our data protection policy is on our website:

- [Data Protection Policy](#)

The main University of Edinburgh Privacy Notice is available on our website:

- [University of Edinburgh Privacy Notice](#)

To request this document in an alternative format, please contact studentconduct@ed.ac.uk