

**Data Protection Act 1998
Undertaking follow-up**

**Universities and Colleges Admissions Service (UCAS) and UCAS
Media Limited**

ICO Reference: ENF0564180

On 14 July and 30 November 2015 the Information Commissioner's Office (ICO) conducted a follow-up assessment of the actions taken by UCAS in relation to the undertaking it signed on 2 April 2015.

The objective of the follow-up is to provide the ICO with a level of assurance that the agreed undertaking requirements have been appropriately implemented. We believe that appropriate implementation of the undertaking requirements will mitigate the identified risks and support compliance with the Data Protection Act 1998.

The follow-up assessment consisted of a desk based review of the documentary evidence that UCAS supplied to demonstrate the action it had taken in respect of the following undertaking requirements:

(1) The online registration forms for application to further and higher education (the "application process") available on UCAS' website should be amended to provide more granular information to applicants, and in particular, where applicable, offer separate consent to mailings relating to study and career opportunities and health information from consent to direct marketing in relation to commercial product and service offers.

These changes

- a. will apply to applications for the 2016 year of entry admissions cycle going forwards, and not cover any applications made prior to this year of entry; and
- b. should be implemented not later than by the commencement date of the relevant admission scheme of 2016 year of entry admissions cycle, with some estimated dates set out in Appendix 1 for the different admissions schemes operated by UCAS.

Appendix 1

UCAS admissions schemes and their estimated dates (to be confirmed with the Commissioner near the relevant time):

- UCAS Undergraduate Scheme – 30th June 2015.
- UCAS Conservatoires, UCAS Progress and UKPASS – 31st July 2015
- UCAS Teacher Training - 31st October 2015

(2) The privacy policies and privacy information in the application process published on any websites managed or owned by the data controllers should be amended to provide clear, intelligible and accessible information to website users about:

- a) the manner in which and the purposes for which their personal data is processed, and
- b) the organisations with which and the purposes for which their data is shared.

These changes should be implemented by 30 June 2015.

(3) The data controllers commit to user testing of the privacy policies and the privacy information in the application process with representative groups of users by 30 June 2015.

The evidence provided included the following:

- Online registration forms for application to further and higher education;
- Screenshots as evidence that the work has been implemented;
- Applicant declarations, Privacy policies and privacy information in the application process;
- Results of the User testing of the privacy policies and the privacy information in the application process.

The review demonstrated that:

UCAS has taken appropriate steps and put plans in place to address the requirements of the undertaking and to mitigate the risks highlighted.

UCAS confirmed that it has taken the following steps:

- The new commercial mailing "opt-ins" have been launched in all UCAS admissions schemes. The changes allow applicants to choose to receive further information relating to education, careers and health separately from commercial products and offers.
- Four new "Applicant Declarations" have been produced and approved for each of the four Higher Education admission schemes, Undergraduate, UCAS Conservatoires, UCAS Teacher Training and UKPASS (postgraduate). The declarations provide clearer and more in-depth information about the uses of personal information within each scheme and the third parties personal information may be shared with. The declarations have also been improved to reflect the nuances in terms of the data collected and shared within each scheme. A new overarching privacy policy, which provides more detailed information about all uses of personal information by UCAS has also been developed and launched on UCAS.com.
- User Testing was conducted and questions asked of applicants in respect of the privacy policies and applicant declarations and how easy they were to understand. This feedback was considered when improving the privacy information provided to applicants.

Additional Improvements

- When reviewing the privacy information, UCAS have also taken the opportunity to complete a cookie audit, which has resulted in an updated cookies policy being launched in March 2015, in addition to the updated January 2015 privacy policy. Both new policies were launched with a banner in a prominent position for a period of six weeks on ucas.com to alert all visitors to the website of the updated information.
- UCAS has also undertaken a review of their approach to sharing personal data with third parties. The results of a survey UCAS issued to applicants in April 2015 have contributed to the formulation of a new policy. UCAS will not provide personal data with any bodies, other than those that have a necessary operational role in the admissions process (such as universities or awarding organisations), without the active and informed consent of applicants collected within the application process.

30 November 2015

The matters arising in this report are only those that came to our attention during the course of the follow up and are not necessarily a comprehensive statement of all the areas requiring improvement.

The responsibility for ensuring that there are adequate risk management, governance and internal control arrangements in place rests with the management of UCAS.

We take all reasonable care to ensure that our Undertaking follow up report is fair and accurate but cannot accept any liability to any person or organisation, including any third party, for any loss or damage suffered or costs incurred by it arising out of, or in connection with, the use of this report, however such loss or damage is caused. We cannot accept liability for loss occasioned to any person or organisation, including any third party, acting or refraining from acting as a result of any information contained in this report.

