

University of St Andrews - School of Medicine Handbook
COLLECTION AND PROCESSING OF PERSONAL DATA
INFORMATION FOR MEDICAL STUDENTS

Purpose

1. The protection of personal information collected and processed by the University is legislated through the European Directive 95/46/EC the protection of individuals with regard to the processing of personal data (“the Directive”) which gave rise to the Data Protection Act 1998 (“the DPA”). The University takes its obligations to protect personal information and to uphold the rights and freedoms of individuals seriously.
2. One of the core principles of data protection legislation is that personal data is processed fairly. Fairly, in that context, is concerned with individuals being informed at the point of data collection as to how their personal information will be used by the organisation that has collected that information. The purpose of this statement is therefore to inform individuals as to how their personal information will be used by the School of Medicine at the University of St Andrews with reference to clinical and communications skills teaching, and to set-out the conditions that the University requires individuals to uphold with regard to preserving and maintaining the confidentiality and integrity of personal and sensitive personal data which the University makes available to them.
3. This statement is not exhaustive: it does not detail all of the uses that the University may reasonably make of the personal data of students outwith the School of Medicine. For full details on how the University makes use of student personal and sensitive personal data please refer to:
 - a. Statement for students on matriculating with the University concerning the collection and processing of personal data.
 - b. University of St Andrews, [data protection pages](#).

Teaching, learning and assessment

4. The recording of student participation and performance in clinical skills teaching [imagery and sound], and the play-back of those recordings to students with their tutors on a one-to-one basis and in a tutorial (group) setting is a fundamental element of the delivery of clinical skills teaching at the University. Students who opt to study medicine at the University should be mindful that the recording of their participation in clinical skills teaching events, and the viewing and sharing of their performance as part of their and the learning experience of others, is a compulsory element.

The conditions legitimising the processing of personal data with specific reference to medical students

5. The DPA sets out the conditions which must be present before the University can make use of your personal data. The University cannot lawfully process personal data unless it meets at least one of a set of six conditions set out within the DPA. Those conditions are set out within SCHEDULE 2 of that Act. In this instance, the University will process your personal data for the purposes of performance of a contract i.e.

Processing for the performance of a contract (between the student and the University)

On matriculating, students enter into a contract with the University of St Andrews. The majority of the personal information that the University collects from both prospective students and matriculated students is used by it so that it can provide access to a range of educational services and facilities that are consistent with supporting that (contractual) relationship. The relevant conditions for processing of personal data in these circumstances are found in SCHEDULE 2, paragraphs 2(a) of the DPA i.e.

“The processing is necessary-

for the performance of a contract to which the data subject [a student] is party

6. Again, by matriculating as a medical student at the University, the School of Medicine as part of providing you with access to a higher education is required to make use of your personal data in the recording and playback of clinical skills sessions to both yourself and others. Given the importance to the University in recording student participation and performance in clinical skills sessions, those who may feel uncomfortable about the use of their personal data in this way may wish to re-consider if the University can provide them with the level of student experience that they seek.

Your rights under the DPA

7. The DPA provides individuals with a number of rights. These are set out in Part II of the Act, sections 7 through 15.

8. Section 10 of the DPA provides students with the right to service notice on the University to cease processing where the use of personal data is or is likely to cause an individual substantial harm or distress. It is important to note that this right is restricted and can only be exercised where the University has not relied on any of the first 4 conditions that are available in SCHEDULE 2 of the Act to process personal data. As noted herein, the University relies upon the second condition available in SCHEDULE 2 to lawfully process the personal data of medical students when recording and making subsequent use of performance in clinical skills sessions. Therefore, the right to ask the University to stop making use of personal data in recordings of clinical skills sessions is not available through the DPA. However, the University may consider each request on its merits.

Unlawful obtaining or disclosure of personal data

9. The University will from time to time make available to students the personal data of others for the purposes of teaching, learning and research. This will include (in the context of a medical student) access to recordings of the performance of others in clinical skills teaching.

10. Those personal data that are made available are to be used according to the terms and conditions that are set by the University. Any use of personal data out with those terms and conditions e.g. unauthorised public dissemination of participation in a clinical skills session (in whole or in part) may contravene section 55 of the DPA and by extension be found to constitute a criminal offence. A breach of the Act will also be a breach of University policy upon which students may find themselves subject to disciplinary action. The University may be required under the provisions of the DPA to report a breach to the UK Information Commissioner. Incidents of the actual or suspected unlawful use of personal data may also have to be reported professional bodies, in this instance the General Medical Council.

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