

# Sharing student health and disability data

## Context

The University has a legal obligation to protect the personal data of students, including information about health. Colleagues take this obligation seriously and are sometimes unsure when information can legally be shared.

This note provides guidance on when it is appropriate to share student health and disability data in two specific contexts: (i) where you believe there is a risk to life or immediate danger to a student (ii) for the purposes of putting in place reasonable adjustments.

## Risk to life or of serious harm

Where you are concerned that a student is in immediate danger or at significant risk of serious harm, you should share such concerns to other colleagues who need to know (e.g. welfare, security, hall wardens) and/or to relevant third parties (such as emergency services). You should have some evidence to support your concern and genuinely believe that there is a risk. However, decisions of this nature often have to be made quickly without the opportunity to take advice – in this situation you should share information in a proportionate way in response to the risk to the student.

Examples might include:

- A student tells you (in a conversation or in an email or other document) that they have suicidal ideation. This should be raised with the welfare team and the student's academic tutor immediately so support can be offered.
- A student tells you they have intrusive thoughts about harming their flatmates. This should be raised with the welfare team.
- A student has experienced a severe, life threatening seizure. An ambulance should be called and the student's health details should be provided to the emergency services in order to allow the paramedics to provide emergency medical care to the student.

Where there is a genuine concern of risk to life or of serious harm, whether to the student or other people, sharing personal data in this way is compliant with data protection law.

The University understands that taking such decisions involves making difficult and quick judgments, often without having the benefit of advice. Provided you have drawn the conclusion that a student is at risk to life or serious harm based on reasonable grounds and in good faith, the University will support you, even where, with the benefit of hindsight, such disclosure did not fall within the 'risk to life or serious harm' categorisation.

# Putting in Place Reasonable Adjustments for disabled students

As you will be aware, the University has a duty under the Equality Act 2010 to implement reasonable adjustments for students with disabilities. For more information about reasonable adjustments, see further guidance [here](#).

To comply with this duty, you will need to share personal data relating to a student's disability (defined as 'special category' data) with other University staff where doing so is necessary for putting in place reasonable adjustments.

## Student consent

It is not necessary to obtain consent for controlled sharing between relevant staff of the University for the purpose of putting in place reasonable adjustments. In these circumstances, the University would rely on fulfilling our obligations under social protection law (the Equality Act) as its legal basis for sharing data.

Therefore, if you believe that a student has a disability and needs reasonable adjustments to be put in place you can share this personal data with colleagues who need to know this information in order to facilitate the reasonable adjustments.

Please do not seek specific consent from the student in this regard; this is not necessary and may give the misleading impression that the student's personal data will not be shared further should they refuse to give consent.

## Confidentiality requests

You should not agree to blanket requests for confidentiality, as this is not something we can promise.

However, you should reassure students that their personal data will only be shared with other staff members to the extent that this is necessary for putting their reasonable adjustments in place.

In practice, this will usually mean that the details of their disability will not need to be shared (save for DAS and other limited staff members) rather, it is the reasonable adjustments themselves which will need to be communicated to staff who will be facilitating them.

Where a student expresses concern about third parties (other students/placement providers) becoming aware of their disabilities for example, by noticing that the student has in place reasonable adjustments and requests confidentiality as a result, although the request for confidentiality does not override the University's obligations under the Equality Act, the University should still have *due regard* for the request for confidentiality. Therefore, when considering the appropriate reasonable adjustment to put in place, consideration should be given as to whether the adjustment can be adapted to take into account the confidentiality request.

For example,

*A student with a visual impairment can only read clearly if he has text enlarged into 16-point type. He has requested strict confidentiality. The tutor has explained to the student that the University will be*

*sharing his disability data with individuals within the University as this is necessary for the purposes of putting in place the reasonable adjustment. However, normally his tutors, as a reasonable adjustment, would give a visually impaired student large-print handouts at the beginning of each class. Because he has asked the tutors not to tell any of his fellow students about his disability or to draw attention to it in any way, they agree to give him his handouts in advance so that he can look at them before the lesson but does not have to be seen reading them during the class.*

## **Sharing disability and health data with Third Parties**

A third party is anyone who is not a member of University staff. This would include other students, external support services, parents, GPs, allowance funders, employers, placement hosts, Reading Students' Union (RSU), UPP, medical practices etc.

Here, the current approach should be followed – there must be consent before sharing personal data with third parties, unless a risk of serious harm or danger is identified, or where an alternative legal basis is applicable.

## **Principles to follow**

When sharing information about a student's disability, you should follow the following principles:

- Disability information should be treated as sensitive and confidential (shared only as necessary to meet our obligations)
- Disability information should only be shared to those that need to know it (who should also be aware of these principles)
- Only the information that needs to be shared should be shared (for example, consider if our obligations can be met by communicating the reasonable adjustments themselves rather than full details of the disability)
- Disability information should be collected, stored and shared securely
- Any information security and data protection policies and guidance must be adhered to.
- Keep a record of what you have done including what information you have shared and to whom and the reasons for doing so.

The [Student Privacy Notice](#) has been updated to provide further clarity to students on these points.

### **Produced by:**

Professor Peter Miskell, Pro-Vice-Chancellor (Education and Student Experience)

Professor Elizabeth McCrum, Pro-Vice-Chancellor (Education and Student Experience)