

Standard Operating Procedure

Title:	Ensuring that personal information is managed in accordance with specified and limited purposes		
Version:	1.0	Effective Date	March 2019
Summary:	Describes the various procedures for ensuring that personal data is processed in accordance with the purpose limitation principle of the GDPR and Data Protection Act 2018		

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1 **Background and purpose**

Article 5 (1) (b) of the European General Data Protection Regulation (GDPR) 2018 states that "Personal data shall be collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall, in accordance with Article 89(1), not be considered to be incompatible with the initial purposes". The University must ensure that it treats all personal information that it processes in line with this article, which is known as the purpose limitation principle.

This Standard Operating Procedure (Procedure) is designed to set out the processes involved when the University processes personal data to ensure that this processing is carried out in a manner which is compliant with the purpose limitation principle.

Adherence to this procedure ensures that staff adhere to established procedures when processing personal data, in order to:

- ensure that the University's processing is fair, i.e. that it is processed in such a way that the processing does not fall outside of the reasonable expectations of the data subject;
- ensure that the University's processing is transparent, i.e. that sufficient information is given to each data subject when their data is collected and processed;
- minimise the risk of data subject complaints to the Data Protection Regulator;
- minimise the risk of the University committing a technical breach of data protection legislation, and the reputational and financial consequences thereof;
- ensure that all areas of the University are familiar with their responsibilities when processing personal data.

2 **Definitions and scope**

2.1 **Definitions**

- **Data Subject** refers to any identifiable living individual about whom the University processes personal data.
- **Data Controller** refers to the body, in this case the University, which alone or jointly with others determines the purposes and means of the processing of personal data. Most of the data which the University holds about individuals is processed on a controller- subject relationship, so subject rights apply.

- **Personal Data** means any information relating to an identified or identifiable natural person, whether held in a structured or unstructured form.
- **Special Category Data** means any personal data which refers to an individual's racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, health and sex life or sexual orientation. It also applies to genetic data and biometric data for the purpose of identification of an individual. Personal data relating to criminal convictions and offences, allegations of criminal offences and court proceedings must also be treated as special category data for processing purposes
- **Data Processing** means any operation performed on personal data by automated or manual means, including collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure, alignment or combination, restriction, erasure or destruction.

2.2 Scope

This Procedure applies to all processing of personal data by the University including the initial collection of such data. This could potentially involve any member of staff at the University, but will particularly impact on staff who collect personal data.

2.3 Research data

This Procedure specifically applies to personal information processed by the University for administrative purposes. Personal information processed for research processes also needs to be processed for specified and limited purposes, and the general principles are the same, but the specific procedures to ensure this will often differ from those outlined in this SOP. Research data specific guidance will be provided in a separate document.

3 Procedure and responsibilities

The Information Governance Office (IGO) is responsible for providing advice and guidance on processing purposes and purpose compatibility. The IGO will also record processing activities across the University and ensure their compatibility across the institution. The Head of Information Governance is ultimately accountable for the responsibilities of the IGO.

It is the responsibility of individual members of staff who process personal data to ensure that they are aware of the purpose(s) for which the University holds that data and that they do not undertake processing which is outside of these purposes without first seeking advice from the owner of the data or from the IGO. This means that proposed new uses of existing personal data must be assessed for compliance with the purpose limitation principle before this processing commences.

3.1 Processing purposes

Whenever the University collects the personal data of a living individual it must specify the purpose for which it collects that data and must not thereafter process it in a manner which is incompatible with that original stated purpose. Purposes must be explicit and legitimate. It is important to note that data can be processed for more than one purpose, but that in this case all the purposes must be specified and communicated to the data subject.

3.2 Purpose specification

The purpose of processing is one of the elements which must be covered in a privacy notice when personal data is initially collected by the University.

The University has created a number of privacy notices to cover its major data collections and areas of processing. These notices cover:

- DDAR Alumni
- HR – Staff
- Registered Students
- Website users
- Research participants
- Student enquirers, applicants and offer holders
- Widening participation

Any new or existing data collections which are not covered by these notices must either be added to the relevant one (please contact the Information Governance Office to arrange this) or, if they are one off collections or are unsuitable for inclusion in any of the above, a new privacy notice will need to be written. New privacy notices must include a processing purpose and must be approved by the Information Governance Office before publication.

Further information regarding privacy notices, including a template notice, can be found in the [Ensuring Lawfulness, Fairness and Transparency when Processing Personal Data Standard Operating Procedure](#).

3.3 Explicit processing purposes

When specifying processing purpose(s) the University must be explicit. This means that the purposes of the processing must be clearly explained, with the objective that there is no ambiguity in the mind of the data subject as to what is going to be done with the data. The processing purposes must also be clear to the University, any data processors acting on the University's behalf and to the Information Commissioner's Office should it be necessary to provide this information to them.

The University can only process personal data in a fair manner if the data subject has a good understanding and reasonable expectations of how the data will be used.

3.4 Legitimate processing purposes

In addition to processing purposes being specified and explicit, they must also be legitimate.

In practice this means that all processing purposes specified by the University must be tied to one of the six conditions of processing given in Article 6 of the GDPR. The conditions are:

- the data subject has given consent to the processing of his or her personal data for one or more specific purposes;
- processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract;
- processing is necessary for compliance with a legal obligation to which the controller is subject;

- processing is necessary in order to protect the vital interests of the data subject or of another natural person;
- processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller;
- processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child.

In addition, however, for processing to be legitimate it must also be processed in accordance with the broader provisions of the GDPR and the Data Protection Act 2018, as well as other applicable UK law (employment law, contract law etc.) and the fundamental rights of the data subjects.

For further advice on the explicit and legitimate processing of data please contact the Information Governance Office.

3.5 Compatible processing purposes

Once the University has collected data for a specified purpose it can further process it for a different or additional purpose so long as that purpose is not “incompatible” with the original purpose.

No personal data can be processed for a purpose which is different to the one for which it was initially collected until such a compatibility judgement has been undertaken. The Information Governance Office can offer help and advice in this situation.

In making this assessment the University will consider:

- the link between the original purpose and the new or additional purpose;
- the relationship with the data subject(s) and their resultant expectations;
- the type and nature of the data, and particularly whether it constitutes special category data;
- any possible adverse consequences, harm or distress caused to the data subject(s) by the further processing;
- the existence of appropriate safeguards (such as encryption or pseudonymisation of the data).

Where data has originally been processed on the basis of consent or as the result of a legal requirement further processing is not possible without a new consent being sought or a new legal basis being identified. If in doubt as to the compatibility of the proposed purpose staff must seek advice from the Information Governance Office.

Further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes does not require a compatibility test as this processing is specified in the GDPR as “not considered to be incompatible with the initial purposes” for which data was collected.

4 Monitoring compliance with the Procedure

Heads of School, Directors or equivalent are responsible for ensuring that all staff within their area act in accordance with this Procedure.

4.1 Audit

Evidence of compliance with this procedure will be audited periodically.

4.2 Reporting

The Head of Information Governance will report on this Procedure to the Information Governance Committee.

5 Review of Procedure

This Procedure will be reviewed at least every two years or when significant changes are required.

6 Contact list for queries related to this procedure

Role	Name	Telephone	Email
Head of Information Governance	Tony Brown	0161 306 2106	Tony.brown@manchester.ac.uk
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Related Statutes, Ordinances, General Regulations:	<ul style="list-style-type: none">Ordinance XIV Intellectual Property Rights (IPR), Data Protection and the Use of Information SystemsUniversity General Regulation XV Use of Information System
Related policies:	<ul style="list-style-type: none">Information Security Policy http://documents.manchester.ac.uk/DocuInfo.aspx?DocID=6525Data Protection Policy http://documents.manchester.ac.uk/DocuInfo.aspx?DocID=14914
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Procedure owner:	Head of Information Governance