

Briefing for Equality Charter award holders – publishing submissions externally or on your staff intranet

Applicants that receive awards are encouraged to publish their submissions on their own websites and to inform Advance HE of the associated web address. This is not a mandatory part of the application process but beneficial to the institution and to future award winners by enabling the sharing of good practice and gender equality approaches, and to aid transparency of the process. However, it is important that any personal or confidential information about individuals is removed from the submission prior to doing this, in accordance with the General Data Protection Regulation 2016. This briefing will provide guidance on:

- = Identifying personal or confidential information
- = Removing information
- = Anonymising information
- = Checklist before publishing
- = Further resources

What is personal data?

The General Data Protection Regulation (GDPR) defines ‘personal data’ as any information relating to an identified or identifiable natural person (‘data subject’): an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

The regulation does not apply to the personal data of deceased people. Personal data has to be about a living person, though data about people who are deceased may still be protected by confidentiality or other legal rules.

The Regulation denotes that Special Category data is personal data which the GDPR says is more sensitive, and so needs more protection. Special category personal data can only be ‘processed’ (this term includes use and dissemination) if certain conditions have been met (these include the granting of explicit consent from the individual in question, and/or the processing being necessary for monitoring equality of opportunity, and carried out with appropriate safeguards for the rights of individuals).

Special Category data under GDPR can be defined as referring to an individual’s:

- a) racial or ethnic origin
- b) political opinions
- c) religious beliefs or similar beliefs
- d) trade union membership
- e) physical or mental health or condition

- f) sexual life
- g) Commission of or proceedings for any offence committed or alleged to have been committed by the data subject.

Identifying personal or confidential information in Athena SWAN / REC submissions

Personal or confidential information in Athena SWAN / REC submissions could include:

- = Names or initials of individuals

The names and positions of staff and students in your institution/department will not necessarily need to be removed, if this information is already in the public domain (i.e. on your institution's or department's website).

- = Photos of individuals

Advance HE recommends seeking written consent of people depicted in photographs before publishing submissions.

- = Information about the Self-Assessment Team (SAT) members

- = Case studies about individuals in silver and gold level applications

Case studies and biographical information about SAT members may contain special category or confidential personal information that is not appropriate to publish.

Advance HE recommends removing sensitive information about SAT members, and all case studies, from submissions before they are published. In cases where it is felt important to publish the case study, this may be anonymised. Guidance on how to do this is below.

Guiding questions for identifying personal or confidential information:

- = Is this information already in the public domain?
- = Is information linked to individuals about their private life, or their working life?
- = Is it reasonably likely that an individual can be identified from the information?
- = Is it reasonably likely that an individual can be identified from the information contained in the submission, when cross referenced with information in the public domain i.e. on your website?

If information is about private lives, it should not be published.

If information is not in the public domain, and can be used to identify individuals either on its own, or together with other information that is available, it should be removed or anonymised before being published, or written consent should be sought and received.

Bear in mind that people may at one time consent to their information being published, but they have the right to change their mind and request that it be removed at a later date. Also bear in mind that though individuals may have been

happy to submit information in support of the application, they may not be aware of plans to publish it online if it was successful.

If you think it is possible that an individual may still be identified and the information is not in the public domain, seek the written consent of any individual who might be identified in the submission before publishing it.

Examples

Example 1

Information on work life balance experience of SAT member contains information about their private (home) lives.

Proposed solution - The information on their work life balance experience is removed before publishing.

Example 2

The Head of Department's letter of endorsement contains information about their private life.

If the name of the Head of Department were to be removed from the submission, they would still be identifiable through information on the department's website about who the Head of Department is.

Proposed solution -the paragraph in the letter of endorsement containing confidential information is removed before publishing.

Example 3

Section 3. THE SELF-ASSESSMENT PROCESS contains the names and job titles of staff in the department. These are all available on the department's website, so are not removed. However, it also includes the name and position of a first year PGR student.

Proposed solution -this information is not in the public domain so written consent is sought from the PGR student before publishing.

Example 4

The Action Plan identifies the job titles of those responsible for each action. This information could be used to identify the individual when cross-referenced with the department's website, but this information pertains to their working life and is not confidential, so it is not removed.

Example 5

The submission contains photos of staff and students in the department.

The photo is not already in the public domain, i.e. it is not published anywhere else.

Proposed solution - written consent is sought from all people in the photographs before the submission is published. Where consent is not granted in relation to one photo, that photo is removed before publishing.

How can I remove information?

Information can be deleted from copies of word documents or other editable documents before being published. Note that for the institution's/department's own records, the original submission should be left intact, and saved securely so that access to it is restricted to those who need it.

This should also be done to previous submissions that may not have been redacted before being published.

How can I anonymise information?

If you feel that certain information is important to publish, e.g. in case studies, you may consider using a pseudonym and ensuring that any other information that could be used to identify the individual (for example their job title, specific subject area or research interests) is removed.

Example (non-anonymised)

Sarah Smith joined the department as a Research Assistant in 1991. She gained a Marie Curie fellowship in the same year that she became pregnant with her first child. With the support of her Head of Department she negotiated a return to work part-time (0.6FTE) and was able to balance her part-time working hours with continuing to build her research profile. One important aspect of this was departmental support of flexible working hours to accommodate travel to national and international conferences.

Example (anonymised)

Jane Doe first joined the department as a Research Assistant. She gained a fellowship in the same year that she became pregnant. With the support of her Head of Department she negotiated a return to work part-time and was able to balance her part-time working hours with continuing to build her research profile. One important aspect of this was departmental support of flexible working hours to accommodate travel to national and international conferences.

Note – in this example the individual could still be identifiable if she works in a department with very few women. Consider your own context when anonymising.

Checklist

- = Have I identified the personal and confidential information in the submission?
- = Have I removed or redacted all information pertaining to people's private lives, rather than their working lives?
- = Have I removed or redacted all **special category data** as defined above?
- = Have I removed or redacted names and initials of people that are not already in the public domain?

- = *If not* have I received the written consent of individuals that can be identified?
- = Where applicable, have I redacted or removed case studies from the submission?
 - = *If not* has the case study been anonymised and a pseudonym applied, so that the individual that the case study is about cannot be identified?
- = If the photo is not already in the public domain, do I have written consent from all people appearing in photographs in the submission?

Further resources

<https://ico.org.uk/media/for-organisations/documents/1061/anonymisation-code.pdf>

<https://ico.org.uk/for-organisations/guide-to-data-protection/anonymisation/>

http://www.nationalarchives.gov.uk/documents/information-management/redaction_toolkit.pdf