

## Privacy Notice – International agent application

This privacy notice is an addendum to the UHI admissions privacy notice. All processing described in the admissions notice will apply. This privacy notices describes additional processing where you have applied via, using, or with the assistance of an agent. If you are applying through and agent, you should read this notice and the UHI admissions notice. If you are not applying through an agent this notice does not apply to you, but the UHI admissions notice will.

The Data Controller of the information being collected is:

The University of the Highlands and Islands (UHI), Executive Office, 12B Ness Walk, Inverness IV3 5SQ. Phone: 01463 279000.

For any queries or concerns about how your personal data is being processed you can contact the relevant Data Protection Officer at [dataprotectionofficer@uhi.ac.uk](mailto:dataprotectionofficer@uhi.ac.uk)  
This privacy statement relates to the following process:

### International Agent applications and payments

Your information will be used for the following purposes:

If you apply through, or with the assistance of, an international agent then we may need to communicate with your agent to administer your application, visa details and payments for the agent's work.

Our legal reason for using the data is/are:

**Contract:** The processing is necessary for the purpose of a contract with you or for efforts to enter into such a contract at your request. Those contracts being a student contract with UHI and/or your contract with your agent for assisting you.

**Public Task:** The processing is necessary for the purpose of the University's public task; that being to consider applications and enrol students as part its educational and research mission.

### Special category (sensitive) data

This process will not always involve processing sensitive data about you. However, it may be that case that UHI and your agent (acting for you) may need to process specific sensitive data about you in certain circumstances. For example, it may be necessary for the purposes of administering or checking your VISA requirements and conditions, making VISA applications, or informing the University about certain facts so that it can consider your application fully and in keeping with your individual needs (especially in these cases for equality and access reasons). It is not always possible to predict all of the specific circumstances in which such processing may be necessary given the broad range of

obligations on all parties where international travel, VISAs and academic study apply but a summary of some, more likely, purposes is included below:

In cases where processing is necessary for meeting visa and other legal requirements (such as immigration law): Use is necessary for the purposes of substantial public interest – that being that the processing is necessary for exercising a function conferred on the university by law; in this case likely to be immigration law.

Individuals should also be aware that the Data Protection Act 2018 include various exemptions for the purposes of immigration. Where applicable these exemptions may be used by any data controller.

In cases where processing is necessary for the University to meet its obligations in Equality law (for example assisting you, providing reasonable adjustments or monitoring and improving equality of opportunity and treatment): Use is necessary for the purposes of substantial public interest – that being that the processing is necessary for exercising a function conferred on the university by law; in this case the Equality Act 2010 and other relevant laws.

If you were to withhold the personal information we require for this process, the consequences would be:

UHI may not be able to process your application (or process it in keeping with your contract with your agent). UHI may not be able to confirm your immigration or VISA status.

Depending on the information withheld and the stage at which you withhold the data; UHI may not be able to proceed with your application, offer you a place, or complete your enrolment.

## Sharing your data

Your data will, or may, be shared with the following recipients or categories of recipient:

### Your agent

If you apply via, or with the assistance of, an international agent: UHI may share your personal data, and information about your application, responses to your applications, details of your VISA and/or immigration status (and any other information pertinent to your application) with your international agent and/or their agents, contactors, or representatives (as directed). Further, a payment may be made to your agent by UHI – such a payment may be indicative of your status as a student of UHI (or other factor on which the payment condition is triggered – your agent will be able to help you understand this in your particular case).

### UHI Academic Partner organisations

UHI operates as part of the [UHI Partnership](#) which comprises 12 academic partners (colleges and research institutions) that administer and deliver UHI university courses. UHI may share your data with [academic partners](#) of the UHI Partnership.

## **This process involves your data being sent outside of the UK and EEA:**

If you have contracted with a UK based company as your agent:

UHI shares your data with a UK agency – UHI understands that the UK agency will, or may, transfer your personal data outwith the UK.

The UK agency with which you have contracted will be able to provide you with further information about international transfers in their privacy notice (or you can contact them directly to ask about this).

If you have contracted with an agent based outwith the UK:

UHI will share your personal data with your personal data with your agent (and/or their agents, contactors, or representatives as directed) in the country(ies) in which they operate. UHI will ensure that there is a transfer mechanism or exemption in place to allow the personal data transfer. In most cases, this transfer mechanism(s) will be one or more of the following:

- 1) Your explicit consent\*
- 2) ICO-approved International Data Transfer Agreement (IDTA) (UK GDPR 46(2)(c)).
- 3) UHI may rely on the contract exception (UK GDPR 49(1)(b) or (c)).
- 4) UHI may use other transfer mechanisms as it concludes relationships with different agents in different territories.

\*If you have been asked to provide your explicit consent for the transfer of your personal data you should read the 'explicit consent for international transfers' part of this notice.

## **Data retention**

Your data will be retained for the following length of time:

UHI will retain your personal data depending on whether your application is successful and whether UHI has engaged with you regarding immigration and VISA matters (there can be extended retention periods for such information).

Information about UHI's retention periods is available in the application and enrolment privacy notices and [UHI's Student data retention information document](#).

## **Rights of data subjects**

The following rights are rights of data subjects:

- The right to access your personal data
- The right to rectification if the personal data we hold about you is incorrect
- The right to restrict processing of your personal data

The following rights apply only in certain circumstances:

- The right to withdraw consent at any time if consent is our lawful basis for processing your data
- The right to object to our processing of your personal data
- The right to request erasure (deletion) of your personal data
- The right to data portability

You also have the right to lodge a complaint with the Information Commissioner's Office about our handling of your data.

## **Explicit consent for international transfers:**

The UK GDPR restricts the transfer of personal data to countries outside the UK, or international organisations. This restriction is in place because once data is transferred in this way it may not be subject to the UK GDPR and you will lose the ordinary UK GDPR protections (protections and rights) for your data once it has been transferred. Once the data has been transferred it may be subject to other local data protection laws in the receiving country – or no data protection law at all if no such law exists in the receiving country.

It is, therefore, very important for you to be informed that your data will be transferred in this way and important that you read and understand the information provided to make sure you are making a fully informed choice when deciding whether or not to consent to the proposed international data transfer.

UHI propose to share your data with your agent.

### **International data transfer - The proposed international transfer.**

UHI plan to:

1. Share your data and information about the progress and outcome of your application with your agent.

This international transfer takes place subject to the following exceptions or safeguard being in place to allow the international transfer:

- You have given explicit consent for the international transfer.
- The contract exception (UK GDPR 49(1)(b) or (c)).

### **International data transfer - The identity of the receiver, or the categories of receiver & the country or countries to which the data is to be transferred.**

The personal data will be transferred to your agent. Your agent will operate in the country in which you are resident. Your agent may operate in other countries you can find out more about the countries of operation by contacting your agent.

### **Why UHI are planning to make the transfer?**

The purpose of the international transfer is:

Working with your agent, as requested by you, to manage your application to and enrolment at UHI.

The purposes are set out fully in the 'This privacy statement relates to the following process' and 'Your information will be used for the following purposes' sections of this privacy notice.

UHI is choosing to meet this purpose in a way that require international transfers as you are resident in a country outwith the EEA and we need to share data with your agent at your request.

### **International data transfer - The type of data to be transferred:**

The personal data to be transferred will be: That data that is for the purposes listed in this privacy notice. Including details about you, your application to UHI and your international travel or visa documents. UHI will also communicate the progress and outcome of your application and any issues with your application so your agent can assist you in your application to UHI and completion of associated documents (such as VISA or international travel documents).

International data transfer - Your right to withdraw consent and how this may be limited once your data has been transferred:

You have the right to withdraw your consent at any time but the international transfer is necessary to administer your application to UHI and your contract with UHI and your agent. If you withdraw your consent then you will still be bound by the terms of the relevant contract(s) and your personal data may be transferred for that contractual purpose. However, if you withdraw your consent and no further transfers are required for the contract then the international transfers will cease – your application and contract with the parties may also cease as a result.

To withdraw your consent please email: [dataprotectionofficer@uhi.ac.uk](mailto:dataprotectionofficer@uhi.ac.uk)

Please note that if your data has been accessed by parties in third countries not covered by the UK GDPR you may not be able to exercise the same rights associated with consent under the UK GDPR against those third parties – including withdrawing consent for processing.

International data transfer - The possible risks involved in making a transfer to a country which does not provide adequate protection for personal data:

The UK GDPR restricts the transfer of personal data to countries outside the UK, or to certain international organisations. This restriction is in place because once data is transferred in this way it will not be subject to the UK GDPR and you will lose the ordinary UK GDPR protections (protections and rights) for your data once it has been transferred. Once the data has been transferred it may be subject to other local data protection laws in the receiving country – or no data protection law at all if no such law exists in the receiving country.

Your data will be transferred to: Your data will be transferred to, at least the country in which you reside and your agent resides/operates.

There is a risk with international transfers of this type that you will lose control of your data if it is accessed by a party to whom the UK GDPR does not apply. This is because you will not be able to exercise your ordinary UK GDPR rights against that party, there may be no supervisory authority to appeal to, and there may be no other local data protection or privacy law on which you can rely to exercise any control over your data held by the third party. You may not be able to control who uses your data, for what purpose, with whom they share it, limit any use of the data, and you may not be informed at all that third parties are using your data.

Your data may be accessed by third parties in countries with no data protection laws and these parties may use your data in a way that would be unlawful under the UK GDPR, but which are lawful in their own country. In such circumstances you would likely have limited, or no, ability to stop or influence that processing.

There are risks involved with international transfers and you should only consent, and proceed with your contract with UHI and your agent, if you have read and understand the above and still wish to proceed.

International data transfer – Limits on rights due international transfers:

Your ability to exercise your rights once an international transfer has taken place may be limited. If your data is transferred to a country without the UK GDPR or other similar laws and protections you may not be able exercise these, or any other, data protection rights in respect of the transferred data. Your rights under the UK GDPR are included in this privacy notice.