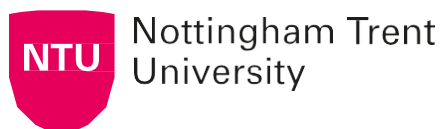


# SHARING INFORMATION TO SUPPORT STUDENT WELLBEING AND SAFETY

A framework for sharing information between  
universities and private purpose-built student  
accommodation providers

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**Professor Edward Peck, Higher Education Student Support Champion**



## Foreword by Professor Edward Peck CBE



Private accommodation providers play a central role in supporting students who are suffering from poor mental health and wellbeing. Sharing information between a university and an accommodation provider is vital to ensure students receive the right support at the right time.

Managing risk and ensuring students do not fall between the gaps in support were two of the most common concerns I have encountered since becoming the Higher Education Student Support Champion in June 2022. If the higher education sector, defined broadly to encompass a wide range of agencies that engage with students, is to address these concerns, we need a more consistent, collaborative, and transparent approach to sharing information.

This guidance will help inform discussions between universities and private accommodation providers as they seek to establish procedures to share information, as well as giving clarity on the lawful basis of information sharing. I would like to thank those colleagues and organisations which have supported this important work.

**Professor Edward Peck**

**Higher Education Student Support Champion**

## Foreword by Jan Capper



With almost 50% of young people now entering higher education, the student accommodation landscape has changed. Currently, around three quarters of residences are privately owned, and this percentage is set to grow.

Meanwhile, teenagers and young adults increasingly experience anxiety, stress, and insecurity, all of which can trigger more serious mental health conditions.

Given the amount of time students spend in their accommodation, and the fact that they are more likely to be alone at this time, it is vital that universities and private providers work closely together to support student wellbeing in PBSA. This requires full confidence in what information can be shared lawfully, as well as documented processes to ensure timely and appropriate intervention where students may be at serious risk.

This welcome guidance will help universities and private providers to develop agreements, protocols, and procedures for appropriate and lawful data-sharing to support the wellbeing of our growing student population. Our thanks to Professor Edward Peck and colleagues in student accommodation for developing this framework.

**Jan Capper**

**Executive Director, CUBO**

## Foreword by Martin Blakey



Student halls (or PBSA, purpose-built student accommodation as it is known) tend to house the most vulnerable students who are often transitioning in their first year of study from home or who have come from overseas to study here. 76% of that accommodation is now provided by the private sector and it is vital that when problems and issues are identified that information sharing between the educational institution and the accommodation provider takes place to ensure that joined up support can be offered.

Students living in PBSA (regardless of who it is provided by) and their trusted emergency contacts expect there to be a level of information sharing and co-ordination between an accommodation provider and their university, if possible before things go wrong.

This guidance is an important step in setting a framework to address concerns about data protection and confidentiality whilst prioritising student wellbeing and improving support. This is a difficult area but this guidance brings both realism and operational clarity to improve information sharing and prioritise student support.

The ANUK/Unipol National Code for private providers now makes a clear set of requirements covering support for student mental health including staff training on crisis management, signposting to relevant support and having data sharing agreements where nominations are in place. From 2022, it also requires that members establish a named individual in each nominating institution to discuss concerns with.

As the private sector expands and takes on more responsibilities, universities must reach out and provide a point of contact for all PBSA accommodation providers to discuss concerns about students: this guidance should be adopted by all universities to achieve this.

**Martin Blakey**

**Chief Executive, Unipol Student Homes**

# KEY POINTS

- Universities and private PBSA providers can support student wellbeing and prevent suicides by collaborating and sharing information with each other.
- Each party plays an important role in supporting student wellbeing, and co-developing information sharing processes enables joined up and complementary support.
- Universities and private PBSA providers would benefit from establishing clear and consistent information sharing pathways for students exhibiting low, high, and severe risk.
- These core pathways should be operationalised and enhanced through the development of formalised agreements to ensure information is shared quickly.
- Data protection legislation does not prevent information being shared between universities and PBSAs, rather it provides a framework to enable effective and lawful information sharing.
- In urgent or emergency situations, where there is high or severe risk to the student, information can be shared without consent, as long as this is consistent with other lawful bases for sharing information.
- Universities and private PBSA providers should use the best practice framework outlined in this document to refine and enhance existing processes, or develop new ones where they previously did not exist.

# WHO IS THIS GUIDE FOR?

This guide is for all colleagues who are involved in the wellbeing and safety of students in private purpose-built student accommodation (PBSA). The focus of this guide is the two-way sharing of information, between a university and a private PBSA provider, when there are concerns for a student's wellbeing and safety. Its purpose is to provide a best practice framework to guide and inform discussions to enhance information sharing processes.

This guide will explore how private PBSAs should share information with a university, and how universities can support and enhance this relationship. Whilst this guide does not cover university-managed accommodation or the private rented (HMO) sector, the good practice outlined here may be helpful to inform best practice information sharing in those markets.

Although information sharing is a difficult and complex area, data protection legislation provides a framework to enable data sharing, rather than preventing it, including sometimes without the student's prior agreement where it is deemed necessary.

## The ICO's position on data sharing:

The ICO's position is that organisations "should not hesitate to share students' personal data to prevent serious harm to the physical or mental wellbeing of a student in an emergency situation, or to protect a life. Data protection law allows this, and you won't get into trouble if you share information with someone who is in a position to help a student at risk."

**In summary, sharing information is a reasonable and lawful response to supporting a student at risk. Universities and PBSAs should plan ahead as far as possible by developing processes and policies to share information in these circumstances.**

## Supporting student wellbeing in purpose-built student accommodation

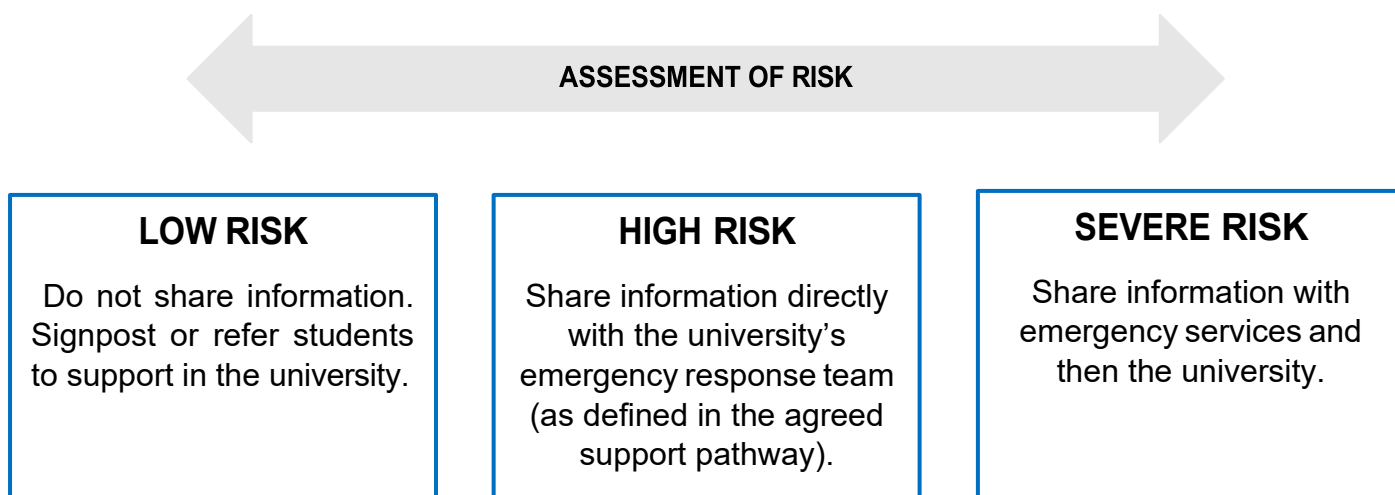
There has been significant growth in poor mental health across the student population in recent years, with UCAS predicting that around 70,000 students enter higher education with a mental health condition each year. Nearly half of students do not share their mental health difficulties with their university prior to or on arrival, making it difficult to provide proactive support to those students, including when they take up residence in student accommodation.

Private PBSA providers play a central role in student wellbeing. Students are more likely to experience crises overnight, necessitating the need for these providers to develop processes to identify, support and manage students at risk.

Universities, in turn, support PBSAs by ensuring they have the means to support, signpost or refer students to services both internally and externally. They may also share information directly with the accommodation provider when a student has been identified as at-risk and where additional support is required.

## Sharing information to support student wellbeing and safety

Although this guide does not seek to provide a detailed overview of risk, how it may manifest, or how it should be assessed, the simplified diagram below illustrates how universities and PBSAs could establish three core pathways for sharing information: low risk; high risk; and severe risk.



Where there is low risk to a student's wellbeing or safety, it will not be appropriate to share their information directly with the university. On these occasions, PBSAs can support students through signposting to support as set out in the university's support pathway (see 1b below).

Where there is high risk to a student's wellbeing or safety, it will be necessary for PBSAs to share information directly with those university colleagues who can provide support; this may occur without the consent of the student. Unlike PBSAs, universities can typically provide specialised assessment and intervention, and may also decide to inform the student's trusted emergency contact.

Where there is severe risk to a student's wellbeing and safety, for example, where there is immediate risk to life, PBSAs should contact emergency services before informing the university via their designated support pathway.

Private PBSA providers may utilise different information sharing procedures depending on their relationship with a university. For those with nomination agreements, information sharing to support student wellbeing and safety may be captured within a data sharing agreement, although this will not always be the case.

For PBSAs who operate on a direct-let basis, a data sharing agreement with a university will be uncommon and information sharing to support student wellbeing and safety is unlikely to have an effective process articulated in policy or procedure.

**Universities and PBSA providers may use the information sharing framework on the following pages to operationalise these three core pathways.**

# INFORMATION SHARING FRAMEWORK

This framework should be used to guide and structure discussions between a university and PBSA provider, although it should be noted that any information sharing process will be defined by the specific relationship between the parties, and any decision to share information must be carefully considered on its particular circumstances.

## 1. Establish a collaborative relationship

### **a) Recognise the different practices of private PBSA providers**

It is important that universities recognise the different capabilities and capacities of private PBSA providers to support students' wellbeing needs. Some PBSAs may have the resources to develop greater competencies to assess and support student risk than others. Additionally, some may take a more risk averse approach to information governance and data sharing than others.

The prevalence of data sharing agreements between universities and private PBSA providers will also vary depending on the nature of their relationship. For example, formal data sharing agreements – which enhance the sharing of student information - may be more common where a PBSA has a nomination agreement with a university but are less likely in the case of direct-let providers.

These differences will define the extent to which a PBSA will share information with a university in urgent or emergency situations. Differences are likely to be most apparent when comparing between those PBSAs with nomination agreements, and those who operate on a direct-let basis.

### **b) Develop a shared understanding of the capacity and boundaries of support**

Regardless of the nature of a PBSA provider's relationship with a university, it is important that there is clarity on the boundaries and integration of support between the two parties. A shared understanding of this will enable a clearer view of where and how information sharing can help join-up and support this relationship.

The university should designate the relevant support pathway for PBSAs to follow for low, high, and severe risk incidents. The university should also ensure PBSAs are informed of these support pathways, how to access them, and who to contact - including in the event of an incident that occurs out of hours. Universities should regularly update PBSAs on any changes to these pathways, and hold regular meetings to discuss practice, concerns, or particular cases.

## **2. Develop an information sharing process**

### **a) Produce a data protection impact assessment**

When developing a process for sharing information, it is best practice for universities and private PBSA providers to conduct a Data Protection Impact Assessment (DPIA). A DPIA helps organisations to plan ahead and consider the types of data that may be shared, and with whom, for high and severe risk situations. This will demonstrate that risks and mitigations have been considered. For more information on DPIAs, see the [ICO's website](#), which includes a useful template to carry this out.

### **b) Develop a data sharing agreement if information sharing is frequent**

A data sharing agreement (DSA) can be used to operationalise a DPIA where regular two-way sharing of information between a university and a PBSA provider is expected. A formal DSA between a university and PBSA provides a clear information sharing framework, as well as establishing the legal requirements of the two parties. For more information on DSAs, see the [ICO's website](#).

If a DSA already exists, for example, where accommodation is contracted as part of a nomination agreement, this should be reviewed to ensure the process for sharing information in high or severe risk situations is clearly articulated and has an established lawful basis.

[View a best practice example of a university- PBSA data sharing agreement.](#)

### **c) Develop a data sharing protocol if data sharing is infrequent**

Where a private PBSA provider has no contract with a university, in the case of direct-let providers, or where information sharing is expected to be infrequent, a data sharing protocol (DSP) should be produced. A DSP facilitates information sharing in high or severe risk situations that is consistent with relevant legislation.

One DSP may be produced by a university to cover information sharing with multiple PBSAs. Although this guide is not aimed at accommodation within the private rented sector, a DSP may also support landlords of HMOs to exercise best practice if they need to share information with a university in urgent situations.

[View a best practice example of a university-PBSA data sharing protocol.](#)

### **Case study: Bournemouth University**

Bournemouth University recognised that many of its at-risk students were living in direct-let providers that did not have formalised information sharing processes to connect students to support within the University.

The University worked with its direct-let providers to develop a data sharing protocol (see 2c). This protocol sets out the circumstances – through useful case studies - in which providers can share information with the University, including in urgent situations without the student's consent. The protocol is not a legally binding document, easing its adoption with smaller PBSAs who may lack the same level of governance or capability as their larger counterparts.



#### **d) Recognise that information can still be shared without an agreement or a DPIA**

Whilst they are good practice, it is important to note that information may still be shared in high or severe risk situations if neither a DSA nor a DSP has been established, or a DPIA prepared, so long as this data sharing is consistent with relevant legislation and is in the best interest of the student.

Regardless of the closeness or formality of the relationship between a university and PBSA provider, colleagues should not refrain from sharing information if there are serious concerns for a student. The ICO's [data sharing checklist](#) may be reviewed to support this decision-making process.

### **3. Support students at risk**

#### **a) Understand what risk looks like**

Students may need urgent or emergency support for a number of different reasons, not all of which will be due to mental health difficulties. A student who is 'at risk' may be defined as needing care and support, experiencing (or at risk of) physical, mental, or emotional harm, and, as a result of those needs, being unable to protect themselves from harm.

Universities and private PBSA providers should share information to support a student where it is necessary and proportionate to do so in order to reduce harm, regardless of the underlying causes of this risk. This understanding is reflected in the ICO's pragmatic and proportionate approach to [data sharing in urgent or emergency situations](#).

#### **b) Possess the means to assess risk**

Wherever possible, risk assessment within universities and private PBSA providers should be conducted by an individual who has received training in risk assessment. A risk assessment should cover: the level of risk; what else can be done to reduce risk; whether the student has mental capacity; and whether sharing information about the student may reduce risk.

Common to all parties is the requirement to specify which colleagues can undertake these assessments. All decisions taken following an assessment, as well as the reason for doing so, should be recorded.

For smaller PBSA providers who lack this in-house capability, decision-making around student risk and information sharing may be supported and enhanced through agreements and partnerships with partner universities – as outlined in this guide. That being said, some investment in training for colleagues who work in PBSAs may be necessary\*.

\*There are guides which can support private PBSA providers to improve the capability of their workforce to assess risk and make appropriate decisions in relation to information sharing, for example [Student Wellbeing in Purpose Built Student Accommodation](#) and [Student Living: collaborating to support mental health in university accommodation](#).

### c) Plan ahead to ensure timely information sharing

As outlined in the previous section, it may be helpful for PBSAs to establish three core pathways for sharing information to support student wellbeing and safety:

- low risk (routine signposting);
- high risk (university); and
- severe risk (emergency services).

In urgent situations where a student is exhibiting high or severe risk, timing is critical: colleagues in private PBSA providers need to be aware of their organisation's information sharing procedure for these different incidents before they occur.

PBSAs should plan ahead and set out the circumstances in which information should be shared, and with whom, for high and severe risk situations. Ideally, a PBSA can set this out through a Data Protection Impact Assessment (see 2a above) or an agreement with a university (see 2b and 2c above).

#### **Case study:**

A student who previously appeared to be in good mental health has started to exhibit signs that are causing concern. Their behaviour has changed, they have become withdrawn, and they have stopped engaging with their co-tenants. Their co-tenants raise this with PBSA staff, who have also noticed this and would like to raise their concerns with the University. This is a small organisation and staff don't feel equipped to discuss it with the student. Would this level of information sharing be possible under data protection law?

If the accommodation staff have serious concerns that this student could come to harm, they should raise this with the University who will be able to help. Carrying out a DPIA and risk assessment, or having a data sharing agreement or protocol in place, before these types of incidents occur will help to support timely decision-making, but ultimately, if there are concerns for a student it is better to share information than not.

# SHARING INFORMATION IN URGENT SITUATIONS: DATA PROTECTION CONSIDERATIONS

Even if there is no data sharing agreement or protocol in place between a university and a PBSA provider, data protection legislation does not prevent information about a student being shared between both parties in urgent or emergency situations. There are circumstances where lawful basis to share information can be secured, even when consent from the student has not been obtained.

## Sharing information in urgent or emergency situations

In urgent or emergency situations, where there is high or severe risk to a student's wellbeing or safety, it is important that information is shared quickly with relevant and appropriate parties.

Universities and private PBSA providers can plan ahead by developing Data Protection Impact Assessments, data sharing agreements or data sharing protocols. These should set out the type of data to be shared, the lawful basis for sharing, with whom the data will be shared, and the risks and mitigations around data sharing.

This will enable colleagues to act quickly, effectively, and in accordance with data protection legislation when urgent situations arise and immediate action is required.

### Data protection principles:

There are seven key principles which lie at the heart of data protection and data sharing:

- Lawfulness, fairness, and transparency
- Purpose limitation
- Data minimisation
- Accuracy
- Storage limitation
- Integrity and confidentiality
- Accountability

These principles are not intended to prevent information sharing, but rather they are there to ensure organisations, such as universities and private PBSA providers, are collecting, using, and sharing data in a reasonable and fair way.

For more information on data sharing principles, see the [ICO's data sharing code of practice](#).

## Special category data

Sharing information about students' wellbeing and safety will require, in most cases, the processing of both personal data and special category data (e.g., mental health data).

Processing personal and special category data must be generally lawful, fair, transparent, and compliant with other requirements of the [UK GDPR as well as the Data Protection Act 2018](#).

Universities and PBSAs must take extra care when sharing special category data to ensure this is compliant with additional data protection regulation. Sharing information to support student wellbeing and safety is likely to require a lawful basis from [Article 6](#) and [Article 9](#) of the UK GDPR; this is discussed below.

## Lawful basis for sharing personal data

Under Article 6, there are six lawful bases for sharing personal data – at least one of these must apply:

- Consent
- Contract
- Legal obligation
- Vital interests
- Public task
- Legitimate interests

For universities and private PBSA providers, the most appropriate lawful basis for sharing personal data in urgent or emergency situations will be '*legitimate interests*'. There are a wide range of legitimate interests that may be applied to this basis. Sharing an at-risk student's personal data may be in your interest – as a university or PBSA – or in the interest of the third party receiving the information.

However, because of this flexibility, it should be applied with caution. Universities and PBSAs should consider a three-part test:

- Purpose: are you pursuing a legitimate interest?
- Necessity: is the sharing necessary for that purpose?
- Balancing: do the individual's interests override the legitimate interest?

[View additional advice and guidance on legitimate interests, including a checklist of key considerations, set out by the Information Commissioner's Office \(ICO\).](#)

## Lawful basis for sharing special category data

When sharing information about a student's health or mental health (special category data), an additional lawful basis from Article 9 must apply. These include:

- Explicit consent
- Employment, social security, and social protection
- Vital interests
- Not-for-profit bodies
- Made public by the data subject
- Legal claims or judicial acts
- Reasons of substantial public interest
- Health or social care
- Public health
- Archiving, research, and statistics

When urgent information sharing is required to support student wellbeing or safety, the most appropriate conditions outlined in Article 9 are those where processing is '*necessary to protect the vital interests*' of the student, or where processing is '*necessary for reasons of substantial public interest*'.

It should be noted that *vital interests* is applicable only when the student is incapable of giving consent, and is used typically in life or death situations. This may not always apply to a student in a mental health crisis.

Sharing information for reasons of *substantial public interest* may be applied when sharing personal and special category data is necessary to protect a student from physical, mental, or emotional harm. This provides a more robust and applicable lawful basis for universities and private PBSA providers to use.

Again, the lawful basis for sharing students' special category data in these different scenarios should ideally be set out in a Data Protection Impact Assessment, data sharing agreement or data sharing protocol.

Additional guidance on the lawful basis to share special category data is [set out by the ICO](#).

## Putting students at the heart of information sharing

Even when it is necessary to share information without consent, there are a number of steps that universities and PBSAs can take to keep students at the centre of decisions about data sharing:

- Consider if sharing less personal data about the student can still achieve the objective of information sharing.
- Inform the student that a decision to share their information has been made, unless doing so would increase risk.
- Review the student's previously expressed wishes around information sharing (if available), particularly in relation to sharing with the student's trusted emergency contacts.
- Consult with colleagues familiar with the issue prior to disclosing information with other organisations.
- Ensure students have access to clear privacy statements that outline how their data will be used and shared, with whom, and for what purpose. This statement should reference information sharing in relation to student wellbeing and safety.

## Securing consent in urgent situations

If you are able to secure explicit consent from the student, this may be used as lawful basis to share information under both Article 6 and Article 9 of the GDPR. If a student gives explicit consent for you to share their information with another party, this should be recorded.

It will not always be possible to secure consent from a student exhibiting signs of high or severe risk, either because they are incapable of giving consent, or if colleagues do not feel equipped to professionally and safely discuss this with the student.

A decision to share information against a student's previously expressed wishes, or when consent has not been secured, should be made following an assessment that is consistent with relevant legal frameworks. PBSA staff may discuss the student's circumstances with relevant university colleagues, taking care not to reveal the student's identity and allowing an anonymous assessment to take place in high risk situations.

Please note that 'consent' in its commonly understood sense – agreement to share information – is not the same thing as the lawful basis of consent in data protection law. It is important to ensure they are not confused and important that consent as lawful basis is properly applied.

For more details on this, please see the ICO's interactive [lawful basis guidance tool](#).

### In summary:

- Data protection legislation provides a framework to enable data sharing, rather than preventing it.
- You won't get into trouble if you share information with someone who is in a position to help a student at risk.
- It will not always be possible or reasonable to secure consent prior to sharing information about a student.
- The lawful bases under Article 6 and Article 9 of the UK GDPR enable universities and PBSAs to share information lawfully without the consent of the student.
- Planning and co-developing data sharing processes is the best way to ensure information is shared quickly and lawfully when urgent or emergency situations arise.
- Having data sharing processes in place prior to an incident occurring enables colleagues to make decisions confidently knowing their actions are lawful, are in the best interest of the student, and have been considered against a range of potential risks.

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