Data Ethics Policy

Contents

Version number: 1.0	Approved by: Data and Information Governance Group
Effective from: July 2023	Date for review: June 2024

Alternative format

If you require this Data Ethics Policy document in an alternative format, please contact the Student Support Team via http://www.open.ac.uk/contact/ (phone +44 (0)300 303 5303), or your dedicated Student Support Team via StudentHome if you are a current Open University student.

Students living in Wales can speak with a student support adviser in Welsh on 029 2047 1170, should you wish to do so.

Summary of policy

This policy evidences The Open University's commitment to processing and using data in an ethical manner. The University is committed to using data and information to provide value and insight to achieve its mission, working ethically and transparently to do good where possible and limiting harm resulting from use of data as much as possible.

Scope

What this policy covers

This policy applies to all data collected for and through University operations, including personal data and special categories of personal data.

This policy applies to activities involving Artificial Intelligence, machine learning or other large-scale data science technologies, where these activities are intended to drive action targeted at selected individuals (whether enquirers, students, staff or alumni), groups or sub-sets of individuals.

This includes all electronic personal data, in any medium or format, including but not limited to, data stored on electronic media or spoken over a communications medium (e.g. Cellular). This policy applies regardless of where the personal data is held, including outside University property and on personally owned equipment or in personal accounts.

This policy applies to everyone working for or on behalf of the University who obtains, uses, accesses or stores personal data, regardless of their role, grade or type of contract.

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This includes, but is not limited to, agency staff, consultants, volunteers, visiting research and teaching staff and external committee members. It also applies to all students when processing personal data on behalf of the University or as a requirement of their studies; and anyone who accesses University systems, including suppliers and contractors. This policy also applies to staff and others working for or on behalf of organisations in the Open University Group.

If this policy applies to you, please read the associated guidance and complete the required steps of the data ethics process, securing favourable opinion from the Data Ethics Group if needed.

What this policy does not cover

This policy does not cover data collected solely for the purposes of research. Research activity and data are covered by the research data ethics process. Refer to the Research Ethics website for further details.

This policy does not apply to activities that do not meet the criteria for being in scope, as described above.

If you are in any doubt about whether this policy applies to you, please contact the Information Rights team at data-protection@open.ac.uk.

The Open University Student Charter Values

The Student Charter was developed jointly by The Open University and the OU Students Association. It is a declaration of our shared values and the commitments we make to each other. This document has been developed with the Student Charter values as its foundation.

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Introduction

This policy aims to:

- Ensure adherence to the data ethics principles in all processing of data;

- Protect the rights of individuals by applying the principles;

- Outline the roles and responsibilities of all users of data;

- Outline the potential consequences of non-compliance with this policy.

For specific guidance on how this policy may relate to your personal circumstances, please contact your Student Support Team via StudentHome (or other appropriate office, for example Research Degrees Office for postgraduate research students via research-degrees-office@open.ac.uk) who are specially trained to advise on the implementation of policy.

Policy

Policy principles

1.1 Transparency

The OU's actions, processes and data are made open to inspection by publishing information about activities using data in a complete, open, understandable, easily accessible, and free format, without prejudicing confidentiality or competitive advantage.

1.2 Explainability

The University must be able to describe what it does with data in a way that is understandable by staff, students, external bodies, and members of the public.

To do this, the University will aim to use, where possible, methodologies that maximise the ability of others to understand what it is doing with data.

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The Open University is incorporated by Royal Charter (RC 000391), an exempt charity in England & Wales and a charity registered in Scotland (SC 038302). The Open University is authorised and regulated by the Financial Conduct Authority in relation to its secondary activity of credit broking.

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1.3 Accountability

There are effective governance and oversight mechanisms in place, with the appropriate staff members taking responsibility for ensuring the University deals with data in an ethical way.

1.4 Fairness

The OU will balance the impacts and benefits of its work with data fairly between individuals, social groups, wider society and the University so that unintended disadvantage is minimised.

The University aims to mitigate biases which may influence outcomes and to ensure that we respect the dignity of individuals, are just, non-discriminatory, and consistent with protecting human rights.

2. Responsibilities

2.1 Data Users

Individuals, teams, managers and sponsors wishing to innovate using data must:

- comply with this policy and provide evidence of compliance with it, including evidence of consideration of the principles;

- follow the process for evaluating and managing ethical impact;

- undertake training to support compliance with the policy and process.

2.2 Information Rights Team

- Provide training, guidance and support in the area of data ethics;

- Publish and maintain policies, procedures and guidance relevant to data ethics.

2.3 Data Ethics Group

- Provide advice and guidance to data innovators on matters of best practice, facilitating the granting of favourable opinion.

- To grant or withhold favourable opinion of proposals for use of data, where these proposals require an Ethical Impact Assessment and are referred to the Group.

- To identify and keep a record of ethics risks arising from use of data and to refer these to the Information Risk Group as needed.

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2.4   Information Risk Group

- To monitor ethics risks and escalate to the Senior Information Risk Owner (SIRO) as appropriate.

2.5   Heads of Units

- Have overall responsibility for the processing of data within their areas of responsibility.

- Must ensure that all staff in their areas of responsibility undertake relevant training to enable compliance with University policies.

2.6   University Secretary

- Is the Senior Information Risk Owner (SIRO) for the University.

- Accepts or rejects any unmitigated risks relating to the ethical use of data in the University.

3.   Non-compliance

Any careless or deliberate infringement of this policy by University employees will be treated seriously by the University and may result in disciplinary action.

Commitment to Equality, Diversity and Inclusion at The Open University

Policies are inclusive of all Open University Students, Learners, Enquirers and Alumni, regardless of age, civil status, dependency or caring status, care experience, disability, family status, gender, gender identity, gender reassignment, marital status, marriage and civil partnerships, membership of the Traveller community, political opinion, pregnancy and maternity, race, religion or belief, socio-economic background, sex, sexual orientation or trades union membership status.

Safe Space Reporting

The Open University is committed to creating a diverse and inclusive environment in which everyone feels safe and is treated with dignity and respect. Unlawful discrimination of any kind across The Open University will not be tolerated. Safe Space Reporting is available through an online tool through which staff, students, learners and visitors are encouraged to report incidents of assault, bullying, harassment, hate crime, or sexual harassment.

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It also provides information about what you can do if these incidents happen to you, or to someone you know, and where you can find support.

Glossary

Artificial Intelligence (AI)

Artificial Intelligence, often referred to as AI, is the use of computers and data or information to do things that traditionally require human intelligence. AI can process large amounts of information in ways that humans cannot and therefore enable rapid identification of patterns to reach conclusion or decisions based on the information used.

Data innovators

Data innovators are specialists who use data science techniques in ways that are new to The Open University, specifically to improve the service or efficiency of University processes.

Data science

Data science is the study of data to extract meaning. It is a multidisciplinary approach that combines principles and practices from the fields of mathematics, statistics, artificial intelligence, and computer engineering to analyse large amounts of data.

Ethical Impact Assessment

An impact assessment is a structured a process for considering the implications, for people and their environment, of proposed actions while there is still an opportunity to modify (or even, if appropriate, abandon) the proposals. An Ethical Impact Assessment focuses specifically on the ethical implications of proposed actions.

Ethics risk

Ethics risks are actions or decisions that could be considered as unethical and could therefore give rise to detriment or disadvantage.

Machine learning

Machine learning is the use and development of computer systems that are able to learn and adapt without following explicit instructions, by using algorithms and statistical models to analyse and draw inferences from patterns in data.

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Processing of data

'Processing' means any operation or set of operations which is performed on data or on sets of data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

Senior Information Risk Owner

The Senior Information Risk Owner or SIRO has responsibility for managing information risks within the University. The University Secretary is the SIRO for The Open University.

Related Documentation

Refer to the following documentation in conjunction with this document:

Computing Policy

Research Code of Practice

Safeguarding Policy

Student Charter

Student Privacy Notice

Further clarification

Please direct any queries about this policy to

Email: data-protection@open.ac.uk

Telephone: +44 (0)1908 653994

By post:

Information Rights

University Secretary's Office

The Open University

Walton Hall

Milton Keynes

MK7 6AA

> *To check the latest postal address and other contact details or if you would like to find out more about our most up-to-date response times for receiving and sending postal correspondence to the Open University, please see OU Offices, https://help.open.ac.uk/ou-offices.*

Students living in Wales can speak with a student support adviser in Welsh on 029 2047 1170, should you wish to do so.

Feedback

If you have any comments about this policy document and how it might be improved, please submit these to SPR-Policy-Team@open.ac.uk.

Policies superseded by this document

This Policy was published as a new policy in July 2023 to

- replace the Policy on Ethical Use of Student Data for Learning Analytics;

- update the Policy to reflect recent advances in data ethics;

- broaden the scope of data and purposes covered.

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