**Guidance on the Disclosure of Personal Data to a Complainant**

1. **Purpose**

This guidance is designed to assist UCL staff members involved in formal complaint or disciplinary proceedings when considering the disclosure of personal data relating to the subject of those proceedings to the complainant.

It must be read in conjunction with UCL's Prevention of Bullying, Harassment and Sexual Misconduct Policy, available [here](https://www.ucl.ac.uk/students/policies/conduct/prevention-bullying-harassment-and-sexual-misconduct-policy).

Please note that this guidance applies to proceedings involving the personal data of UCL students, UCL staff members and/or third parties.

1. **Confidentiality**

Formal complaint and disciplinary procedures are highly confidential, and information relating to their conduct and outcome should only be disclosed to relevant people on a 'need-to-know' basis.

Nevertheless, there are circumstances in which certain limited information may need to be disclosed to complainants, in accordance with the Prevention of Bullying, Harassment and Sexual Misconduct Policy.

Where a disclosure is made, complainants must be reminded of their responsibility to keep that information confidential.

1. **Disclosure of information to the complainant under the Prevention of Bullying, Harassment and Sexual Misconduct Policy**

For the purposes of the Prevention of Bullying, Harassment and Sexual Misconduct Policy, the complainant is defined as the 'Reporting Party' and the subject of the complaint/disciplinary proceedings is referred to as the 'Reported Party'.

Section 7 of the Prevention of Bullying, Harassment and Sexual Misconduct Policy states that the Reporting Party will be provided with the following information:

* "*whether their complaint has been upheld or not; and whether the Reported Party has been dismissed or expelled*" (Section 7.1); and
* "*If the complaint is not upheld or the Reported Party is not dismissed or expelled, information to minimise any adverse effects in accessing their work or study environment, where possible*", although the policy acknowledges that "*there may be limits to the information about the consequences to the Reported Party that can be shared with the Reporting Party*" (Section 7.2).
1. **What is personal data?**

Most of the information disclosed to a Reporting Party under Section 7 of Prevention of Bullying, Harassment and Sexual Misconduct Policy will constitute personal data relating to the Reported Party.

'**Personal data**' is any information which relates to an identified or identifiable individual and there are laws that UCL has to comply with when using and disclosing personal data.

Certain types of information, classed as '**special categories of personal data**' under data protection law, are more sensitive. This includes information relating to an individual's ethnicity or any disability. Access to, and the sharing of, this information is controlled very carefully.

Like special categories of personal data, any personal data relating to a person's **criminal convictions and offences** is given a high level of protection under data protection law. Such personal data must also be treated very carefully.

For further information on personal data, please see the guidance available on UCL's website [here](https://www.ucl.ac.uk/data-protection/).

1. **Disclosure of the Reported Party's 'ordinary' personal data to complainants**

For the purposes of this guidance, 'ordinary' personal data refers to personal data that does not constitute special category personal data and does not relate to a person's criminal convictions and offences.

If the information to be disclosed under Section 7 of the Prevention of Bullying, Harassment and Sexual Misconduct Policy includes 'ordinary' personal data, before making the disclosure, you must consider whether the disclosure is necessary, or whether the same purpose could be achieved without providing personal data.

If the provision of information containing 'ordinary' personal data is necessary, then you should only disclose the minimum amount of personal data required.

1. **Disclosure of the Reported Party's special category personal data to complainants**

It is very unlikely that special categories of personal data relating to the Reported Party would need to be disclosed to the complainant. You should avoid making such a disclosure wherever possible.

If circumstances arise in which you believe a disclosure of special category personal data to the complainant is necessary, please contact the data protection team at data-protection@ucl.ac.uk for further advice prior to making any disclosure.

1. **Disclosure of the Reported Party's personal data relating to criminal convictions and offences to complainants**

You should never disclose personal data relating to the Reported Party's criminal convictions to a Reporting Party without receiving prior approval from the data protection team.

If circumstances arise in which you believe a disclosure is necessary, you must contact the data protection team at data-protection@ucl.ac.uk for further advice prior to making any disclosure.

1. **Who can I contact for further information?**

We hope that you find this guidance helpful. If you require any further information on the issues raised in this document, please contact the data protection team at data-protection@ucl.ac.uk.