

Institutional Innovation Lifelong Learning and Work Force Development – Legal Resources

How JISC Legal Can Help You and Your Project

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JISC Legal is a free information service offering high quality legal information to further and higher education relating to the use of information and communications technologies.

1. Technical Innovation and Research - Personal Data

Technical innovation and research in the context of lifelong learning and workforce development inevitably involves processes which collect personal information about individuals.

It is likely that whatever type of work your project is involved in you will need to be confident that the personal data of individuals which is to be processed is being treated legally. Such processes might include -

- exchanging learners private information
- sharing of learner achievement records
- private information which is collected about individuals
- private information which is submitted by individuals.

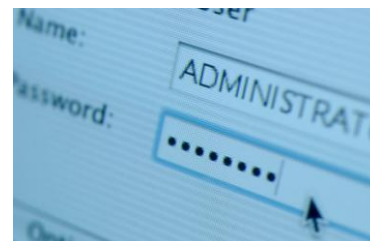
JISC Legal has specialist guidance available on how to handle personal data lawfully when engaging in research activities which involve collecting and analysing private information about individuals. Our website contains Data Protection Overviews and Essentials guidance papers as well as a Code of Practice which provides detailed practice advice.

The Data Protection legislation, in short, sets out to provide the individual with a degree of control over the use of their personal data and JISC Legal is able to clarify and simplify what that means for those collecting, storing and analysing personal data.

2. Data Security Handling Procedures

Authentication and Encryption

The "Data Handling Procedures in Government: Final Report June 2008" requires those working at institutions to take steps in order to improve data security. In short, institutions should be evaluating their processes on the handling of sensitive personal data and should have a method of identifying sensitive or personal data and assessing how it is processed and how secure it is. JISC Legal is able to support those processing sensitive personal data and provide access to guidance which will help with making decisions about what level of security is required for particular data.



3. Ownership of Work

Don't put sorting out a written agreement between your project partners on the back burner. From bitter experience JISC Legal's advice is that a consortium agreement should be drawn up between those who are undertaking project work at the outset. It should lay down the roles that each project partner plays and include what the plan is for ownership of the intellectual property rights which will inevitably be created as a result of the work of the project.

Using Other People's Content

The agreement should describe how third party content included in the work of the project should be handled. Who clears the rights and what uses can be made of the included content. JISC Legal is able to point those involved in a project to resources which will assist in drawing up an agreement which will help to instil confidence in the working relationships and help prevent disputes and relationship breakdown.



4. Social Software

Developing solutions for lifelong learning and workforce development based on social software models appears attractive and the rapidly growing appetite for social networking presents opportunities for those who are involved in innovation and research. However, a variety of legal issues need to be considered including the law of copyright and in particular ownership rights. Who owns information when it is collaboratively created? Other legal issues include data protection and liability. Also, the ability of the institution to meet its requirements under the Disability Discrimination Act 1995, including adequate accessibility, is likely to be affected by the use of social software solutions. Further, there is the risk that using social software opens systems up to more use which could create a platform for abuse. The question here, often, is whether institutions have in place adequate security measures to cope with such potential risks.

JISC Legal has accumulated expertise in the impact which widespread social software use has on the ability to control and regulate how users interact. Many of these challenges are not unique to the education sector but the legal questions nevertheless need to be considered and evaluated when working on technical innovation for lifelong learning and workforce development. JISC Legal is here to assist you in that process.

5. Admissions Processes

Technology-supported processes for recognition and accreditation of prior experience and learning are likely to require the sharing of personal data. This work must take account of the data protection legislation. Getting the fundamentals of handling personal data right is something which JISC Legal can assist you with and whatever aspect of research your project is involved in we are there to help.

6. e-Portfolios

Addressing the legal issues arising from ePortfolio development and use can take considerable time and effort. However, an early investment in those issues can save considerably more effort later on, by highlighting key issues and allowing ePortfolio providers to plan to avoid them or ameliorate their effects. Many matters can be addressed, at least in part, by ensuring that ePortfolio provider staff and learners are provided with adequate information and guidance. Maintaining adequate documentation of processes and decisions also helps to provide continuity in approach to legal issues over time. There will be occasions when recourse to professional legal advice may be necessary, and an effectively planned legal strategy will not just help to indicate when this is likely, but will also help in formulating the questions that will need to be asked. JISC Legal is able to assist your project assess the legal impact of your ePortfolio development activities.

JISC Legal is a free information service offering high quality legal information to further and higher education relating to the use of information and communications technologies. We deliver focussed training events, produce sector specific guidance publications, and operate a responsive online enquiry service. Contact us on our website at - www.jisclegal.ac.uk.