University of Dundee

Information Governance – Data Protection

Standard Operating Procedure – Interception of communications

1. **Scope**

1.1 Where a formal investigatory (or similar) process is required, the University may, in limited circumstances, secure relevant data.

1.2 Subject to approval per the procedure below, the content, logs, metadata and/or other administrative information concerning communications made using University systems may be reviewed further to the matter under consideration.

1.3 An investigatory process may be required further to the University’s own procedures or initiated by external agencies as appropriate.

1.4 Matters managed under the normal delegated authority of Deans and/or Directors (such as the routine misuse of computing facilities or recovery from data incidents) are outwith the scope of this procedure.

1.5 When in doubt concerning the extent of delegated authority, guidance must be sought from the Director of Academic and Corporate Governance and/or the Director of LLC&CI on whether a matter requires consideration per the terms of this procedure.

2. **Responsibilities**

2.1 The Secretary of the University, Director of LLC&CI and/or Director of Academic and Corporate Governance are responsible for the proper management of investigations under this procedure.

2.2 Members of University Executive Group are responsible for the approval of interceptions made under this procedure.

2.3 The Head of Information Governance is responsible for the maintenance of this procedure.

3. **Procedure**

3.1 Where, in the view of one or more of the officers identified in 3.2, it is appropriate to secure data pending or further to an investigation, that data shall be secured by UoDIT and/or the School or Service which holds it.
3.2 The officers who may request that data is secured are:

- Secretary of the University
- Vice Principal, Provost
- Vice Principal, Research
- Vice Principal, Education
- Director, Human Resources
- Director, Academic and Corporate Governance
- Director, LLC&CI
- Director of Legal
- The Head of Information Governance

3.3 Any request to secure data must be made in writing and concern matters within the competence of that University officer.

3.4 The request to secure data shall be made to the Director UoDIT and the relevant School Manager/Director.

3.5 Once secured, the decision on whether to proceed with the interception or review of communications or their associated metadata shall be considered by the Secretary of the University (or the Director of LLC&CI and/or the Director of Academic and Corporate Governance in the Secretary’s absence).

3.6 The Secretary of the University shall consult with any such officers they deem appropriate including, but not limited to, Legal, Information Governance, Academic and Corporate Governance and the President of DUSA.

3.7 The decision to recommend the approval of interception/review shall rest with the Secretary of the University (or the Director of LLC&CI and/or the Director of Academic and Corporate Governance in the Secretary’s absence). Two members of University Executive Group unconnected with the matter under investigation shall indicate their agreement with the detail and extent of interception/review suggested, upon which the proposal will be deemed approved.

3.8 Should the Secretary deem interception/review inappropriate following consultation, or fail to secure the agreement of two members of University Executive Group unconnected with the matter, their decision (or that of the Director of LLC&CI and/or the Director of Academic and Corporate Governance in the Secretary’s absence) shall be final. Should additional information be identified subsequently, this decision may be reviewed.
3.9  Interception/review shall only be approved where the reasons accord with those lawful purposes detailed in the Investigatory Powers (Interception by Businesses etc. for Monitoring and Record-keeping Purposes) Regulations 2018.

3.10  The extent of interception/review shall be proportionate and the minimum necessary for the purpose specified.

Change control

<table>
<thead>
<tr>
<th>Change</th>
<th>Date</th>
<th>Authority</th>
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<tbody>
<tr>
<td>Approval</td>
<td>29 May 2015</td>
<td>Information Management Committee</td>
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<tr>
<td>Explicit mention of role of President of DUSA.</td>
<td>8 July 2015</td>
<td>Secretary of the University</td>
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<tr>
<td>Revision per new SOP template for information governance issues.</td>
<td>3 November 2015</td>
<td>Chief Information Officer, Secretary of the University</td>
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<tr>
<td>Review.</td>
<td>March 2018</td>
<td>Head of Information Governance</td>
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<tr>
<td>Minor updates to reflect changes in roles and add clarity.</td>
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<td>Addition of option to consider routine matters under delegated authority of Directors of Professional Services.</td>
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<td>Consultation with Data, Records and Information Committee.</td>
<td>March 2018</td>
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<td>Review and revision to separate process of securing information from process of review/interception (recognising that the need to secure data may be time-sensitive).</td>
<td>April 2019</td>
<td>Revised by Head of Information Governance, Director UoDIT and Director LLC&amp;CI.</td>
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<tr>
<td>Approved</td>
<td>3 May 2019</td>
<td>Data Records and Information Committee</td>
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