

Memorandum of Understanding between the Central Statistics Office
and the Higher Education Authority in relation to technical matters, data
exchange, security, quality, frequency



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This Memorandum of Understanding is made on the 14th day of December 2023

Between

The Central Statistics Office, Skehard Road, Cork, T12 X00E. (the CSO)

and

The Higher Education Authority, 3 Shelbourne Buildings, Crampton Avenue,
Shelbourne Road, Ballsbridge, Dublin 4, D04 C2Y6. (the HEA)

List of abbreviations

ADC Administrative Data Centre

CSO Central Statistics Office

GDPR General Data Protection Regulation HEA Higher Education Authority

MoU Memorandum of Understanding JLG Joint Liaison Group

SFTP Secure File Transfer Protocol

Definitions of Terms

"Act"	The Statistics Act, 1993 as may be amended from time to time.
"Breach"	A 'personal data breach', as defined by Article 4(12) of the General Data Protection Regulation (GDPR).
"Controller"	Has the meaning assigned by Article 4(7) GDPR.
"Data"	Information held by the CSO, relating to the Student Records System and Graduate Outcomes Survey, as detailed in Appendices 1 and 2.
"Personal Data"	Has the meaning assigned by Article 4(1) GDPR.
"Processing"	Has the meaning assigned by Article 4(2) GDPR.
"Purpose"	The collection, compilation, extraction, and dissemination for statistical purposes of information concerning higher education in Ireland.

Establishment of the Parties

The Central Statistics Office was established in 1949 and became a statutory body in 1994, under the Statistics Act, 1993.

The HEA has a statutory responsibility for the effective governance and regulation of higher education institutions and the higher education system. Such functions are set out in the Higher Education Act 2022

The Role of the Parties

The functions of the Central Statistics Office are set out in the Statistics Act, 1993. In particular Section 10 states that the functions of the Office are the collection, compilation, extraction and dissemination for statistical purposes of information relating to economic, social and general activities and conditions in the State. The Office has the authority to co-ordinate official statistics compiled by public authorities to ensure, in particular, adherence to statistical standards and the use of appropriate classifications and has the authority to assess the statistical potential of the records maintained by public authorities and to ensure that the potential is realised. Furthermore, the CSO has legal obligations regarding the development, production and dissemination of European statistics under Regulation (EC) No. 223/2009 of 11 March 2009.

The Higher Education Authority is the statutory planning and policy development body for higher education and research in Ireland. The HEA has wide advisory powers throughout the whole of the third-level education sector. In addition, it is the funding authority for a number of designated higher education institutions, which include universities, institutes of technology and a number of colleges.

In particular, Section 9(1)(u) of the HEA Act grants the HEA the function to collect statistical information and maintain an evidence base in order to provide high quality evidence-based policy advice. The HEA is accountable to the Minister for Further and Higher Education, Research Innovation and Science.

Context and background

Data provided to the CSO under this agreement shall be treated as strictly confidential, and used solely for statistical purposes. This shall be done in accordance with the Statistics Act, 1993, in particular section 30 which deals with access to and use of the records of Public Authorities for statistical purposes.

Purpose of the Memorandum of Understanding

The purpose of this MoU is to clarify the roles and responsibilities of, as well as the areas of cooperation between, CSO and the HEA with regard to the HEA sharing data with the CSO. The parties shall not process shared personal data in a way that is incompatible with the relevant purposes and this agreement.

This agreement is a MoU and is not intended to create binding or legal obligations on either Party. The MoU is entered into on the understanding that it is subordinate to the relevant legislation governing each Party.

This MoU also sets out a shared understanding of the parties in relation to data protection issues that may arise and roles relating to the compilation, transfer and use of this data. The processing of personal data of data subjects is governed by the Statistics Act, 1993 and the Data Protection Acts 1988-2018 and the General Data Protection Regulation.

Responsibilities of each Party

The data controller for personal data is the HEA. When the data is transferred to the CSO, the CSO becomes the data controller. It follows then that it is the responsibility of the CSO to report any data breaches relating to the data, once it is in their possession.

In the event of a breach relating to data the CSO will inform the Data Protection Officer of the HEA and also inform the HEA of the breach through the JLG. This notification will be made within 24 hours. In addition, the CSO will refer to their own data breach procedures and may report the breach to the Data Protection Commission as

appropriate. The HEA will not be held responsible for any loss, damage or injury caused as a result of such a breach. Both parties agree to co-operate in the eventuality of an audit in investigation carried out by the Data Protection Commissioner.

In the event of a breach relating to data the CSO will inform the HEA through the JLG, in advance, of any decision to issue a public statement in relation to the breach. Similarly, the HEA will inform the CSO through the JLG, in advance, of any decision to issue a public statement in relation to the breach.

The HEA will not provide additional data or operational support in respect of the notification of data subjects in the event of a breach relating to CSO data.

Legal background

Each party shall ensure that it processes the shared personal data fairly and lawfully in accordance with this agreement during the term. Transfer and processing of the data shall be done in accordance with the Statistics Act, 1993, the Data Protection Acts 1988-2018, the General Data Protection Regulation, EU law and in accordance with the CSO's Code of Practice, in particular its protocol on data matching where one or more datasets originate from outside of the CSO.

The transfer and processing of the data is covered by, inter alia, the following provisions:

- Section 13 of the Statistics Act, 1993, concerning the statistical independence of the Director General of the CSO;
- Sections 30 and 31 of the Statistics Act, 1993 concerning the use of the records of public authorities for statistical purposes;
- Sections 32 and 33 of the Statistics Act, 1993, concerning the protection of information;
- Section 24(2) of the Statistics Act, 1993 (as amended by Section 178 of the Data Protection Act), concerning the provision of information to the CSO;
- Article 6(1)(c) of the General Data Protection Regulation;
- Article 6(1)(e) of the General Data Protection Regulation;

- Article 89 of the General Data Protection Regulation;
- Section 42 of the Data Protection Act 2018;
- Article (9)(2)(j) of the General Data Protection Regulation;
- Section 54(c) of the Data Protection Act 2018.

Data transfer, security and data storage

The Parties agree to implement appropriate technical and organisational measures in accordance with Article 32 of the GDPR to protect the shared personal data in their possession against any Personal Data Breach. The data files shall be transferred to the CSO at regular intervals, as specified in Appendices 1 and 2. The files will be loaded to a password-protected Secure File Transfer Protocol (SFTP) server maintained by the CSO or sent using a password-protected HEAnet FileSender link. Metadata, data dictionaries, and other relevant documentation shall be provided for all data.

Data will be retained, securely stored and processed by the CSO in accordance with CSO and ADC Data Policies. The CSO shall not share the data transferred by HEA with any other third party. Both parties will only engage data processors in accordance with Chapter 4 GDPR and will not transfer shared data outside the EEA except in accordance with Chapter 5 GDPR.

The HEA will provide the CSO with the data in an agreed format. Information on data formats and delivery frequency shall be provided by the HEA in respect of the data files schedule. In accordance with the GDPR principle of accuracy, where either party becomes aware of inaccuracies in shared personal data, they will notify the other party as soon as reasonably possible and the other party shall take all reasonable steps to rectify such inaccuracies. In accordance with CSO policies on the control of data the CSO will not copy this data onto removable media (including laptop computers) unless appropriate security provisions are in place (i.e., encryption and password access) and there is an agreed business need to do so, in which case the CSO will inform the HEA of such need via the JLG.

Joint Liaison Group

A HEA and CSO Joint Liaison Group (JLG) will be convened, in accordance with the CSO's standard Data Governance Framework. The JLG will oversee the data sharing as agreed between the parties and summarised in this MoU.

The Terms of Reference (ToR) for the JLG will be agreed between the HEA and Central Statistics Office. The ToR will cover, amongst other things, membership of the JLG, frequency of meetings and scope of the JLG. Changes to the ToR must be jointly agreed by both parties.

Duration and Review of the Memorandum of Understanding

This MoU will be published on the CSO website (www.cso.ie) and the HEA website.

This MoU will remain in force until a new one is entered into or either the CSO or HEA revoke it. Depending on events, this MoU may be amended, subject to the mutual agreement of HEA and CSO.

This MoU will be reviewed biennially by the both the HEA and the CSO. Any changes to the MoU shall only be made with the mutual agreement of the HEA and CSO.

Signed



Central Statistics Office

Pádraig Dalton

Director General

Signed



Higher Education Authority

Dr Alan Wall

Chief Executive Officer

Date: 13th December 2023

Date:

Appendix 1

Variables held on the Student Record System to be used by the CSO to generate statistics on higher education enrolments and graduates.

The following variables are requested in accordance with Section 30 of the Statistics Act, 1993. Data is to be provided for the March and November returns for all years available and annually going forward.

- Academic_Year
- Accumulated_Credits
- Add_On
- Address 1-5
- Age
- Age_Group
- Award_Body
- PPSN
- Cao_Code
- Co_Ordinating_Ins
- County_Code
- County_Desc
- Course_Code
- Course_Completion_Credits
- Course_Name
- Course_Year
- Current_Year_Credits
- Date_of_birth
- Dom_Continent_Code
- Dom_Continent_Desc
- Dom_Eu_Non_Eu
- Dom_Ireland_GB
- Domicile_Country
- Domiciliary_Code
- Eircode
- Enrol_Status_Code
- Exchange_Code
- Fees_Code
- Full_Time_Credits
- Funding_Indicator
- Gender_Code
- Gender_Long
- Grade_Code
- High_Qual_Code
- Institute
- Institute_Code_Combined
- Institute_Combined

- Isced_Broad_Desc
- Isced_Broad_Discipline
- Isced_Code
- Isced_Discipline
- Isced_Narrow_Desc
- Isced_Narrow_Discipline
- Last_Inst_Code
- Last_Inst_Desc
- Mode_Code
- Mode_Desc
- NFQ_Level
- Nat_Continent_Code
- Nat_Continent_Desc
- Nat_Eu_No_Eu
- Nationality_Code
- Non_Eu_Fee_Code
- Non_Standard_Award_Code
- Non_Standard_Award_Desc
- Nsa_Code
- Outreach
- Phd_Code
- Postal_Code
- Prog_Code
- Prog_Name
- Progtype_Code
- Progtype_Desc
- Province_Code
- Province_Desc
- Residence_Code
- Return_Year
- Student_Code
- Student_ID
- Upskill_Code
- Entry Basis

Appendix 2

Variables held on the Graduate Outcomes Survey to be used by the CSO to generate statistics on higher education graduates.

The following variables are requested in accordance with Section 30 of the Statistics Act, 1993. Data is to be provided up to the 2022 survey for all years available and annually going forward.

- PPSN
- Student_ID
- Institution_Name
- ISCED information
- Year of graduation
- Return Year
- Response
- Principal_Economic_Status_MOST
- Job_Title
- Occupation_Broad
- Organisation
- Employment_Where
- Employment_Ireland
- Employment_Overseas
- Sector_Broad
- Employment_Type
- Contract
- Salary
- Placement
- Placement_Time
- Relevance
- Qual_Need
- Institution_Where
- Institution_Ireland
- Institution_Overseas
- Further_Institution
- Further_Course
- Further_ISCED
- Award_Sought
- Further_Mode
- Why_Do_Further_Study
- Other_Activity_A
- Other_Activity_B

