



# Higher Education and Research Act 2017

## 2017 CHAPTER 29

### PART 1

#### THE OFFICE FOR STUDENTS

##### *Powers of Secretary of State to obtain information and advice*

#### **78 Power to require information and advice from the OfS**

- (1) The OfS must provide the Secretary of State with—
  - (a) such information regarding any of its functions, or obtained in the performance of any of its functions, as the Secretary of State may require it to provide, and
  - (b) such advice regarding any of its functions as the Secretary of State may require it to provide.
- (2) The OfS must provide information or advice under subsection (1) in such form as the Secretary of State may require.

#### **79 Power to require application-to-acceptance information**

- (1) The Secretary of State may, by notice, require a body within subsection (2) to provide such application-to-acceptance information as may be described in the notice for use for qualifying research.
- (2) A body is within this subsection if it provides services to one or more English higher education providers relating to applications for admission on to higher education courses provided by them.
- (3) “Application-to-acceptance information” means information relating to—
  - (a) applying for admission on to higher education courses provided by English higher education providers (including predicted grades),
  - (b) offers and rejections regarding which individuals are admitted on to those courses, or

- (c) the acceptance of such offers.
- (4) “Qualifying research” means—
  - (a) research into the choices available to individuals who are—
    - (i) applying for admission on to higher education courses provided by English higher education providers, or
    - (ii) considering whether to accept an offer for admission on such a course from such a provider;
  - (b) research into equality of opportunity;
  - (c) research into any other topic approved by the Secretary of State.
- (5) The notice under subsection (1) may require the information to be provided—
  - (a) by a time specified in the notice, and
  - (b) in a form and manner specified in the notice.
- (6) If a body fails to comply with a notice under subsection (1) and does not satisfy the Secretary of State that it is unable to provide the information, the Secretary of State may enforce the duty to comply with the notice in civil proceedings for an injunction or (in Scotland) an interdict.
- (7) In this section, “equality of opportunity” means equality of opportunity in connection with access to and participation in higher education provided by English higher education providers.
- (8) See section 80 regarding the use of information obtained under this section.

## **80 Use of application-to-acceptance information for research purposes**

- (1) The Secretary of State may—
  - (a) use information obtained under section 79 for use for qualifying research, and
  - (b) provide information obtained under section 79 to an approved person for use for qualifying research.
- (2) The Secretary of State or an approved person may publish the product of research conducted using information obtained under section 79 so long as—
  - (a) a purpose of the Secretary of State or the approved person in publishing it is to provide statistical information,
  - (b) no individual to whom the information obtained under section 79 relates may be identified from the publication, and
  - (c) the publication does not include information obtained under section 79 that may be regarded as commercially sensitive.
- (3) “Approved person” means—
  - (a) a body approved by the Secretary of State for the purposes of this section that uses or disseminates information for the purpose of research (“an approved body”), or
  - (b) an individual approved by the Secretary of State or an approved body for the purposes of this section (“an approved researcher”).
- (4) An approved body may provide information obtained under section 79 to an approved researcher, but an approved researcher may not provide that information to—
  - (a) another approved researcher, or

- (b) another approved body.
- (5) The Secretary of State must publish guidance regarding factors that will be taken into account in deciding whether to approve a body or individual for the purposes of this section.
- (6) “Qualifying research” has the same meaning as in section 79.