
From: REDACTED

Sent: 22 August 2024 10:54

To: REDACTED

Cc: Data Protection Mailbox <dpo@uel.ac.uk>

Subject: RE: Confidential: Permission for E Discovery

Thanks REDACTED

Appreciate the swift response.

Kind Regards

REDACTED

From: REDACTED

Sent: Thursday, August 22, 2024 10:31 AM

To: REDACTED

Cc: Data Protection Mailbox <dpo@uel.ac.uk>

Subject: Re: Confidential: Permission for E Discovery

Thank you REDACTED

I'm happy with the answers.

The reason for the second caveat was to ensure that what is happening is fair in the circumstances (fairness being one of the data protection principles which have to be met).

I'm happy to authorise this search.

Thanks,

REDACTED

Interim Data Protection Officer

University of East London

University of East London

University Way

London E16 2RD

From: REDACTED

Sent: 22 August 2024 10:23

To: REDACTED

Cc: Data Protection Mailbox <dpo@uel.ac.uk>

Subject: RE: Confidential: Permission for E Discovery

REDACTED,

Thank you for coming back to me during such a busy time and I appreciate you outlining the reason for your decision and caveats and please see my response below;

Caveats

- REDACTED is aware of the additional search and has been provided the chance to object/raise concerns – I have discussed verbally at 121 and followed up via email attached letting her know I will be pursuing e discovery.
- Any potential outcome of the search for REDACTED should have been communicated, including if there is any potential for performance management

or disciplinary procedure and HR processes followed for these – This has not been done because REDACTED maintains and has maintained throughout that these emails exist and I don't want to accuse anyone of lying unless there is evidence to support that as that is a very serious accusation. As a result I am doing the search with the intention and understanding from REDACTED that the emails will be found as REDACTED has maintained their existence and provided 'forwarded' copies which whilst timestamped are not the original timestamped version. As a result we are trying to investigate the failure of the programme. In the instance they don't exist then there is potential for performance management and/or disciplinary proceedings however that does entirely depend on the outcome which to date is not clear.

- The search to be carried out by the IT Security team using clear, targeted parameters which are not excessive to the purpose and not to be used as a fishing exercise – We will only be looking for the 4 Timestamped Emails in Question – Nothing else will be in the scope of this search.

Please let me know whether the actions I have taken are sufficient or whether I need to have a follow up conversation as to the potential outcomes?

Kind Regards

REDACTED

From: REDACTED

Sent: Thursday, August 22, 2024 10:04 AM

To: REDACTED

Cc: Data Protection Mailbox <dpo@uel.ac.uk>

Subject: Re: Confidential: Permission for E Discovery

Hi REDACTED,

My apologies for not responding sooner, at the moment it's just me while my colleague is on leave.

I have checked the monitoring policy and access to information and monitoring (which includes emails) may be authorised:

- To ensure the operational effectiveness of the service, ... and
- To establish the existence of facts relevant to the business of the institution.

Legal basis

From a data protection perspective this would count as the University's legitimate interests. Processing for this purpose must balance the legitimate interests against the rights and freedoms of the individual whose personal data is processed. Processing the data must be necessary for the purpose. The individual also has the rights to object, which we must consider and decide whether or not to uphold.

In this case there has been an issue which has not only compromised the effectiveness of a service provided by us, but which has also negatively affected 11 of our customers. It is a reasonable expectation that we would investigate what has happened in order to improve our services and in order to do so we must establish the facts. Given REDACTED was acting on behalf of the University in this matter, while her personal data will be processed in order to carry out the investigation, she is accountable to the University for her work and therefore it is reasonable to carry out a targeted search to establish the facts. I understand that REDACTED is aware of the proposal to carry out the search, and given that she has provided evidence of these emails, it would be to her benefit for the original emails to be found. Is REDACTED in favour of carrying out the additional search/has she been given the chance to object to it and explain her objection?

You have already carried out other searches for the emails and this is the last option there is, therefore it is necessary to carry out this additional search in order to resolve the matter.

Caveats

- REDACTED is aware of the additional search and has been provided the chance to object/raise concerns
- Any potential outcome of the search for REDACTED should have been communicated, including if there is any potential for performance management or disciplinary procedure and HR processes followed for these

- The search to be carried out by the IT Security team using clear, targeted parameters which are not excessive to the purpose and not to be used as a fishing exercise

With these caveats in place, I'm happy to authorise the search.

Please let me know if you have any questions or concerns.

Thanks,

REDACTED

Interim Data Protection Officer

University of East London

University of East London

University Way

London E16 2RD

From: REDACTED

Sent: 22 August 2024 09:17

To: REDACTED

Subject: FW: Confidential: Permission for E Discovery

REDACTED

Hope this email finds you well -

I wanted to follow up on the request sent to the DPO Mailbox regarding eDiscovery Permission (Below). I appreciate you and your team have a high workload however I am conscious I don't want this investigation to prolong any longer than needed as I know both myself and the individual involved are keen to bring this to a conclusion and more importantly understand what has happened with the emails in question.

Please do let me know if you have any questions or need anything further,

Thank you in advance,

Kind Regards

REDACTED

From: REDACTED

Sent: Thursday, August 15, 2024 7:26 AM

To: Data Protection Mailbox <dpo@uel.ac.uk>

Cc: REDACTED

Subject: Confidential: Permission for E Discovery

Morning –

I am writing to seek permission to run an e discovery on REDACTED's sent/received emails as per the below business case. I am the line manager and give permission for this action to take place and I have also spoken to REDACTED regarding this and notified her I will be pursuing this.

Business Case

Our institutional Graduate Outcomes survey is a regulatory survey undertaken by HESA on Graduates 15 Months post-Graduation. This is an important regulatory return which impacts our national ranks and is regulated via the OFS. As a preparatory measure we undertake internal calls at 9-12 Months to assess students status of students and provide intensive follow up support to those not in a positive graduate outcome (Unemployed or Under-employed) this includes Internships, Graduate Jobs, Programmes and 121 Support. During the initial survey we ask students what initiative they would like to take part in so we can follow up on preferences. This year is of particular institutional importance and under scrutiny with UEB and BoG as our institutional outcomes decreased in 23/24. Every 7 Students is considered around 1% so every effort counts in this instance.

Following this year's calling campaign REDACTED and one of her team received the data regarding 11 Graduates on 20th May who expressed they would like to take part in the Career Accelerator, a intensive 121 support programme. It has been confirmed that REDACTED would agree to follow up with these 11 as her team member was going on leave. At the point of the programme completing I became aware that none of the 11 Graduates were on the programme and therefore I started an investigation to understand what efforts had been made to engage these graduates and overall investigate the failure of the programme.

REDACTED has provided evidence of two forwarded emails which she sent (BCC) to the 11 Graduates and to herself so there should be 4 corresponding original copies. The forwarded copies of these email only show her as the recipient and therefore I have requested copies of the original emails to draw this to a conclusion. REDACTED cannot find either the original sent or received emails and we have pursued a search through IT (REDACTED). The original search found no trace of these emails other than the forwarded version and therefore this was escalated to IT Security. They have used MS defender and Mimecast to run a search however as these emails are over 30 Days the search capability exceeds this. They have also actioned a 'deleted items' recovery and these emails were not found.

We are at a point where the IT search remains inconclusive given then capabilities of Mimecast and MS Defender and REDACTED is adamant these emails have been sent and the forwarded copies have been provided to support this. Therefore the only way to bring a firm conclusion to this investigation is to undertake a search beyond 30 Days.

Given the institutional significance of our GoS it is important that we drawn conclusion and understand what has happened with these emails in question.

Thank you in advance and please let me know if you have any questions,

Kind Regards

REDACTED