

What is Export Control?

The UK Export Control regime refers to a set of legal restrictions on the transfer of certain goods, technology, software and knowledge (in various forms) from the United Kingdom to a destination or destinations outside the UK. These transfers can be made physically (e.g. a device or information on a USB storage device) or by phone, email or other means. The foundations of the Export Control regime are embedded in various international treaties and regimes, including binding obligations on United Nations member states.

The primary purpose of Export Control restrictions is to limit the proliferation of weapons of mass destruction and so apply to the transfer of items which have a military purpose and those items which have both a potential military or civil application ("Dual Use" items). The Export Control regime in other countries varies and it is important to identify whether a different Export Control regime may be imposed on the University as a condition of engaging with companies operating in global markets and in particular those based in the United States of America. The University also complies with the Academic Technology Approval Scheme, which is independent of the Export Control regime, but related.

Domestic and foreign Export Control regimes come with full criminal enforcement for culpable individuals. The University has an absolute obligation to remain compliant with applicable Export Control regimes.

Why have a policy?

The University's mission to undertake excellent research, provide world-class education and be a leader in enterprise means that we engage widely with universities, students and businesses from across the world.

Export Control is a significant aspect of UK security legislation, is broad in its application and has the potential to affect an extensive range of academic disciplines. As a responsible institution, mindful of its charitable status, the University takes legal compliance very seriously. UK Export Control compliance is not optional.

The University has a duty to ensure it remains compliant with the UK Export Control regime. Individual members of staff have personal duties to comply with the Export Control regime. Failure to comply can lead to criminal sanctions, with fines in the £100,000s and prison sentences of up to 10 years for non-compliance.

An export can take place reasonably easily and sometimes inadvertently, so it is vital that all staff are aware of the issues. For example, remotely logging in to the University's servers while abroad can, in some circumstances, constitute a controlled export.

The cost of technical compliance with handling Export Controlled information, software and technology, can be significant – doubly so for compliance with USA Export Controls – and must be considered at the earliest stages of establishing an activity.

In that context, it is vital the University not only has a strong policy statement on Export Control, but robust organisational procedures in place to support individual members of staff in staying within the limits of the applicable regime.

Ethical considerations naturally flow from both the need to comply with the Export Control regime itself and the principles which underpin it. The Ethical Policy Framework includes approval processes for research relating to military and related technologies and security sensitive subjects.

What is the University's approach?

The University is cognisant of its duty to its staff and responsibilities not only as a charitable body, but as a responsible institution forming part of the British, European and global communities engaged in research, teaching and enterprise. The risks involved with engaging with activities which are subject to the Export Control regime are significant – to the University, individual academics and the security interests of the United Kingdom – and wherever possible, a practical solution should be sought which does not require the University to export (within the meaning of the legislation) any materials or content subject to the regime. Conversely, the University should seek to avoid receiving anything which may be subject to the onerous provisions of the USA Export Control regime.

There will of course be some situations where the benefits of engaging in export controlled activity are such that the risks are considered acceptable. The University:

- Will not engage in any activities prohibited by the UK Export Control regime;
- Will ensure that all staff and post graduate researchers are aware of Export Control considerations and how they apply to their activities. While it is the responsibility of each individual member of staff to be familiar with the rules, the University will provide or signpost to appropriate training to assist;
- Will have robust procedures in place for assessing whether Export Control considerations apply;
- Will consider applying for appropriate licences for any activities restricted by the UK Export Control regime and will not undertake such activities until such times as licences are in place;
- Will, where a licence has been granted or the University is receiving Export Controlled materials, have robust technical and procedural measures in place to ensure the security of those materials (be it data, technology, software, etc);
- Will centrally manage the University's UK Export Control licences and applications.

The University believes the following disciplines are most likely to be affected by the Export Control regime:

- Automotive and Aeronautical
- Chemical Engineering
- High Performance Computing
- Sports, Exercise and Health science

However, these are not exclusive, as the applicability of the Export Control regime is broad.

Who is responsible for Export Control at the University?

The Legal Services Team is responsible for administering the University's export control processes and providing training and guidance to staff.

Information Technology Services plays a significant role in advising and guiding on the technical security aspects of ensuring compliance within the University via Technology Control Plans.

The Dean and ADR of each School (and where applicable the Director of the relevant professional service) shall have responsibility for ensuring compliance within their area of responsibility and ensuring that new staff members are aware of their obligations under the Export Control regime. This policy is owned by the Chief Operating Officer. Information Technology and Governance Committee is responsible for approving adoption of and changes to this policy.

Who at the University approves applying for a licence?

- Applying for a licence requires the approval of the Chief Operating Officer (or their nominee)
- Licences are applied for by the Legal Services Team, following the adopted process
- Factors that will be considered include:
 - The ethical implications of the activity and the comments of Ethics Committee
 - The reputational implications of the activity on the University
 - The costs of applying for a licence
 - The 8 consolidated criteria as applied by the UK Export Control Organisation

Is there more help available?

A toolkit has been developed to assist colleagues and training will be made available.

Any members of staff with concerns as to non-compliance with the Export Control regime or this policy should raise this with their line manager in the first instance or with the Head of Contracts.

Approved by Information Technology and Governance Committee
September 2018