



University of Essex



# **Trusted Research Policy**

## **Trusted Research Policy and Process for international collaborative research projects**

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# Background and context

The purpose of this policy is to ensure that a sensible and proportionate approach is taken to Trusted Research Principles for research projects at University of Essex that involve partnership or collaboration with external partners. It provides guidelines regarding Export Controls and the National Security and Investment Act for research projects. Guidelines for educational activities and other visits and partnerships will be considered through a parallel stream of work. This policy is separate from but has a dependency with the [Due Diligence Policy and Process](#) (.pdf).

The policy details how the University of Essex will fulfil its obligations in relation to what UK Research and Innovation (UKRI) refers to as [Trusted Research](#), which is a term for referring to “protecting the UK’s intellectual property, sensitive research, people and infrastructure from potential theft, manipulation and exploitation, including as a result of interference by hostile actors.”

This policy and process applies to all University of Essex research projects that involve collaboration with external partners. Where a research partner subcontracts further work, it is recommended that the policy is adopted by those partners, or that a similar policy is created.

## Why do we need this policy?

UK Research and Innovation (UKRI) have put Trusted Research Principles in place to protect the integrity of the system of international research collaboration. These protect the security and reputation of the UK’s research institutions and the national security of the UK.

The University and individual staff members are obliged to comply with Export Control Legislation and the National Security and Investment Act and can face penalties if they are found to be in breach of the relevant legislation.

This policy will enable the University and its staff to mitigate risks and be assured that projects can be carried out without jeopardising the security of the University and its staff.

When working internationally, risk may arise from many areas, including travel, sharing of data and the generation of intellectual property. The exposure to risk may differ from department to department, with departments engaging in technology research at particularly high risk, though all departments have the potential to be exposed to the kinds of risks covered by this policy.

Although risks are naturally greater when research takes place in collaboration with entities in sanctioned or high-risk countries, the Trusted Research Policy’s scope is not limited to such projects. The risks to the University are present for all research activity, including funded and unfunded projects, and research activity that does not form part of a project.

# Alignment with Official Trusted Research Guidelines

This policy aligns with and utilises the UKRI Trusted Research guidelines and NPSA Trusted Research Guidelines. As such this policy and process should be read alongside the [UKRI guidelines](#) and the [NPSA guidelines](#).

## Trusted Research and the due diligence process for Research Partners

The purpose of due diligence is to ensure the University is aware of the risks presented by a proposed research partner and can take the necessary action in advance to mitigate such risks. Alternatively, the University can choose not to work with a proposed partner if there are significant risks associated with them and insufficient actions can be taken to mitigate for them (see the [Due Diligence Policy](#) for more information). As recommended by [UK Research and Innovation](#), the Due Diligence Process includes additional checks for research projects where concerns about Trusted Research Principles arise. The Due Diligence Policy explains how the two processes interact in practice.

## Foundations of Trusted Research

This Policy is based on the following:

Number	Area
1	National Security and Investment Act (2022)
2	Export Control Legislation*
3	Academic Technology Approval Scheme (ATAS)

\*including but not limited to:

- Customs and Excise Management Act 1979
- Export Control Act 2002
- Export Control Order (as amended) 2008

### 1 National Security and Investment Act (NSIA)

The NSIA is posited as a “sensible and proportionate” means to manage risks to national security.

The legislation covers acquisitions of shares, assets, intellectual property, land or control in UK institutions and therefore affects many of the research partnerships undertaken by the University of Essex.

It requires organisations to notify the Government of certain acquisitions so that they can be reviewed. If necessary, the Government can impose conditions on or even block acquisitions entirely, should it be deemed that they pose a risk to national security.

The NSIA applies to the following 'sensitive' research areas:

- Advanced Materials
- Advanced Robotics
- Artificial Intelligence
- Civil Nuclear
- Communications
- Computing Hardware
- Critical Suppliers to Government
- Cryptographic Authentication
- Data Infrastructure
- Defence
- Energy
- Military and Dual-Use
- Quantum Technologies
- Satellite and Space Technologies
- Suppliers to the Emergency Services
- Synthetic Biology
- Transport

According to the NS&I Act, it is mandatory to notify government of certain types of acquisition and there is also a voluntary notification process for use in cases where there is uncertainty about whether a transaction is within scope of NS&I.

## **2 Export controls**

Export Control Legislation can apply to academic research and therefore must be considered when carrying out international research at the University of Essex.

Some exports are prohibited without a licence. These include:

- goods, software and technology appearing on control lists
- exports to countries subject to arms embargo, trade sanctions and other trade restrictions

The term 'exports' can include tangible or intangible goods, information, or technology sent to any individual or organisation based overseas.

Research that is most frequently in scope of export control legislation is research that has direct military applications or that could be applied to military purposes (known as *dual-use* technology.)

Academic research is not exempt from this, though there are some exceptions, as described on the Government's Export Control guidance. Various activities that are carried out under organised research projects, or in the course of regular academic work, could be subject to Export Control. If staff are unaware of their responsibilities under this legislation, these activities may pose a risk to the University.

The following (not an exhaustive list) could be subject to export control:

- research on behalf of an international partner
- international collaboration
- presentations at conferences
- export of materials
- teaching
- academic exchange with a colleague at an overseas institution (including via email or in person)

This policy will outline processes to protect the University and its staff from breaching Export Control legislation and how staff can access support in making decisions regarding research that may be affected.

### **3 Academic Technology Approval Scheme (ATAS)**

ATAS certificates are required for researchers and students visiting the UK for the purposes of research or study in some subject areas. The subjects and research areas are those where knowledge could be used in programmes to develop Advanced Conventional Military Technology (ACMT), weapons of mass destruction (WMDs) or their means of delivery. Researchers and students in these sensitive subjects must apply for an Academic Technology Approval Scheme (ATAS) certificate before they can study or start research in the UK. A list of professions that require ATAS certificates and a list of exempt nationalities are shown in the ATAS academic technology approval scheme guidance.

# University of Essex responsibilities

The University will ensure that researchers whose work falls within the remit of export controls have the resources necessary to fulfil their obligations, including access to necessary equipment and IT support.

The University will provide guidance to researchers to enable them to carry out research in as safe a manner as possible and minimise risks to themselves, colleagues and the University. Some guidance is shown on the University's [Trusted Research webpage](#).

The University may seek external legal advice for complex or high-risk cases.

## Researcher responsibilities

Staff at University of Essex are responsible for ensuring they do not carry out research-related work in a way that puts themselves, colleagues or the university at risk.

When Academic staff are also responsible for supervising other researchers, they have a duty of care towards those researchers to ensure those researchers do not put themselves, colleagues or the university at risk.

Trusted Research principles do not apply solely to funded projects; they cover all academic work, including but not limited to research trips, collaborations and some teaching.

### Before starting the project

Before initiating a collaboration, Academic staff should review this Policy or the [Trusted Research Guidance](#) to begin to identify any risks that may require mitigations, including legislative requirements, such as export controls. If there is doubt, the individual should consult their Director of Research for advice. The researcher or Director of Research should consult with the Due Diligence Team within the Research Enterprise Office (REO).

Staff at University of Essex **must not start** research activities where there exists doubt about whether it falls within the scope of the legislation, until the relevant processes have been completed or the doubt has been resolved. In some cases this may require discussion with the funder (should the project be externally funded) to delay the start date of the project.

“Starting research activities” includes but is not limited to the collection of data, sharing of intellectual property, discussion of sensitive data and presenting such information at conferences and seminars. It does not include preliminary discussions about collaborating or discussing grant applications, providing those discussions do not include anything that may constitute a controlled export. This guidance does not mean that researchers cannot begin a project at all, but researchers should exercise caution not to carry out any activities that breach the legislation.

Researchers must provide accurate and detailed information about the project to enable the REO Due Diligence Team to make an accurate assessment of associated risks which will require management and mitigation in order for the project to proceed safely and securely. The REO Due Diligence Team will contact researchers to request this information.

## **ATAS certificates**

ATAS certificates are required for researchers and students visiting the UK for the purposes of research or study in some subject areas. It is the responsibility of the individual or department inviting the researcher to check that the visitor has applied for an ATAS certificate. Failing to show the certificate upon entry to the UK may result in refusal of entry. University of Essex Staff should familiarise themselves with the requirements of the scheme. Researchers can check whether an ATAS is required using the [Government's Checking Tool](#).

## **During the project**

### **Projects subject to export controls**

If an export licence is granted for a research project, some project-specific measures may need to be put in place to comply with the legislation. These measures will vary depending upon the nature of the project and will be agreed between the REO, the Academic Department and partner institutions or individuals. However, for all projects, the guidance below will apply.

Export Licences are owned by the University of Essex and ultimate responsibility lies with the Office of the Vice-Chancellor and the Pro-Vice Chancellor for Research.

Individual staff are responsible for complying with the Export Licence and any instructions or contracts put in place by the University of Essex.

Researchers should monitor the project's adherence to the export licence and instructions given by the University. Researchers should notify their Head of Department and the REO Due Diligence Team as soon as possible, should there be any changes to the project that may cause it to deviate from these guidelines or the scope of an export licence.

Consideration should be given to the protection of controlled information, even when the information is not actively being exported. This could include considerations such as moving computers out of sight of unauthorised users, the use of offline data rooms or the use of new laptops.

Under an export licence, the transmission of certain information (such as a computer script or designs for a device) would constitute a controlled export. In these cases, researchers should email [reo-export-control@essex.ac.uk](mailto:reo-export-control@essex.ac.uk), including a copy of the exported information, each time they make such a transmission, unless alternative arrangements have been agreed with the REO Due Diligence Team. Likewise, the Principal Investigator should forward information regarding any goods or other exports to [reo-export-control@essex.ac.uk](mailto:reo-export-control@essex.ac.uk), for export compliance requirements.

## All research projects

Staff who are responsible for **any ongoing research project** must monitor for changes that potentially bring the project into the scope of either Export Controls or the National Security and Investment Act (NSIA). Responsible staff should periodically refer to the [Trusted Research Questionnaire](#) to check whether the REO should be notified of any changes. A project being out of scope of the legislation at the outset does not mean that it will stay that way, and there may be legal penalties for individuals who fail to take the necessary steps in this regard.

Beyond this, staff must be diligent when sharing information and data. Staff should refer to the [Research Privacy Notice](#), as well as taking care to encrypt data during transmission and not to share sensitive data with unauthorised individuals or organisations, taking care to ensure compliance with data protection legislation.

# REO responsibilities

## Before the project

When the REO learns of research projects that have the potential to be subject to Export Control licences or NSIA Notifications, the REO team concerned should then notify the REO Due Diligence Team, who will liaise with the relevant researchers to determine the scope of the project and how Trusted Research might apply.

The REO Due Diligence Team will check the project against legislation to determine whether an export licence, an NSIA notification, or both, are needed (this includes asking the PI to complete the [Trusted Research Questionnaire](#)). This may require consultation with the Government's Research Collaboration Advice Team (RCAT). The Director of the REO is the University's appointed RCAT representative. Consultation with external legal experts may also be required. This may require carrying out enhanced ad-hoc due diligence on proposed partners in order to determine risk, at the discretion of the Head of Research Governance and Planning.

The REO Due Diligence Team will use the Government's [SPIRE](#) system to apply for export licences or make formal enquiries with the Export Control Joint Unit. The REO Due Diligence Team will also use the NSIA Portal at [Gov.UK](#) to make notifications to the Investment Security Unit to comply with the NSIA.

The REO Contracts Team will include clauses that refer to National Security and Export legislation in all contracts with research partners. Should extra detail be required, the Contracts Team will liaise with colleagues and partners about additional clauses.

The REO Due Diligence Team will maintain records of projects that are referred to them under the Trusted Research Process, and notify relevant staff when licences expire or require renewal.

The Director of the REO should escalate complex or borderline cases to the Registrar and Secretary. The Registrar and Secretary have responsibility for determining whether an export licence should be applied for, or whether an NSI notification should be made, in these complex cases.

The steps below outline the Trusted Research Process:

- Step 1:** The REO Due Diligence Team are alerted (by other REO teams or by a researcher directly) to concerns about a research activity.
- Step 2:** The REO Due Diligence Team contact the Principal Investigator (PI) or researcher to obtain further information about the research activity and explain the process.
- Step 3:** If necessary, the REO Due Diligence Team make enquiries with RCAT or the ECJU about whether the activity falls within the scope of the legislation.
- Step 4:** The REO Due Diligence Team complete the relevant process to obtain an export licence or complete a National Security and Investment Act notification (see [Appendix B](#)).
- Step 5:** The REO Due Diligence Team notify the PI or researcher that the process is complete and advise if any restrictions have been imposed upon the activity.
- Step 6:** Once the above steps are complete, all files and e-mail communications are stored in the Due Diligence Team Box area and within the RCP record on Unit 4 to provide an audit trail.

## **Release of Funds (Funded Projects only)**

The Director of the REO or their nominee holds responsibility for the release of funds for projects for which Trusted Research concerns exist. The funds may be unconditionally released, they may be withheld until the Trusted Research checks by the REO Due Diligence Team are complete, or they may be released with conditions.

If funds are released with conditions, this will be as part of a proportionate approach to allowing research to begin while managing risk. The conditions will only be those necessary to protect researchers from breaching the legislation cited in this policy, in conjunction with good research practice and data protection practices from researchers.

## **During the project**

For projects that last more than one year, the REO Due Diligence Team will send a follow-up questionnaire every 12 months after the start of the project. The purpose of this will be to verify that export controls are being followed and that the project has not significantly deviated from the plans. It will also provide an opportunity to discover whether the researchers need any assistance regarding exports.

# Escalations

In the first instance, escalations are directed to:

Shereen Anderson, Deputy Director (Research Support) – [shereena@essex.ac.uk](mailto:shereena@essex.ac.uk)

Phineas Wenlock, Head of Research Governance and Planning - [pwenlock@essex.ac.uk](mailto:pwenlock@essex.ac.uk)

Initially, this is to gauge the next steps which should be taken, e.g., to seek clarification from individuals involved about whether there is anything that can be done to resolve the potential issues of concern.

Advice is taken from specialists before escalation to the Director of the REO and then to the Registrar and Secretary if necessary.

# Appendices

## Appendix A: Trusted Research Questionnaire

Person responsible for completion: Principal Investigator at University of Essex

The institution will keep this information on record for the purposes of risk management and compliance. It may be shared with staff, professional advisors, partners, auditors, regulators and funders as required in the performance and assurance of due diligence connected with this project or other research projects where we are collaborating with you.

Please complete the following questions to the best of your knowledge, and sign and date where shown.

If you have any questions, please contact the REO Due Diligence Team at [reo-due-diligence@essex.ac.uk](mailto:reo-due-diligence@essex.ac.uk). Some guidance can be found in below the table.

**Project Reference: RCP\_\_\_\_\_ (funded projects only)**

### Section A

Category	Nature of Project	Response
A1	What practical applications does this research have?	
A2	What potential military or defence purposes could this research have?	
A3	Do you wish to add anything?	

### Section B

Category	Sensitive Data and Intellectual Property	Response
B1	Are you providing existing intellectual property (IP), research data, confidential or personally identifiable data to the project?	Yes / No / N/A. If yes, please describe
B2	Who will own any IP that is generated?	Please describe the arrangements here. (or put N/A)
B3	How will you protect IP partially or wholly owned by University of Essex?	

## Section C

Category	Partners and Collaborators	Response
C1	Please list <b>all</b> your collaborators outside of the University of Essex, including organisation and country:	Name: Organisation: Country:  Name: Organisation: Country:
C2	Do you have any concerns about the collaborator(s) motivations for working with you?	Yes / No. If yes, please describe here.
C3	What deliverables do the collaborators expect? Please highlight any of these deliverables that are unusual for this kind of project.	Please provide a brief description.
C4	Has the collaborator pushed to change the project in any way that has caused you concern?	Yes / No. If yes, please describe here.
C5	Does the partner have a parent organisation that might exert control over its activities?	Yes / No. If yes, please describe here.
C6	Are you planning to visit the partner organisation(s)?	Yes / No. If yes, please specify which partner organisation(s), and how long for (e.g. 1 visit for approx. 2 weeks)
C7	Is anyone from a partner organisation(s) planning to visit University of Essex?	Yes / No. If yes, please specify which partner organisation(s), and how long for (e.g. 1 visit for approx. 2 weeks)

## Section D

Category	National Security and Investment Act	Response
D1	In relation to the project, will any partner organisation gain control of use of assets of the University of Essex?	Yes / No. If yes, please describe here.
D2	Will any partner organisation have control of or influence on appointments of staff at the University of Essex?	Yes / No. If yes, please describe here.
D3	Does the project relate to any of the 17 sensitive research areas (see <a href="#">Guidance 1</a> )?	Yes / No. If yes, state which areas:

I certify that the information provided above is accurate to the best of my knowledge.

Name:

Date:

### Guidance 1: Sensitive Research areas

- Advanced Materials
- Advanced Robotics
- Artificial Intelligence
- Civil Nuclear
- Communications
- Computing Hardware
- Critical Suppliers to Government
- Cryptographic Authentication
- Data Infrastructure
- Defence
- Energy

- Military and Dual-Use
- Quantum Technologies
- Satellite and Space Technologies
- Suppliers to the Emergency Services
- Synthetic Biology
- Transport

## **Guidance 2: Question Guidance:**

A1 & A2: This question seeks to understand the nature of the research and whether there are any potential risks should the ideas or intellectual property fall into the hands of dangerous entities. This will help us determine what steps we need to take in order to protect the project's staff and information. Both of these questions relate to the classification of research as *military use* or *dual use*, as defined by the UK Government. A full list of controlled items can be found here: [Consolidated List of Strategic Military and Dual-Use items](#)

B1: This refers to information that was created before the project began and you intend to contribute to the project and that may be accessed by individuals outside of the University of Essex.

B2 & B3: If the project includes the possibility to create new intellectual property, including but not limited to: technology designs, patents or software, please use these questions to describe these plans. If you have questions about the generation of intellectual property, please contact your department's REO representative.

C1: It is important we know where the collaborators are located as there are risks that are specific to some territories and organisations.

C2-C5: These questions are to check for unusual collaborations where there may be some doubt about the motivation of collaborators or partners. This helps us identify and manage risks to staff safety and information security.

D1: *Assets* include: land, tangible moveable property and ideas, information or techniques which have industrial, commercial or other economic value ('intellectual property').

## **Appendix B: Trusted Research Documentation**

[University of Essex Trusted Research webpage](#)

Link to export control enquiry questionnaire on website (when published)

[Due Diligence Policy \(.pdf\)](#)

[HEECA - Explanation of when items become 'decontrolled'](#)

## **Appendix C: Additional Information**

[National Protective Security Authority - Trusted Research Guidance](#)

[Transparency International - Corruption Perception Index](#)

[UK Government webpage on Export Controls](#)

[UK Government webpage on NSIA](#)

[UK Government - Find out if you require an ATAS certificate](#)

[UK Strategic Export Control List](#)

## Document Control Panel

Field	Description
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