



UNIVERSITY OF
EASTERN FINLAND

SUBSTANCE ABUSE PROGRAMME FOR STUDENTS

An action plan for preventing students' substance abuse and for providing support in addressing problem situations

Updated 2019

Contents

1. Introduction.....	3
2. Preventive activities.....	4
2.1 The role of the University	4
2.1.1. Organisation of the activities	4
2.1.2. Teacher tutor activities.....	4
2.1.3. Student tutor activities.....	5
2.2 The role of the FSHS.....	5
2.3 The role of student organisations	5
3. Recognition of a substance abuse problem	6
3.1 The role of the University	6
3.2 The role of the FSHS.....	6
3.3 The role of students and student organisations.....	6
4. Intervening in substance abuse	6
4.1 Early intervention discussion	7
4.1.1 Early intervention discussion by teaching staff	7
4.1.2 Substance abuse contact person.....	7
4.1.3 The role of the FSHS	8
4.1.4 The role of students and student organisations.....	8
4.2 Removal from a teaching event	9
4.3 Drug testing	9
5. Treatment referral	10
5.1 Treatment referral negotiation.....	10
5.2 Treatment options.....	11
6. Substance abuse problem and consequences.....	11
6.1 Revocation of the right to study (SORA disciplines)	11
6.2 The role of the FSHS.....	12
7. Processing of sensitive data and confidentiality.....	13

Sources

Appendices

Appendix 1: Data transfer from the University to a healthcare provider

Appendix 2: Process description of a situation in which the university has required a student to present a certificate of drug test results.

1. Introduction

According to Section 43d(3) of the Universities Act, in order for the university to be able to request such a drug test certificate, the university must have written guidelines drawn up in co-operation with the student healthcare officials for preventing the use of narcotics by students and for intervening in drug problems. This programme includes the guidelines required in legislation.

Substance use may have a significant effect on students' success in and coping with their studies. Substance use habits acquired in young adulthood often continue unchanged later in life.

In this programme, the term 'substance' is used to refer to alcohol, drugs and prescription medication used with narcotic or intoxicating intent.

The substance abuse programme aims to

- promote the ability to study and work
- promote the health and wellbeing of students
- prevent substance abuse issues
- make it easier to intervene in a student's substance abuse problem, and
- improve referral for treatment.

In addition a long-term objective of the substance abuse programme is to influence students' substance use culture. The programme coordinated by Unifi has been drawn up with the National Union of University Students in Finland (SYL) and the Finnish Student Health Service (FSHS) in 2014. The substance abuse programme has been jointly updated by the OHA-forum, Unifi, FSHS and SYL in 2018.

The aim of the substance abuse programme is to emphasise prevention, recognition, guidance and early intervention instead of sanctions. In all situations care must be taken to ensure that the legal protection of those involved is not violated. See chapter 7 for instructions on processing sensitive material and confidentiality.



The University of Eastern Finland has the Student Well-being and Study Ability Team and the Joensuu and Kuopio campus crisis support teams, both of which plan and co-ordinate preventive substance abuse work. They also coordinate the implementation of the substance abuse programme and agree on common operating models related to substance abuse issues.

The faculties and Language Centre have an assigned substance abuse contact person to support the prevention of students' substance use and intervention in problems (substance abuse contact person for students). Their contact information is published [in Student Handbook KAMU](#).

It is the duty of the substance abuse contact person to give advice and provide support in intervening in students' substance abuse problem and implementing an intervention. They will collect notifications related to students removed from teaching due to substance abuse, organise and participate in the University's/faculty's referral to treatment negotiations, ensure that the student in question is consulted for a drug test and coordinate the implementation of drug testing. In addition, they will act as a contact person on issues related to substance abuse between the faculty, FSHS and, if necessary, clinics.

2. Preventive activities

2.1 The role of the University

The University and faculties promote a substance-free study environment and responsible use of alcohol. Students are informed of the substance abuse programme via Internet ([Student Handbook KAMU](#)), new students during the orientation week or [new students' web pages](#) and later during their studies at appropriate times, for example, in relation to traineeships. The required training is organised for staff members.

2.1.1. Organisation of the activities

The faculties and the Language Centre have appointed substance abuse contact persons for preventing the use of narcotics by students and for support when intervening in problem situations (students' substance abuse contact person, [see the details online in KAMU](#)). The appointed substance abuse contact persons belong to the Student Well-being and Study Ability Team. The team also includes guidance experts, teaching staff and students. Other experts can also be invited to the meetings as required. In addition to the Student Well-being and Study Ability Team, the campus crisis support teams in Joensuu and Kuopio organise activities. The task of the above-mentioned teams is to plan preventive social work with substance abusers, agree on common procedures, handle other issues related to well-being, and organise training as required. The Student Well-being and Study Ability Team and the campus crisis support teams monitor the substance abuse situation in the university and on the campuses on an annual basis. The teams can seek support from the health care operators (FHS), the study administration of the university, or the Student Union.

2.1.2. Teacher tutor activities

At the start of their studies each student will be appointed a teacher tutor or equivalent individual performing the same duties under some other title. The teacher tutor is the student's support person for questions relating to the progress of his or her studies and for guiding the student in preparing their Personal Study Plan (PSP). Teacher tutors and students meet in groups and, if necessary, individually.

Questions related to the student's ability to cope, well-being and substance use may arise within normal everyday interaction, and particularly during personal guidance. It is the duty of each member of the teaching and advising staff to show an interest in their students in terms of everyday life, study abilities and coping (see the UEF Early Support Guidance Situations "When you become concerned" and section 4.1). The university will ensure adequate training and support in order to enable PSP counsellors/subject tutors and other staff members to act in such situations and address these sometimes difficult issues with the students.

2.1.3. Student tutor activities

From the first day of their studies every student has been assigned a student tutor. They are peer instructors chosen and authorised by the subject, and familiarise the new students with their faculty, studies, older students and the rest of the University.

It is recommended that responsible use of alcohol is discussed in tutoring sessions. Events related to student tutoring should take into consideration that not all students drink alcohol, and meetings should preferably take place in substance-free environments.

2.2 The role of the FSHS

FSHS

- Supports the substance-free life of students and the prevention of substance abuse
- In conjunction with health examinations, distributes information about the effects of alcohol use and other substance use in health and the ability to study
- Highlights issues promoting a substance-free lifestyle and health at students' wellbeing events and on its website
- Screens for alcohol abuse with the AUDIT test and provides guidance and advice to users at risk
- Participates in the meetings of Student Well-being and Study Ability Team (HYRY) and substance abuse contact persons and the implementation of training related to the prevention of substance abuse problems.

Tietoa korkeakouluopiskelijoiden päihteidenkäytöstä kerätään valtakunnallisesti toteutettavalla korkeakouluopiskelijoiden terveystutkimuksella (KOTT) neljän vuoden välein. Lisäksi YTHS:n ensimmäisen vuoden opiskelijoiden sähköisestä terveystutkimuksesta on mahdollista saada tiedekuntakohtaista tietoa päihteiden käytöstä. Tietoja voidaan hyödyntää mm. hyvinvointityöryhmässä (HYRY) yliopiston ennaltaehkäisevän päihdetyön suunnittelussa.

Information on higher education students' substance use is collected through a nationwide student health survey every four years. In addition, the FSHS's health survey for first-year students is a possible source of faculty-specific information about substance use. This information can be utilised, for example, in Student Well-being and Study Ability Team while planning preventive substance abuse work.

2.3 The role of student organisations

Campus Crisis Support Teams and Student Well-being and Study Ability Team have an annual discussion with representatives from the student organisations on the culture of substance use in the University student activities. It is possible to jointly agree with student organisations on procedures supporting the responsible use of alcohol suitable to the University's operating environment.

3. Recognition of a substance abuse problem

3.1 The role of the University

Substance abuse may be apparent in drunken or hungover appearance or behaviour, the smell of alcohol, or some other sign of substance use. Substance abuse may be an underlying factor in many kinds of adverse behaviours as well as issues with life management and ability to function, such as recurring short absences, tardiness or lowered academic performance. Many kinds of issues may underlie these behaviours and difficulties. Early intervention and addressing the issue may be beneficial for the student. Addressing the issue must take place in a constructive manner without stigmatising the student.

If staff become concerned about a student's possible substance abuse problem, the matter must be immediately discussed with the student in question (see Section 4.1).

3.2 The role of the FSHS

The FSHS aims to identify substance abuse in the first-year students' health survey and by actively addressing substance use during appointments. The possible links between students' health and ability to function will be examined during appointments.

3.3 The role of students and student organisations

Students and student organisations play a key role in identifying potential substance abuse problems in their fellow students. Fellow students are likely to notice problems stemming from substance use more easily and earlier than others. This is the case especially when a student repeatedly hurts him or herself or gets into fights due to intoxication. Likewise, repeatedly drinking alcohol up to the point of passing out or blacking out is always a sign of an alcohol problem. Drug use may involve hallucinations, delusions as well as strange or aggressive behaviour. Fellow students also often know better than teaching staff when substance use starts to affect academic performance.

Common practices for addressing all problem situations, including substance abuse, have been discussed within the daily activities on the campuses in order to ensure low-threshold intervention (see UEF Early Support Guidance Situations and section 4.1). Support for developing these procedures is available from the Student Well-being and Study Ability Team and the campus crisis support teams in Joensuu and Kuopio.

4. Intervening in substance abuse

Intervention in the substance abuse problem as early as possible and an early intervention discussion are the primary measures for tackling a student's substance use that has raised concerns. The earlier substance abuse is brought up in discussion, the easier it is to mitigate the harm caused by it.

Staff and students must be provided with support and training on intervening in substance use and addressing problems caused by it. It is expedient to link a substance abuse programme and related activities with the University's early support model.

Concerns related to substance abuse can be brought up by a member of teaching or other staff, the teacher tutor or a fellow student. The primary objective of the substance abuse intervention and the early intervention discussion is to support students in their studies. In all situations care must be taken to ensure that the legal protection of those involved is not violated.

On certain grounds, the University may require the student to present a drug test certificate. The prerequisites for a drug test provided in section 43 d of the Universities Act (see Section 4.3) must be separately determined in each case.

4.1 Early intervention discussion

4.1.1 Early intervention discussion by teaching staff

If teaching staff become concerned about a student's possible substance abuse, the matter should be brought up with the student without delay. It is recommended that the person to carry out the intervention discussion is the student's teacher tutor. The early intervention discussion can also be carried out by some other member of the teaching staff with expertise or experience in early intervention discussions, or who is the most familiar with the student's current situation. All discussions between a teacher and a student on the matter are confidential and the teacher is not allowed to disclose the student's personal information without their consent. Possible follow-up actions are jointly agreed by the student and the teacher, who carried out the early intervention discussion.

An early intervention discussion should take place in an open atmosphere and the sensitive nature of a substance abuse problem must be taken into consideration. Early intervention discussions are always conducted one-on-one. A student's substance use may not be discussed in a group or with other student present. The aim of the discussion is to express concern about the student's substance use and its impact on their studies and wellbeing. In these cases, the discussion in itself is a form of early intervention, but the situation should be reassessed later in a few months' time, for example. During the early intervention discussion, it may also be recommended that the student contact an FSHS doctor for an assessment of the overall situation.

Substance abuse contact persons provide advice and support for carrying out the early intervention discussion.

4.1.2 Substance abuse contact person

Teaching staff, a teacher tutor, or a fellow student may contact the faculty's or Language Centre's substance abuse contact person if the substance abuse of a student has raised concern and they require advice and support in how to intervene in the substance abuse problem. The substance abuse contact person also collects reports on students removed from lectures due to substance abuse. [The Contact information is found in Student Handbook KAMU.](#)

The substance-abuse contact person is a member of the Student Well-being and Study Ability Team (HYRY) and she will work as a contact person on issues related to substance abuse between the faculty, FSHS and clinics, if necessary. It is the substance abuse contact person's duty to coordinate/organise a drug test. They also coordinate and participate as the representative of the University/faculty in the treatment referral meeting (see Section 4.1.1).

4.1.3 The role of the FSHS

The FSHS

- Provides guidance on the harm caused by intoxicants and intervenes in substance abuse by means of, for example, a mini intervention
- Guides substance-addicted students to services responsible for substance abuse treatment
- Participates in treatment negotiations and assumes the position of a specialist in treatment referral situations (rehabilitation plan)
- Monitors the implementation of the treatment of the student's substance abuse problem
- Supports the substance abuse rehabilitee's return to studies
- Supports the rest of the study community in substance abuse crises.

Should an FSHS health care professional (nurse, doctor, dentist or psychologist) notice or suspect during performance of their duties that a student who is a patient is suffering from substance abuse, they shall either determine the student's substance use, substance history, somatic and mental state themselves, or refer the student to an FSHS employee with experience in assessing a substance abuse patient's need for treatment. The assessment is usually made at a general practitioner's or nurse's office. Further treatment is most commonly given either at an FSHS nurse's, general practitioner's or psychologist's office, a Youth Clinic (generally for those under 25 years of age), or an A-Clinic. If necessary, the student can also be referred to detoxification, institutional rehabilitation or a psychiatrist's assessment on the need for further treatment.

If substance abuse is detrimental to the student's academic performance, the recommended method is to arrange a joint discussion with an FSHS employee and the student's PSP counsellor/subject tutor. An educational psychologist may also be asked to participate.

FSHS employees are bound by a duty of confidentiality making all discussions with patients confidential and they will not be disclosed to the University. If it is suspected that due to their substance abuse, a student is a risk to the safety of the student community or traineeship organisation, a healthcare provider is entitled to disclose information regarding health and the ability to function necessary for the performance of duties, without being hindered by considerations of confidentiality, to the rector of the University, traineeship coordinator or other individual in charge of safety at the University in order to ensure the safety of students (see also Section 7).

If a student's substance abuse is noticed in a situation outside a healthcare professional's office, such as at a teaching event, an FSHS general practitioner will participate in the student's case management meeting at the invitation of the faculty's substance abuse contact person. After the meeting, the general practitioner will assess the need for treatment, either independently or by consulting other health care professionals (psychologist, specialist in psychiatry).

4.1.4 The role of students and student organisations

If a fellow student's substance use causes concern, the subject should be raised with them as soon as possible, for example, after a party. In addressing the situation, it is important to give the fellow student feedback on how their substance use has raised concern, or that they consume too much alcohol. Advice, support and help for the early intervention discussion can be obtained from the Student Union without revealing the fellow student's identity. It is recommended that the fellow student is encouraged to contact the FSHS for a more detailed assessment of the situation.

4.2 Removal from a teaching event

According to section 45 of the Universities Act, “a student who disrupts teaching, behaves threateningly or violently or endangers the life or health of another person may be ordered to leave the premises where teaching takes place or an event organised by the university”. Removal from a teaching event will be described in associate with an other instructions.

According to Section 45a of the Universities Act, the rector, member of the teaching and research staff, and a practical training instructor may work together or individually to remove a student from a teaching event.

If a student has been removed from a teaching or other event due to the above-mentioned reasons and there is reason to believe that this was caused by substance abuse, the matter should be discussed with the student as soon as possible. Any removal is documented and delivered to the faculty’s substance abuse contact person, who will organise a treatment referral meeting if necessary. See Section 5.

4.3 Drug testing

A drug test certificate can be required from university students in all fields, not only those to students whose field is subject to the suitability assessment stipulated in legislation related to unsuitability to study ('SORA' legislation).

The University “may oblige a student to present a drug test certificate when there are justifiable grounds to suspect that the student has a drug addiction, or is under the influence of drugs while in practical training or while performing practical tasks relating to studies” (section 43 d of the Universities Act). The University must define clearly the party/parties (e.g., the dean), who can obligate the student to present a drug test certificate, since the Universities Act does not include related provisions. Since it is crucial to test the student immediately after suspicion of the student being under the influence of drugs, it is important that enough of these parties are assigned.

A further “precondition is that the testing be necessary for ascertaining the student's functional capacity and the student perform tasks which require especial acuity, reliability, independent judgement or good reactions and where working under the influence of drugs or drug addition:

1. seriously endangers the student's or some other person's life or health
2. seriously endangers the protection or integrity of data protected by confidentiality provisions; or
3. significantly increases the risk of illicit trafficking or distribution of substances referred to in section 3(1)(5) of the Narcotics Act (373/2008) which are in the possession of the university or the place of training (section 43d of the Universities Act).

For drug testing, a teacher or a training instructor completes the first page of the form provided as Appendix 1 and submit it to the University/faculty's substance abuse contact person for students. When completing the form, it is crucial to assess and concretely describe the student’s diminished functional capability. Based on the test, the assessment of the functional capability and the assessment of the functional capability performed at a healthcare unit, the healthcare unit draws up a report on whether the student has used drugs for other than medicinal purposes in such a way as to diminish their functional capability. The student’s functional capability may be at a different level at the educational institution and the healthcare unit, so completing the form is crucially important.

The substance abuse contact person will agree the practical arrangements of drug testing with a healthcare provider (usually the FSHS). If the substance abuse contact person is not readily available, the teacher or instructor may make the arrangements for drug testing. If at all possible, the drug test should be performed on the same day when the suspicion of being under the influence of drugs was raised, preferably immediately.

The student must receive the certificate from the healthcare unit within a reasonable time, which will be checked with the unit performing the tests. The University will cover the costs incurred by the drug test certificate. It is recommended that the substance abuse contact person inform the FSHS unit when a student has been required to present a drug test certificate.

Veri- ja/tai virtsanäyte annetaan valvotuissa, kontrolloiduissa olosuhteissa noudattaen sosiaali- ja terveysministeriön ohjeistusta työpaikan huumetestauksesta. Testitulokset tulkitaan yliopistosta riippumattomassa terveydenhuollon yksikössä, joka on yleensä YTHS. Testattavalla on aina oikeus saada testitulokset kirjallisena.

The blood or urine sample is given under monitored and controlled circumstances, following the guidelines of the Ministry of Social Issues and Health on drug testing at the workplace. The test results are interpreted in a healthcare unit independent of the University, usually the FSHS. The individual tested always has the right to receive the test results in writing.

Ordering a student to undergo drug testing is a factual administrative action taken on the basis of justified background information. A student can refuse to take the test. In this case, the student will naturally not be able to present the University with a drug test certificate, which the University has obliged them to do. It is also possible that a student agrees to take the test but refuses to submit the subsequent certificate to the University. Refusal to present a drug test certificate can lead to disciplinary action: based on section 45 of the Universities Act, the rector may issue written caution to the student. If, after having been issued with a written caution, the student repeatedly refuses to present the test certificate, the University Board may suspend the student for up to a year. These types of disciplinary decisions (both the issuance of a written caution and suspension for a fixed term) are administrative decisions requiring that the student is heard in an appropriate manner. A hearing is also naturally necessary also in a situation where, based on the test result, the launch of the SORA procedure is considered with a view to revoking the student's right to study.

Appendix 1 is a description of a situation in which the university has required a student to present a certificate of drug test results.

5. Treatment referral

5.1 Treatment referral negotiation

If the substance abuse has clearly been detrimental to a student's academic performance, endangered safety or seriously endangered the student's own health, or the student's substance abuse is at the level of addiction, the substance abuse contact person will discuss with the student.

If it is a case of alcohol or narcotics abuse, and the student is willing, it is possible to organise a treatment referral meeting.

If it is a case of narcotics abuse in the SORA disciplines, see Section 4.3.

The necessary background information is collected for the negotiation and the participants are sent a written invitation, which includes information on the participants and the objective of the negotiation. The treatment referral negotiation will be attended by 1) the student, 2) a representative of the FSHS, 3) a representative or representatives of the faculty (e.g., teacher or substance abuse contact person) and, when necessary, 4) the student's support person. The FSHS representative will chair the meeting. The substance abuse contact person will function as a contact person between the faculty, FSHS and clinics.

It is recommended that in order to expedite the treatment referral process the student contact the FSHS themselves for a situation assessment and a treatment plan prior to the meeting. The content of FSHS visits is confidential and matters discussed will not be discussed in the treatment referral negotiation without the consent of the student.

The aim of the treatment referral negotiation is to make the student understand the need for treatment as well as to seek it, and to ensure that appropriate treatment is available. The student is responsible for committing to treatment and the healthcare unit is responsible for the treatment. The University cannot assume responsibility for the treatment of the student and it does not have a right to gain information about the student's treatment without legal grounds.

5.2 Treatment options

Substance abuse problems are treated, for example, by the A-Clinic Foundation's Youth Clinic or the FSHS. It is most appropriate to perform the assessment of care needs in the FSHS.

If there is a need for a period of institutional rehabilitation, funding is arranged in cooperation with the student's home town's social services and healthcare division. The student is eligible for a rehabilitation allowance from the Social Insurance Institution of Finland (Kela) for the duration of the institutional rehabilitation period.

6. Substance abuse problem and consequences

Pursuant to section 45 of the Universities Act, the University may take the following disciplinary actions: remove the student from a teaching event, ban the student from attending teaching for three days, issue a written caution, or suspend the student for a fixed term. The University may also revoke the student's right to study in situations referred to in so-called SORA legislation.

The objective of the substance abuse programme is to promote the health and well-being of the students, i.e. intervene with substance abuse in order to restore health. The programme does not include disciplinary measures, such as a ban from attending teaching, a written caution, and suspension for a fixed term. An exception to this is the revocation of the right to study with respect to the SORA disciplines (Section 6.1).

6.1 Revocation of the right to study (SORA disciplines)

As a last resort measure to tackle safety concerns in situations where the studies involve demands concerning the safety of minors or patient or customer safety, the University may revoke the student's right to study.

Degrees to which this revocation of study right applies are Bachelor of Science (Pharmacy), Master of Science (Pharmacy), Bachelor and Licentiate of Dentistry, Bachelor and Master of Arts (Psychology), and Bachelor and Master of Arts (Logopedics). In addition, the right to study of those training to be social workers, psychotherapists or teachers may be revoked.

The primary aim must be to treat the student's substance abuse problem and the revocation of the study right comes into question only if the student's substance abuse problem continues to be manifested in their studies. If the student's abuse use has caused repeated or severe hazard to the health or safety of another individual or the circumstances otherwise warrant it, the launching of the revocation process may be the primary option.

Pursuant to section 43a of the Universities Act, the University may revoke the right to study, if

1. The student, by repeatedly or seriously endangering the health or safety of another person, has proven to be manifestly unsuitable to perform practical assignments or practical training relating to studies; or
2. It is evident that the student does not fulfil the prerequisites for admission referred to in section 37a(1) in regard to his or her state of health or functional capacity; or
3. At the application stage, the student has concealed a decision to revoke the right to study referred to in section 37a(2) which could have prevented his or her admission as a student; or
4. The student has been sentenced for a crime separately referred to in the law, namely indecency and sexual offences, murder, voluntary or involuntary manslaughter, aggravated assault, aggravated robbery (but not narcotics offences), if the student's studies or practice relating to studies substantially requires work with minors, and the revocation is necessary in order to protect minors

In all cases, before the revocation of the right to study, the University in cooperation with the student, must explore the student's possibilities to apply for some other education. With the student's consent, they may be transferred to some other education at the University, the admission requirements of which they fulfil.

The decision to revoke the right to study is taken by the University Board.

The right to study may be reinstated if the prerequisites referred to in the Act are met. If a student's right to study has been revoked due to a substance abuse problem, they may apply for reinstatement of the right to study, if the substance abuse problem no longer persists and a physician has assessed that the student fulfils the health requirements related to the field.

6.2 The role of the FSHS

The role of student health care is always primarily to support the student. A substance abuse problem endangers the wellbeing of the student and may have long-term negative effect on the student's study capability. It is the FSHS's duty to ensure that the student receives seamless further treatment also in the case where the student's right to study has been revoked and the student is no longer eligible for FSHS services.

7. Processing of sensitive data and confidentiality

A student's personal health data is also processed, when dealing with a substance abuse problem. The processing of personal data in universities is regulated by the EU General Data Protection Regulation (GDPR) (2016/679) supplemented by the national Data Protection Act (1050/2018), the Act on the Openness of Government Activities (621/1999), and the Universities Act (558/2009). These statutes contain special requirements with regard to, for example, confidentiality.

Legal definitions related to health data

According to the GDPR, "personal data" means any information relating to an identified or identifiable natural person (GDPR Article 4 paragraph 1). Special categories of personal data referred to in the GDPR include data related to health (GDPR Article 9). The regulation states that "data concerning health" means personal data related to the physical or mental health of a natural person, including the provision of health care services, which reveal information about his or her health status (GDPR Article 4 paragraph 15). The Universities Act provides regulations related to the processing of the applicants' and students' health and functional capability in certain processes related to the right to study and disciplinary actions. In addition, the Universities Act contains general provisions on the processing of sensitive personal data.

Processing of students' health data at the University

The University must have grounds referred to in Article 6 of the GDPR when it processes students' personal data (e.g., the name of the student or the student's completed studies). From the perspective of performing the University's teaching duty, the central processing grounds of students' personal data are the compliance with a legal obligation and the performance of a task carried out in the public interest. In addition, the University must have special grounds referred to in Article 9 of the GDPR when it processes students' personal data belonging to the special categories of personal data (e.g., students' health data). According to the GDPR, data belonging to the special categories of personal data must not be processed – collected, stored, retrieved, change, destroy, transfer – without grounds referred to in the GDPR (Article 4 paragraph 2 and Article 9). This processing prohibition is not applied to data processing subject to law or directly following from compliance with a legal obligation. The controller must implement appropriate and special measures to ensure the rights of data subjects, such as encrypting the data (section 6 of the Data Protection Act).

As a controller, the University processes the students' health data when performing certain duties referred to in the Universities Act. Sections 37 b and 43 b–43 d contain provisions related to the processing of students' personal data with regard to their health status and functional capability in processes related to the granting, revocation and reinstatement of rights to study and disciplinary measures. According to section 45 b of the Universities Act, data related to these processes may be processed only by individuals "who prepare or make decisions on admission, on revocation or reinstatement of the right to study, or on disciplinary action or by those who issue statements on these matters."

The University must specify the tasks which involve processing of sensitive materials. Sensitive materials must be stored separately from other personal data. They "must be removed from the register immediately when there no longer is any statutory reason to store them and at the latest within four years of the date on which they were entered in the register". (Universities Act, Section 45 b).

According to the Act on the Openness of Government Activities, "information on the state of health or handicap of a person, the medical care or treatment given to him or her" are considered secret official documents (Section 24 subsection 25).

Moreover, the Act on the Openness of Government Activities requires that a person in the service of the University like an elected official must not disclose secret information obtained in the service of the University. The non-disclosure obligation applies equally to written and oral confidential information. The obligation will continue even after the termination of the service in question. (Act on the Openness of Government Activities, section 23 subsection 1) All discussions and negotiations related to a student's substance abuse problem are confidential and their content must not be disclosed to any third parties. Third parties also include University employees who do not take part in the handling of the substance abuse problem in question. Based on their profession, healthcare staff have a non-disclosure obligation related to health and other data of their clients.

Section 90 a of the Universities Act provides for exceptions to disclosing confidential information. "The provisions on confidentiality notwithstanding, such information on a student's state of health and functional capacity as are necessary for the execution of a university's duties may be supplied by the holder of this information to:

1. the rector of a university and those responsible for the security of the university for the purpose of ensuring the safety to pursue studies;
2. a person responsible for study counselling for the purpose of guiding the student to other studies or support services;
3. a person responsible for student healthcare for the purpose of ensuring the student's health and safety;
4. a person responsible for practical training for the purpose of ensuring the safety of the student and the safety of staff and customers at the place of training; and
5. the police and a representative of the university who is primarily responsible for investigating threats to security for the purpose of assessing if there is an imminent threat to safety or if the student's state of health poses a danger to the safety of others involved in the assessment."

The holder of the information may be someone who is not employed by the University, for example, a student healthcare professional.

Additionally, pursuant to section 90 a of the Universities Act, "notwithstanding the provisions on confidentiality, those responsible for executing the duties in this Act have the right to inform the police of essential details for the purpose of assessing an immediate threat to life or health and to prevent a threatening act, if they, in performing their duties, have obtained information about circumstances that leads them to believe that someone may be in danger of becoming the target of violence."

Further information

Substance use and student culture (in Finnish only)

http://www.yths.fi/terveystieto_ja_tutkimus/yhteisoterveys/paihteet_ja_opiskelijakulttuuri

FSHS health databank: http://www.yths.fi/terveystieto_ja_tutkimus/terveystietopankki

<https://paihdelinkki.fi/en>

<http://www.ehyt.fi/en>

<https://kamu.uef.fi/en/student-book/substance-abuse-programme-for-students/>

Sources

The Universities Act 954/2011, the Universities Decree 770/2009 and the Personal Data Act 523/1999, the Act on the Openness of Government Activities (621/1999), EU General Data Protection Regulation (2016/679) and amendments

The Ministry of Social Affairs and Health's guide to SORA legislation

The programme is based on the substance abuse programme of the Faculty of Medicine of the University of Turku

University of Eastern Finland | Substance Abuse Programme for Students 2014

Appendices

Appendix 1. Data transfer from the University to a healthcare provider

The student has been obliged to present a drug test certificate

The certificate will be delivered in three (3) weeks: _____
(contact information of the faculty's substance abuse contact person)

Name of student

Personal identity code

Grounds for the demand to present a drug test certificate suspicion of

being under the influence of drugs suspicion

suspicion of drug addiction

Written description:

Suspected intoxication

Place

Date and time

Name of the person who assessed the intoxicated state*

Name

Phone

*Representative of the University or traineeship organisation

Assessment of the intoxicated state

Speech:

_____ articulate
_____ inarticulate

Responsiveness:

_____ yes
_____ reduced

Sense of time and place:

_____ yes
_____ reduced

Walking:

_____ steady
_____ unsteady

Reactions:

_____ normal
_____ slowed down

Smell of alcohol:

_____ none
_____ yes

Appearance:

_____ calm - collected
_____ sleepy

_____ euphoric – feeling manic
_____ belligerent

_____ anxious
_____ weepy

Physical symptoms:

_____ none
_____ tremors

_____ restlessness
_____ vomiting

_____ sweaty

Description of reduced functional capacity:

Contact information of the University representative obliging the student to present a drug test certificate:

Name

Phone

The student has been referred to a healthcare provider for drug testing:

Date and time

Name of the healthcare unit

Name of escort, if any

Date

Signature and name in block capitals

Student's own view of the situation:

I admit drug use/drug addiction

I deny drug use/drug addiction

Written response:

Date

Student's signature

The student must bring a photo identification card to the drug test.

The original copy of this document is the University's copy. One copy has been given to the student and one copy will stay at the healthcare unit.

Appendix 2

A description of a situation in which the university has required a student to present a certificate of drug test results (FSHS).

