

Trusted research – guidance and legal requirements for City St George's Principal Investigators

V1.0

Policies superseded by this version

St George's University Trusted research guidance and legal requirements

No previous policy at City University

Summary of changes to previous version

N/A

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1 Introduction

The UK's research and innovation sector attracts investment from across the world. More than half of UK research is a product of international partnerships.

The UK government has developed Trusted Research guidance ([Trusted Research Guidance for Academia | NPSA](#)) which aims to support UK academics in managing the risks associated with international research. It is particularly relevant to Principal Investigators in STEM subjects, dual-use technologies, emerging technologies and commercially sensitive research areas. However, there are risks across all academic disciplines and all City St George's Principal Investigators should be aware of the risks that can occur in international research collaborations.

2 Freedom of Speech and Academic Freedom

- 2.1 City St George's, University of London, regards freedom of speech and academic freedom to be fundamental to delivering its mission as the University of business, practice and the professions. Its values in this respect are set out in a code of practice on freedom of speech and academic freedom, which explains how the University will uphold, secure, and promote freedom of speech within the law:
<https://www.citystgeorges.ac.uk/about/governance/policies/code-of-practice-on-freedom-of-speech>.
- 2.2 Nothing in this policy should be interpreted in any way that would be inconsistent with the code of practice and – in the event of any inconsistency – the provisions of the code will prevail.

3 Equality, Diversity and Inclusion

- 3.1 City St George's, University of London works to advance equity, diversity and inclusion in its activities, processes, and culture, for the whole University community, including staff, students and visitors.
- 3.2 The University will meet its obligations under the Equality Act 2010 in its policies and seek to eliminate discrimination on the basis of age, caring responsibilities, disability, gender identity, gender reassignment, marital status, neurodiversity, pregnancy, race, religion or belief, sex, sexual orientation, and socio-economic background.

4 Definitions

- 4.1 **Principal Investigator:** The individual with primary responsibility for the conduct and management of a research project.
- 4.2 Other terms defined in sections of this policy.

5 Policy

5.1 Purpose

The policy exists to help Principal Investigators carry out international research responsibly while protecting national security, complying with the law, and safeguarding research integrity and value.

5.2 Scope

This policy applies to:

All Principal Investigators at City St George's

5.3 Principles

- Joint or collaborative research is vulnerable to misuse by organisations and institutions who operate in nations whose democratic and ethical values are different from our own. It allows them to work with experts in a field of cutting-edge research and innovation, and obtain the resulting output of that work, all without having to steal it.
- All research can be at risk, but areas around applied research are particularly vulnerable, especially where there is a specific problem Principal Investigators are seeking to solve, or where Principal Investigators are seeking to develop a commercial application. In these cases, the consequence of research outcomes being exploited could be far greater and could result in the loss of intellectual property and misuse of research. For individual Principal Investigators, interference with (or loss of) research is likely to limit the ability to publish first or take credit for the resulting intellectual property. This could negatively affect the reputation of Principal Investigators and the ability to demonstrate the impact of their research.
- The University is committed to ensure that all international research collaborations are managed in accordance with the UK government's Trusted Research guidance and legal obligations.

5.4 Roles and responsibilities

Principal Investigator

- Primary responsibility for national security due diligence.
- Primary responsibility for compliance with the National Security and Investment Act and Export Control law.

Director of Research and Innovation Services

- Provide guidance, ensure due diligence, and support compliance processes.
- Decisions on whether voluntary notifications should be made under the National Security and Investment Act, and for making voluntary notifications.

6 Procedure

6.1 How Principal Investigators should protect their research

- (a) **Know your partner:** Whilst Research and Innovation Services will conduct due diligence on new research funders and collaborators, it is important that Principal Investigators understand who their proposed collaborator is and what their motivations may be. Questions to ask about a potential research partner could include:
- What is their interest in the research?
 - How do they intend to use the research?

- Do they have links to any links to the military or police of a state which may be viewed as hostile to the UK?
 - Does the project have any potential applications for military use, harm, repression or surveillance?
- (b) **Conflicts of interest:** Be aware of potential conflicts of interests between research and/or funding partners that you work with. Be open with your partners and discuss your security arrangements, and their security needs, regularly.
- (c) **Segregation:** Ensure that, where necessary to protect IP, research or personal data, there is appropriate segregation between research programmes, both physically and online. Only give access to research to those who have a valid requirement.
- (d) **Legal compliance:** Ensure that legal requirements are complied with. Information on the National Security Act and Export Controls is below (6.2 and 6.3)

Further guidance is available from the NPSA [Trusted Research Guidance for Academia | NPSA](#)

6.2 Ensure legal compliance – National Security & Investment (NSI) Act 2021

- (a) **Overview of NSI Act:** Under the [NSI Act 2021](#) the UK government is able to scrutinise and intervene in certain acquisitions made by anyone, including businesses and investors, that could threaten the UK's national security. The rules empower the government to impose conditions on qualifying acquisitions of entities and assets, or, if necessary, to block or unwind the offending transactions. The government has used these powers to block a UK University from licencing intellectual property – please see: [UK's first NSI Act acquisition block | DWF Group](#).

The Secretary of State can “call in” (review) acquisitions if the government reasonably suspects that a qualifying acquisition has given rise to, or may give rise to, a risk to national security.

The Act creates mandatory and voluntary notification regimes for the acquisition of entities and assets respectively.

- The acquirer of an entity must notify the government's Investment Security Unit (ISU) prior to completion of a qualifying acquisition.
- Any party may notify the ISU about a qualifying acquisition of an asset and check whether the Secretary of State will call it in.

The government has developed [guidance on the NSI Act for the higher education and research-intensive sectors](#), which includes scenarios of where mandatory or voluntary notification could apply.

- (b) **Mandatory Notification requirements:** Where mandatory notification is required, approval from the government is needed for acquisitions which fall under the mandatory notification regime. If you complete a notifiable acquisition without gaining approval from the government, the acquisition is void. There are civil and criminal

penalties for proceeding with a notifiable acquisition without gaining the necessary approval.

A mandatory notification needs to be made if the following four conditions apply:

- i. It is a qualifying entity, which is any entity other than an individual, including a company, a limited liability partnership, any other body corporate, a partnership, or an unincorporated association or trust. The government gives the following examples for the higher education and research-intensive sectors:
 - university, which is registered as a charitable organisation (City St George's fits this category)
 - private university
 - trust
 - university spin-out
 - university subsidiary (for example a company that a university has incorporated and carries out specific activities that the university operates)
 - research organisation
 - private company or corporation doing contractual work with a higher education institution or research organisation.
- ii. The level of control acquired meets any of the specified thresholds, which are specified [here](#).
- iii. It is in one of 17 sectors of the economy identified by the government. These are:
 - 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
- iv. The entity is from, in or has a connection to the UK

Where mandatory notification is required in relation to a University spin-out, this will normally be made by the spin-out company itself as a separate legal entity.

If Principal Investigators have research or commercialisation activities which could require mandatory notification, they should discuss this with the Director of Research and Innovation Services.

- (c) **Voluntary notification requirements:** Voluntary notifications may be made in relation to qualifying acquisitions of assets in or close to the 17 sectors of the economy described above. Whilst there is no legal requirement to tell the government about qualifying acquisitions not covered by mandatory notification, voluntary notification avoids the risk of proceeding with an acquisition that might be later called in and potentially blocked or unwound.

Qualifying assets include land, tangible, moveable property, and ideas, information or techniques which have industrial, commercial or other economic value ('intellectual property'). The government gives the following examples for the higher education and research-intensive sectors:

- designs
- plans, drawings and specifications
- software
- trade secrets
- databases
- source code
- algorithms
- formulae
- land
- tangible moveable property, such as laboratory equipment

When a contract is proposed which is likely to transfer intellectual property or other qualifying assets (e.g. research funding agreement, research collaboration agreement, licence agreement or material transfer agreement) in an area of research which is in or close to one of the 17 sectors of the economy described above, the Principal Investigator should inform the Director of Research and Innovation Services.

If in doubt, please contact the Director of Research and Innovation Services if you are intending to work with (in any way) a research funder or collaborator/partner in an area of research which is in or close to one of the 17 sectors of the economy described above.

The University will take a risk-based approach to voluntary notifications. The Director of Research and Innovation Services is responsible for deciding whether a voluntary notification should be made, and for making voluntary notifications. Decisions will be made in consultation with the Principal Investigator.

6.3 Ensure Legal Compliance - Export Controls

- (a) **Overview of Export Controls:** Export controls are a legislative framework, by which the UK Government controls the export of a range of military and "dual-use" items. Some City St George's research could have the potential for misuse or dual-use,

therefore when City St George's Principal Investigators work with international partners (and in some circumstances UK partners), some research activities may be subject to export controls. There are also UK sanctions and embargos on certain items to specific countries.

- (b) **What can count as an "Export" in research:** If you are exporting as part of your research, then you could be subject to export controls. An export can be both tangible or intangible goods – so can cover software, data, technology and know-how.

If you are providing any tangible or intangible materials or information by any means to recipients outside the UK (including funders and collaborators) then you could be subject to export controls. This could include taking information outside the UK on a memory stick or a laptop to attend a conference or presenting information from the UK to non-UK attendees.

You could also be subject to export controls, including for the transfer of materials or information in the UK, if you know or suspect that the end user intends to use materials or information for military or Weapons of Mass Destruction (WMD) purposes.

- (c) **Circumstances which are subject to Export Controls:** In any of the following circumstances you will be subject to Export Controls:

- i) Military and dual-use items: Any goods, technology, software or information to be exported outside the UK on the consolidated list of strategic military and dual-use items that require export authorisations. The list can be accessed here: [Consolidated list of strategic military and dual-use items that require export authorisation](https://www.gov.uk/government/publications/consolidated-list-of-strategic-military-and-dual-use-items-that-require-export-authorisation) - GOV.UK (www.gov.uk). There is also an Export Control Organisation [Goods Checker](#) you can use to confirm.

- Military items are any item specially designed or modified (however minor the modification) for military use.
- Dual use items are those intended for civil use but which could potentially be used for military, WMD or security-related purposes. An example would be a wound healing treatment being used to calculate the force needed to prevent wound healing.

There are exemptions for academic research:

- In the public domain: Technology or software available without restrictions on its further dissemination.
- Basic scientific research: Experimental or theoretical work undertaken solely to obtain new knowledge of the fundamental principles of phenomena or observable facts. It is not directed towards a specific practical aim or goal (applies only to controlled dual-use items).
- Patent application: The minimum technical information required to support a patent application (excluding nuclear dual-use technology).

The exemptions can be accessed in full [here](#).

- ii) Embargos or sanctions apply: Where the export is to a specific country which is subject to a UK embargo or sanctions. Please check if the country you are providing materials or information to us on the current UK list: [Trade sanctions, arms embargoes, and other trade restrictions - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/collections/trade-sanctions-arms-embargoes-and-other-trade-restrictions)
 - iii) Suspected end use is military or WMD: This applies if the materials or information are intended to be sent to an end-user where there are concerns that they might be used for military purposes or in a WMD programme. It includes the supply of materials or information to UK partners.
- (d) **Export control licence:** If your research is subject to any export controls, you will need a licence before you proceed with your research partnership. Please contact the Director of Research and Innovation Services to discuss how best to proceed. Research and Innovation Services can support the Principal Investigator to apply for a licence. If you are unsure whether your proposed research partnership is subject to export controls, please contact the Director of Research and Innovation Services to discuss.

7 Advice and guidance

- 7.1 For advice and guidance on this policy, please contact Director of Research and Innovation Services.

8 Failure to comply

Failure to comply may result in:

- Disciplinary or legal action.

9 Review

- 9.1 This policy will be reviewed every two years by the Director of Research & Innovation Services and is approved/authorised and governed by the Research & Innovation Committee.

Policy information

Should you require further information regarding this policy or access to the policy in an alternative format, then please contact Mark Cranmer, Director of Research and Innovation Services (mark.cranmer@citystgeorges.ac.uk).

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