

SUBJECT ACCESS REQUEST POLICY & PROCEDURE

1.0 Introduction

- 1.1 A Subject Access Request (SAR) is most often used by individuals who want to see a copy of the information an organisation holds about them. However, the right of access goes further than this, and an individual who makes a written request is entitled to be:
- told whether any personal data is being processed;
 - given a description of the personal data, the reasons it is being processed, and whether it will be given to any other organisations or people;
 - given a copy of the information comprising the data; and given details of the source of the data (where this is available).

2.0 Purpose

- 2.1 The College is obliged under the Data Protection Act and the General Data Protection Regulations to process personal data in accordance with the rights the Act gives to individuals. Subject access is one of those rights.
- 2.2 The policy is intended to allow staff to provide subject access in accordance with the law and good practice. It aims to do this by explaining how to recognise a subject access request and by offering practical advice about how to deal with, and respond to, such a request.
- 2.3 It provides guidance on the limited circumstances in which personal data is exempt from subject access.

3.0 Scope

- 3.1 This policy relates to all personal and sensitive data held by the College regardless of format.
- 3.2 Some types of personal data are exempt from the right of subject access and so cannot be obtained by making a SAR. Information may be exempt because of its nature or because of the effect its disclosure is likely to have. There are also some restrictions on disclosing information in response to a SAR – where this would involve disclosing information about another individual.

4.0 What is an individual entitled to?

- 4.1 Under the right of subject access, an individual is entitled only to their own personal data, and not to information relating to other people (unless they are acting on behalf of that person). Neither are they entitled to information simply because they may be interested in it. So it is important to establish whether the information requested falls within the definition of personal data.

- 4.2 An individual does not have the right to access information recorded about someone else, unless they are an authorised representative, or have parental responsibility.
- 4.3 If you are unsure about any aspect of a SAR please contact the college Data Protection Officer (DPO).

5.0 How do staff recognise a Subject Access Request?

- 5.1 The college will provide a SAR form on our website to make it easy for people to make a SAR but it is NOT a requirement that requesters use this form. Any written request is valid and this can include a request received by:-
- Email
 - College Website
 - Social Media
 - Post
 - Fax
 - A written request handed to reception or other staff member
- 5.2 While the College will accept a SAR by social media it will not send personal information using this means and the requester must provide an alternative means of contact.

6.0 Responding to a SAR

- 6.1 **Fee**
The College cannot charge a fee for a SAR unless the request is manifestly unfounded, excessive or repetitive. If you are unsure please contact the DPO for advice.
- 6.2 **How long do we have to respond?**
Information must be provided without delay and at the latest within one month of receipt.
- 6.3 **Refusing to respond**
If the DPO considers that a request is manifestly unfounded, excessive or repetitive then we may refuse to respond however we must explain why to the individual, informing them of their right to complain to the supervisory authority and to a judicial remedy without undue delay and at the latest within one month.

7.0 How should the information be provided?

- 7.1 You must verify the identity of the person using reasonable means.
- 7.2 If the request is made electronically then you should provide the information in a commonly used electronic format.
- 7.3 Personal Information should never be sent electronically in an unencrypted form. The College has access to secure means of transferring data. Please see the DPO for further information.

8.0 Summary Procedure

To summarise, the key steps are as follows:

- 8.1 Check that the request is in writing. You should not comply with an oral request but should ask instead for it to be put in writing.
- 8.2 Check that the request provides enough information for you to be able to verify the identity of the person making it. If insufficient information is provided, you should ask for more. This is important to protect yourself from liability to the true data subject in the case of requests made by impostors.
- 8.3 Check that the request provides as much information as is reasonably required to enable you to locate the data relating to the data subject. If, for a good reason, you need some more information in order to locate the data that is being sought, then you can go back and ask for it. If you can find some data easily but need more information to find other data, deal with the parts of the request that you can easily deal with and ask for further information in relation to the rest.
- 8.4 Send an initial response to confirm receipt of the request and to indicate the time within which you will be responding fully. This is not obligatory, but is good practice and can help prevent disputes later.
- 8.5 Locate the relevant data. One step will be to locate all data relating to the individual that is held on computer. So, for example, you will need to look for all e-mails and documents that relate to that individual. Another necessary step is to locate all hard-copy files that are structured by reference to individuals or criteria relating to individuals. Consider also personal data held in the form of voice recordings, photographs or CCTV images.
- 8.6 Check to see whether or not the exemptions apply to any of the data. For example:
 - Is any of the data inextricably mixed up with data relating to other individuals? If so, would it be reasonable to disclose the data concerned?
- 8.7 You need to consider this aspect carefully and, where appropriate, get some advice to make sure that any exemptions you wish to rely on are validly claimed. If you are relying on the "third party data" exemption, then before doing so you may need to check with all of the relevant individuals to see if they will consent to the data being disclosed anyway.
- 8.8 Respond to the request. You should answer the questions referred to earlier in this summary and provide copies of the relevant data. Where you are relying on exemptions you should explain clearly what these are, why they apply and (in general terms) what data they apply to.
- 8.9 Be seen to act reasonably. Keep records of all correspondence with the individual concerned and, where relevant, any other documents relevant to your handling of the request and the response you provided to the individual.