DOCUMENT DETAILS

Document Name:	Nottingham College Data Subject Access Request Procedure
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Document Author	Data Protection Officer
Document Owner	Chief Finance Officer
Applicability	All staff, students volunteers and Governors of Nottingham College, all other parties under contract
Summary	The purpose of this document is to set out the Subject Access Procedure

DOCUMENT CONTROL

Version history			
Version	Date	Reason for release/version update	Issued by
1.0	8 March 2018	First draft	Michael Davies
1.1	24 April 2018	Update following feedback: Information Compliance Committee	Michael Davies
1.2	26 April 2018	Update following further feedback	Michael Davies
2.0	19 May 2019	Overall update, process and form changes	Jo Welham
2.1	September-20	Procedure breached review date	Jo Welham

DOCUMENT APPROVAL

Approving person/body	Job Role	Date Approved
Information Compliance Committee		19 May 2019
Information Compliance Committee		01 October 2020
Executive Leadership Team		16 December 2020

COMMUNICATION

Date sent to OLT	16/12/20
Date sent to Internal Comms	18/12/20
Publication required on External Website?	Yes

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1. INTRODUCTION

1.1 Nottingham College processes data consistent with the General Data Protection Regulation (GDPR) and the Data Protection Act (2018) and any update to these (collectively referred to as 'data protection legislation'). This procedure sets out the appropriate response when individuals exercise their right of access to the information belonging to them that the College processes.

1.2 A Data Subject Access Request (DSAR) 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:

> .1 told whether any personal data is being processed;
> .2 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;
> .3 given a copy of the information comprising the data

1.3 Access is one of eight rights afforded to individuals in data protection legislation. Those rights **other** than access are:

1. The right to rectification
2. The right to completion
3. The right of erasure ('the right to be forgotten')
4. The right to restriction of processing
5. The right to data portability
6. The right to object
7. Rights with respect to automated decision making and profiling

Exercising of these rights is governed by the Nottingham College Data Subjects' Rights Policy and Procedure, published on Staff Net.

2. OBJECTIVE

2.1 The objective of this procedure is to outline the process whereby the College provides data subjects with access to their personal information, in accordance with the right of access as set out in data protection legislation.

2.2 This procedure outlines relevant roles and responsibilities and the action that should be taken when a subject access request is received.

3. RESPONSIBILITIES

3.2 It is the responsibility of all Nottingham College staff to know how to recognise a subject access request and what action should be taken when a request is received, as set out in this procedure.

4. POLICY STATEMENT

4.1 It is the College's policy, set out in its overarching data protection policy, to comply with individuals' right of access to their personal data as set out in data protection legislation.

5. WHAT THE RIGHT OF ACCESS COVERS

5.1 Under the right of subject access, an individual is entitled their own personal data, as held by the College and further information about its processing as set out in section 1.2. Some types of personal data are exempt from the right of subject access.

6. THE FORMAT OF A REQUEST

6.1 Requesters should be encouraged to make a request using the dedicated Data Subjects' Rights request form (see Appendix 1), which can be found on the college website at www.nottinghamcollege.ac.uk/gdpr. It should be noted however that **any written** request for access is valid and this can include a request received by email, through the website or social media, or delivered by post or hand.

6.2 While the College will accept a DSAR by social media it will not send personal information using this means and the requester must provide an alternative means of contact.

7. WHAT YOU NEED TO DO

7.1 If you are contacted by someone wishing to access their personal information, or a request to exercise any other right such as erasure or rectification, please pass this on to the Data Protection Officer as quickly as possible on dataprotectionofficer@nottinghamcollege.ac.uk.

7.2 If you are asked by the Data Protection Officer for information in response to a data subject access request, please provide this as quickly as possible. By law, the College must respond to any rights-related request within one month. Locate the relevant information and provide it to the Data Protection Officer by the deadline. If you require support with this, for example conducting email searches, the Data Protection Officer can help.

7.3 Locate all hard-copy files that are structured by reference to individuals or criteria relating to individuals. Consider all information stored locally, and in archive storage. Consider also personal data held in the form of voice recordings, photographs or CCTV images. You may also be asked to search your email account for the personal information of the individual who has made the request.

8. RESPONDING TO A REQUEST

8.1 The Data Protection Officer (dataprotectionofficer@nottinghamcollege.ac.uk) is responsible for responding to all Data Subject Access Requests.

8.2 The Data Protection Officer will acknowledge the request and ask for any clarification and some identification to prove the identity of the requester. He/she will coordinate the collection and collation of the required information, and will provide the response to the data subject, having applied any relevant redaction and/or exemption to the information.

8.3 The College cannot charge a fee for a Subject Access Request unless the request is manifestly unfounded, excessive or repetitive. These criteria may also result in the Data Protection Officer refusing to respond to the request.

8.4 Information relevant to a Data Subject Access Request must be provided without delay and at the latest within one month of receipt. In certain circumstances this can be extended by a further two months, depending on the complexity and number of requests.

8.5 Information will be provided securely in a commonly used electronic format, unless the originator of the request has asked for a different response. Personal Information should never be sent electronically in an unencrypted form.

9. REFERENCES

9.1 The College policies and guidelines which should be reviewed in conjunction with this policy include:
- Data Protection and GDPR Policy
- Data Subjects' Rights Policy and Procedure
- Social Media Policy
- Freedom of Information Policy
- Information Security Policy
- Archiving Policy
- Disciplinary Policy
- Safeguarding Policy

Relevant legislation includes:
- The Regulation of Investigatory Powers Act 2000;
- The Telecommunications (Lawful Business Practice), (Interception of Communications) Regulations 2000;
- The Communications Act 2003;
- Data Protection Act 2018/General Data Protection Regulation;
- The Human Rights Act 1998;
- The Defamation Act 1996 and the Equality Act 2010;
- Malicious Communications Act 1988;
- Computer Misuse Act 1990;
- Freedom of Information Act 2000,
- Road Traffic Act 1988

10. APPENDICES

10.1 Appendix 1: Data Subject Access Request form
10.2 Appendix 2: Equality Impact Assessment

Appendix 1

Data Subject Access Request Form

You can use this form to request access to your personal information as held by Nottingham College. Under the General Data Protection Regulation (GDPR) you have the right to be told whether Nottingham College or any of its processors is processing your personal data and, if so, to be given the following information:

1. the purposes for which your personal data is processed
2. the categories of personal data processed
3. the categories of recipient of that data
4. retention periods of any data
5. your rights as a data subject
6. the relevant safeguards applied to your information where personal data is transferred outside the EEA
7. any third-party source of your personal data

Please return your completed form and proof of identity (detailed overleaf) to the data protection officer at: dataprotectionofficer@nottinghamcollege.ac.uk.
You can also send your review request by post to:

Nottingham College City Hub
111 Canal Street
Nottingham
NG1 7HB

The College endeavours to respond to all requests within one month from the date that the request is received.

If you need any further advice, please email the data protection officer at dataprotectionofficer@nottinghamcollege.ac.uk.

1. Data Subject Details:

Surname	
Forename(s)	
Current address	
Date of birth	
Tel No – Home	
Tel No – Mobile	
Email address	
Details of identification provided to confirm name of data subject:	One form of identification is required from the following list. Further information may be required if there has been a change of name. • Passport • National identity card • Driving licence • Birth certificate
Details of data requested: You should describe the information you need as clearly as possible: while you are entitled to a copy of any information we hold, the College is entitled to receive direction as to what information might be held and for what purpose so we can fulfil your request as efficiently as possible. If your request is unclear, we may contact you and ask you to be more specific. More space is provided overleaf if required.	

This document is uncontrolled when printed

Details of data requested: (if more space is required) You should describe the information you need as clearly as possible: while you are entitled to a copy of any information we hold, the College is entitled to receive direction as to what information might be held and for what purpose so we can fulfil your request as efficiently as possible. If your request is unclear, we may contact you and ask you to be more specific.	

2. Details of person and organisation requesting the information (if not the Data Subject):

Surname	
Forename(s)	
Organisation	
Current address	
Date of birth	
Tel No – Home	
Tel No – Mobile	
Email address	

Please enclose proof that you are legally authorised to obtain this information:

Are you acting on behalf of the data subject with their written or other legal authority?	Yes ☐ No ☐
If 'yes' please state your relationship with the data subject (e.g. solicitor, parent, legal guardian)	

3. Declaration(s)

I,_____, the undersigned, and the person identified in (1) above, hereby request that Nottingham College provide me with the data about me identified above.

Signature: _____   Date: _____

I,_____, the undersigned, and the person identified in (2) above, hereby request that Nottingham College provide me with the data about the data subject identified in (1) above.

Signature: _____   Date: _____

Appendix 2

EQUALITY IMPACT ASSESSMENT INITIAL SCREENING TOOL

Document Name:	Data Subject Access Request Procedure	Date:	22 July 2020
Lead Officer:	Jo Clifford	Reviewing Officers:	Jo Welham

☐ Function	☐ Policy	x Procedure	☐ Strategy

Describe the main aim, objectives and intended outcomes of the above:

*You must assess **each** of the 9 areas separately and consider how your policy may affect each group.*

1. Assessment of possible adverse impact against any minority group			
How could the policy have a **significant** negative impact on equality in relation to each area?	Yes	No	If yes, please state why and the evidence used in your assessment
1. Age		X	
2. Sex		X	
3. Disability		X	
4. Race or Ethnicity		X	
5. Religion or Belief		X	
6. Sexual Orientation		X	
7. Pregnancy and maternity		X	
8. Gender reassignment		X	
9. Marriage and Civil Partnership		X	

You need to ask yourself:

- Will the policy create any problems or barriers to any community of group?
- Will any group be excluded because of the policy?
- Will the policy have a negative impact on community relations?

If the answer is yes to any of the above then a full Equality Impact Assessment will be required.

2. Positive impact			
How could the policy have a **significant positive** impact on equality by reducing inequalities that already exist?	Yes	No	If yes, please state why and the evidence used in your assessment
1. Promote equal opportunities	X		Data subjects can check on the lawfulness of the information processing carried out by the college
2. Get rid of discrimination	X		Data subjects can access all the information that the college holds, subject to certain exemptions
3. Get rid of harassment	X		Data subjects can access all the information that the college holds, subject to certain exemptions
4. Promote good community relations	X		Access to their own information will promote public trust in the college
5. Promote positive attitudes towards disabled people		X	
6. Encourage participation by disabled people		X	

7.	Consider more favourable treatment of disabled people		X	
8.	Promote and protect human rights	x		All individuals have the right to access their information and this procedure promotes that

3. Summary							
Positive			*Please rate the level of impact*				**Negative**
HIGH ☐	MEDIUM ☐	LOW x	NIL ☐	LOW ☐		MEDIUM ☐	HIGH ☐
Date assessment completed: 22 July 2020		Is a full Equality Impact Assessment required?			☐ Yes x No		