ASKHAM BRYAN COLLEGE

Subject Access Request Policy
GA24

Equality Impact Assessment: Askham Bryan College recognises the importance of the Equality Act 2010 and its duties under the Act. This document has been assessed to ensure that it does not adversely affect staff, students or stakeholders on the grounds of any protected characteristics.

1. INTRODUCTION

1.1. Under the General Data Protection Regulation ("GDPR") and the Data Protection Act 2018, individuals have, amongst other rights (for details of which see the College's Data Protection Policy), the right of access to information about them held by an organisation.

1.2. Specifically, under this right of access, individuals have the right to obtain:

- details as to the categories of Personal Data (information about that individual) that the organisation is processing about them (but not anyone else), and be provided with a copy of that Personal Data;
- confirmation from the organisation as to the purpose of the processing;
- details as to any recipients or categories of that Personal Data;
- and whether those recipients or categories of recipient are located in third countries or not (it is presumed that both the Controller and any recipient of Personal Data will be based within the EEA; a "third country" is any country not in the EEA; the EEA consists of the EU Members States, Iceland, Liechtenstein and Norway);
- where possible, the period for which any Personal Data will be stored (known as the "retention period"), and if not possible, the criteria used to determine the retention period (for details of which see the College's Retention Policy);
- and the existence of and reasoning behind any profiling or automated decision making involving the use of their Personal Data.

1.3. This is so individuals can verify the lawfulness of the processing.

1.4. Individuals are known under the GDPR and the Data Protection Act 2018 as "Data Subjects" and a request by a Data Subject to an organisation asking that organisation to confirm what information or "Personal Data" that organisation holds or uses is known as a "Subject Access Request" or "SAR" for short.

1.5. Under GDPR and the Data Protection Act 2018, an organisation has 30 calendar days in which to respond to a Subject Access Request and cannot charge a fee for responding.

1.6. In some circumstances, it may be possible to refuse to respond to a Subject Access Request:

- where the Subject Access Request is deemed to be "manifestly unfounded or excessive", for instance, where it is a repeat of a previous and similar request, that the College has only just responded to;
- where the request is ultimately deemed not to be a Subject Access Request at all, but a request for information by an individual instead, ie "how much do I owe the College?", "when does my course start?", etc;
- or where the request is in fact a request under the Freedom of Information Act 2000 instead (a request to a public body for information about how that public body operates, as opposed to a request for personal information);
- where no Personal Data is held by the College on that individual;
- where the Personal Data in fact relates to a third party and not the Data Subject (although there are exceptions, such as when the request is made by a solicitor acting on behalf of the Data Subject and the Data Subject has signed a valid consent authorising their Personal Data to be released to their solicitor);
- where the Data Subject is in negotiations with the College and asks for information relating to the College's negotiating position;
- where the Data Subject is involved in legal proceedings with the College (you cannot use a Subject Access Request to request information that may be subject to legal professional privilege); and/or
- where to respond to the request would involve disproportionate cost.

1.7. An individual's rights under GDPR and the Data Protection Act 2018 are paramount. It is anticipated that unless there is a good cause not to, that all Subject Access Requests must be responded to and within the 30 day time limit and free of charge.

1.8. In some instances, it may be possible to apply for an extension to respond to a Subject Access Request by a further 2 months, where the request is complex.

1.9. Alternatively, you may be able to ask the Data Subject to reframe the Subject Access Request eg where a Data Subject asks to be provided with details of all the information that the College holds about him or her, you may be able to ask the Data Subject to limit that request to information held by the College between certain dates instead.

1.10. For further details see the College's Subject Access Request Procedure.

2. DATA PROTECTION OFFICER

2.1. The College Senior Management Team has overall responsibility for ensuring compliance with data protection legislation and its associated policies and procedures and has appointed a Data Protection Officer, who is the Clerk to the Corporation. The Data Protection Officer will lead on the College's overall approach to data protection, assisted, where necessary, by the Legal and Compliance Adviser.

2.2. Any person who considers that this policy has not been followed should raise the matter with the College's Data Protection Officer by contacting judith.clapham@askham-bryan.ac.uk or by emailing DataProtection@askham-bryan.ac.uk.

2.3. If you are not satisfied with the response, you may then wish contact the Information Commissioner's Office at https://ico.org.uk/concerns/.

3. RELATED POLICIES AND PROCEDURES

This policy is supplemented by the following policies and procedures:

GA23 Data Protection Policy
GA25 Subject Access Request Procedure (internal use only)
GA26 Data Sharing Policy
GA27 Data Sharing Procedure (internal use only)
GA28 Data Retention Policy
GA29 Data Retention Procedure (internal use only)
GA30 Breach Detection and Reporting Policy
GA31 Breach Detection and Reporting Procedure (internal use only)
GA32 Data Subject Rights Policy
GA33 Data Subject Rights Procedure (internal use only)