

Data Protection – Handling Subject Access Requests

Background

Under the General Data Protection Regulation (GDPR), individuals have the right to see any personal information the University holds about them. This is known as a “Subject Access Request” or “SAR”. A SAR must be made in writing; there is no prescribed form, but the University does have a preferred form that makes available for individuals to use.

Whilst it will generally be the University Data Protection Officer that will carry out the Subject Access Request procedure, it is important that staff are aware of what a Subject Access Request is and have a general understanding of what the University’s obligations are to comply with such a request.

We have one month to respond to a Subject Access Request. Avoid complications by following the procedure set out in this guidance

This guidance aims to help you comply with one of the obligations placed on the University by the GDPR and should be read in conjunction with the University’s Data Protection Policy and other guidance. The consequences of failing to comply with the GDPR are serious.

In the case of Subject Access Requests:

- Data subjects have the right to compensation if they are damaged by a contravention of the GDPR, for example if we fail to supply them with the information they request (unless exemptions apply to that information), within the one-month time limit and their interests suffer as a result.
- Data subjects may complain to the Information Commissioner about any decision we make regarding the disclosure or non-disclosure of information. The Information Commissioner may serve an enforcement notice ordering us to release the information – and can fine up to €20million.
- An individual within the University who deletes or fails to release information after an enforcement notice has been served will commit a criminal offence and may be fined.

Therefore, it is important that we disclose all of the information that the data subject has requested but *only* that information which is liable for disclosure. We must do this within the one-month time limit.

In any dispute it is important that the University is able to demonstrate that normal practice was followed. This guidance represents normal practice

Procedure

1. If you receive a request from an individual for their own personal data and the request is not a type of request that you would deal with as a routine part of your daily job (e.g. if you work in a School administration role and the student wants to find out their module results), then send the request through to The University Data Protection Officer (VCO, email: data.protection@hud.ac.uk), noting when and where it was originally received.
2. If an individual asks you how they should go about making a Subject Access Request then direct them to the [Data Protection pages of the University website](#), where the preferred [form and instructions](#) for how to submit a request are made available.
3. The University Data Protection Officer will then:
 - a. analyse the information requested;
 - b. confirm the identity of the requester and request any additional information needed to process the request.
 - c. unless the subject has made a request for specific information, the University Data Protection Officer will contact the relevant Schools and Services listed below for copies of records OR confirmation that nothing is held to be returned within (usually) 2 weeks of the Subject Access Request deadline
 - For **Student SARs** the Data Protection Officer will contact the named Data Protection Champion in:
 - The student's School
 - Student Records Team
 - Student Recruitment Team
 - Student Finance Office
 - Student Services
 - Registry
 - Research & Enterprise
 - International Office
 - Computing & Library Services
 - For **Staff SARs** the Data Protection Officer will contact the named Data Protection Champion in:
 - the employee's School/Department
 - Human Resources
 - Payroll
 - Computing & Library Services
 - Office of Occupational Health
 - Health & Safety
4. The request for information sent to Schools and Services by the University Data Protection Officer will ask for:
 - copies of ALL documents (paper as well as electronic), computer records and any other data which may be held relating to the individual, whether in database systems, emails or within documents;
 - all information to printed in hard copy (single-sided), with any duplicates being removed before the information is sent;

- the request to be forwarded to all appropriate people in the School/Service that might hold personal data relating to the individual; and
 - confirmation (if it is the case) that the School/Service does not hold any personal data relating to the individual.
5. If, when compiling the information, the School/Service Data Protection Champion believes that that some of the information should be exempt from disclosure, the relevant information should still be sent in its entirety to the Data Protection Officer with a note attached so that the Data Protection Officer can make a decision on withholding it or on redaction
 6. On receipt of copies of records, they will be reviewed for the inclusion of personal data about other people. This does not have to be supplied to the requester unless the third parties have given their consent, or it is reasonable to supply it without their consent. Redaction may be required.
 7. The University Data Protection Officer will consider whether the University is obliged to supply some or all of the information. Exemptions may be applied which include:
 - crime prevention and detection (a separate protocol is in force for requests made for these purposes)
 - negotiations with the requester
 - management forecasts
 - confidential references
 - information covered by legal professional privilege
 8. An explanation of any complex terms or codes will be prepared, if necessary to enable the requester to understand the information.
 9. The response will be prepared and a full electronic copy retained. It will be sent by Special Delivery to arrive within the one month time limit.