

## **Subject Access Request Policy**

### **Introduction**

Under Section 7 of the Data Protection Act 1998 an individual (data subject using the terminology of the Act) has the right to see a copy of the personal data an organisation holds about them.

More specifically an individual has the right to:

- Be told whether any personal data is being processed;
- Be 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;
- Be given a copy of the information comprising the data; and given details of the source of the data (where this is available).

The University holds and processes high volumes of personal data about students, staff and even members of the public so we need to be in a position to respond to these requests fully and promptly, given the Act sets a time period by which the request needs to be responded too.

The Policy sets out the manner by which the University will respond to Subject Access Requests.

### **Receiving a request**

To make a Subject Access Request an individual has to submit the request in writing, specifying the information they believe we hold about them that they want to have a copy of. We have the right to ask for clarification if the initial request is vague or unclear but the requester does not have to provide this. We also have the right to require the requester to prove their identity if we have any doubts before we process the request.

In terms of time limits the Act states we have 40 calendar days to respond to the request from the date it was submitted in writing. This will change to one calendar month from May 2018 under the GDPR. If we fail to meet this timescale we are in breach of the Act and the requester can make a complaint to the Information Commissioner's Office (ICO).

The Act does allow organisations to charge a fee of £10 but the University does not exercise this right (it will be abolished under the GDPR).

Finally whilst the Information Governance Officer (IGO) manages the response to requests they can be made to anyone at the University so it is very important the IGO is notified as soon as possible ([j.gilchrist@mdx.ac.uk](mailto:j.gilchrist@mdx.ac.uk) ext. 14061) so days needed to gather and review information for disclosure are not wasted.

### **Responding and Logging the request**

The IGO will acknowledge the request and make the requester aware of the final deadline date for a disclosure.

The request will be entered onto the central Information Request Register for the calendar year so that it is easily trackable for the IGO.

### **Finding relevant information**

Once the IGO has established the nature of the information the requester has asked for they will make contact with the relevant staff members in the University who are likely to hold this information. The IGO will explain what information is required and alert the relevant people on the deadlines that need to be met (ideally the IGO should receive information back at least 7 working days before the deadline for disclosure).

Whilst the IGO will provide guidance and support it is ultimately the responsibility of staff members who are likely to hold the requested information to search for and collate the information. There is an appreciation that on occasions gathering this information may be onerous and time consuming, however the Acts sets a very high threshold for not responding to a request due to '*disproportionate effort*' so difficulties need to be flagged to the IGO at the earliest opportunity.

### **Screening relevant information**

When all information within the scope of the request has been returned to the IGO it will then be screened and reviewed before it is disclosed.

It is important to remember at this stage a requestor is only entitled to receive their own personal data and not other peoples (third party data). Third party data is an issue because in reality personal data of several people can often be included within the same information set. As a general rule third party data will be removed or redacted before disclosure unless:

- the other individual has consented to the disclosure; or
- it is reasonable in all the circumstances to comply with the request without that individual's consent.

There are also other exemptions that can be used to prevent personal data being disclosed to a requestor. The most common of these include for the prevention and detection of crime, to avoid prejudicing ongoing negotiations or if disclosure would affect ongoing legal proceedings. The IGO will apply exemptions if they are necessary and after taking advice.

### **Making the disclosure**

Once the above process has been completed the IGO will make the actual disclosure to the requestor. The format of the disclosure will be made in line with the requestor's preference whenever possible. The disclosure will include an explanation of what information is being provided. More importantly the disclosure communication will highlight any information that has been redacted or removed completely and the reason why.

The communication will set out the requestors subsequent rights to either ask us to do another search if they believe information is missing from the initial disclosure, or their right to complain to the ICO if they are unhappy with the disclosure.

## **Closing the request**

Completion of the request will be entered onto the central Information Request Register for the calendar year so that it is easily trackable for the IGO.

This information will also be reported to the Information Governance Group as part of the reporting dashboard presented at every meeting.

## **Responsibilities**

**Middlesex University** – the data controller who determines the manner of processing of all personal data held

**Board of Governors** – the body with ultimate responsibility for compliance with the Data Protection Act

**Information Governance Officer** – the individual with operational responsibility for processing Subject Access Request in line with the requirements of the Data Protection Act 1998

**All staff** – to ensure they can recognise a Subject Access Request and to forward it onto the Information Governance Officer as soon as possible so that it can be processed.

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