



Policy/Procedure/Guideline Review

Policy/Procedure/ Guideline:	Subject Access Request Procedure
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Author:	Chief Information Officer
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Subject Access Request Procedure

All personal data processed by East Lancashire Learning Group, including Lancashire Adult Learning ('the College') is within the scope of this procedure.

To request access to general information (non-personal information) held by the College, please refer to our website (www.eastlancslearning.ac.uk). Further information regarding nonpersonal College information is detailed in our Freedom of Information Policy, which also contains our 'publication scheme'. This is available on our College website.

What is a subject access request?

Under data protection legislation, individuals (data subjects) have the right to request that a data controller (Nelson and Colne College) provides them with the following:

- Confirmation that their personal data is being processed
- Access to their personal data
- Other supplementary information about the processing of their personal data.

A Subject Access Request (SAR) is simply a request made by, or on behalf of, an individual.

How do I make a subject access request?

A SAR can be submitted verbally or in writing or by email, but must describe the personal data required. If making a third-party request for personal data, please refer to the section 'Making a third party request for personal data'. Using the College's Subject Access Request form will aid you in providing as much detail as possible relating to the request and will reduce the potential for delays pending clarification (although this is not a requirement of making a SAR).

Proof of identification must be provided, comprising a copy of an official document containing photographic identification, e.g. passport or driving licence. The SAR and proof of identity can be submitted in writing, via email or verbally. College contact details for requests are listed below:

Data Protection Officer
Nelson and Colne College
Scotland Road
Nelson
BB9 7YT
Tel: 01282 440200 Email:
dpo@eastlancslearning.ac.uk

Please note that only once the College is in receipt of both items (SAR and proof of identity) will we begin to process your request.

What happens once I have submitted a request?

SAR's are received by the Data Protection Officer who will send you an acknowledgement of the request, and who will ensure that the requested data is collected. If we need clarification on your request, we will contact you as soon as possible. Once we are in receipt of a clear request and proof of identity we will begin to locate and collate the relevant personal data. This will entail:

- Collecting the data specified by the data subject, or

- Searching all databases and all relevant filing systems (manual files) in College, including all back up and archived files (computerised or manual) and all email folders and archives.

What information will I receive?

The subject access right allows individuals the right to access personal data of which they are the subject. It does not provide the right to access entire documents if the documents do not fully comprise the personal data of the individual.

The DPO will review the documents and where the information you request reveals details directly or indirectly about another person, an individual may receive partial or redacted documents. Furthermore, where disclosure would adversely affect the rights and freedoms of others, we may not be able to disclose the information to you, in which case you will be informed promptly and given full reasons for that decision.

Can I access the personal data of other individuals?

An individual only has the right to access personal data of which they are the subject and there is no right of access to the personal data of friends or family. However, there are some instances in which a request made on behalf of another individual or for a specific purpose (such as the detection or prevention of crime) will be considered (see 'Making a Third-Party Request for Personal Data').

When will I receive a response to my request?

Under data protection legislation, the College must respond within one calendar month of receiving a request and proof of identification, unless the request is particularly complex, in which case the deadline may be extended by a further two months. Where the College needs to extend a deadline, we will write to inform the requestor of this.

The College will inform the data subject of any such extension within one month of receipt of the request, together with the reasons for the delay.

How will I receive copies of personal data in response to my request?

Copies of personal data will normally be sent either electronically (by email attachment, using password protection and encryption) or in hard copy (by the Royal Mail's 'Signed For' service). If you prefer, you can request that we provide personal data to you verbally, but we will only do so if we are able to verify your identity first.

What if I am dissatisfied with the College's response to my request?

If you are dissatisfied with the way in which your SAR has been processed or dissatisfied with the response that you have been given, please contact the DPO in the first instance so that the College is provided with the opportunity to review the matter and respond to your concerns. Contact details for the DPO are below:

Data Protection Officer
East Lancashire Learning Group
Scotland Road
Nelson
BB9 7YT
Tel: 01282 440200

Email: dpo@eastlancslearning.ac.uk

You can also ask the Information Commissioner's Office (ICO) to carry out an assessment to see whether it is likely or unlikely that the College has responded properly. The ICO contact details are below:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 0303 1231113

Website: www.ico.org.uk

Making a third-party request for personal data

There are some circumstances under which the College will consider a request for access to personal data on behalf of another individual, with or without their consent. These are:

- The requestor is the parent of a child aged 12 years or under
- The requestor has the written permission to make a request on behalf of another individual
- The requestor has Power of Attorney or an order from the Court of Protection to act on behalf of another individual
- The College believes that it is in the best interests of an individual who does not have the capacity to make a request themselves
- The College deems that release can be justified under crime and taxation provisions.

In these circumstances we may seek further information from the requestor in order to help determine whether the College is willing to release any personal data.

A request for access to personal data made on behalf of a child

The DPO will review SAR's for a child. Before responding the DPO will consider the child's ability to make the request. Children aged 13 and above are generally deemed mature enough to make decisions about the processing of their personal data and would normally be expected to submit a SAR themselves. Where a parent of a child over the age of 13 submits a SAR on the child's behalf, the College may contact the child to request their consent to the release of the personal data, or require the parent to provide written consent from the child.

The College will decide whether it is in the best interests of the child to make the disclosure. In these circumstances the SAR should be submitted alongside identification for yourself and the child.

A request for access to personal data made on behalf of an adult

A request for access to personal data made on behalf of an adult will need to be accompanied by a signed letter from the data subject which contains consent to the release of all or specific personal data to the requestor. Such requests are typically made by solicitors acting on behalf of a client.

A request for access to personal data made on behalf of an adult who does not have the capacity to make a request themselves will need to be accompanied by proof that the requestor has the authority to act on behalf of the data subject, such as through Power of Attorney or an order from the Court of Protection. Where authority is not provided, the College will consider on a case by case basis whether release of the personal data requested is in the best interests of the data subject. In these circumstances the SAR should be submitted alongside, identification for yourself, the data subject and proof of your authority to act on behalf of the data subject.

A request for personal data for the purpose of law enforcement

Data protection legislation contains some exemptions that permit the College to release personal data for the purpose of law enforcement:

- Safeguarding national security (section 110)
- The prevention or detection of crime, the apprehension or prosecution of offenders or the assessment or collection of any tax or duty or of any imposition of a similar nature (schedule 2).

A request for the release of personal data under these provisions would be typically made by a police force, the Department for Work and Pensions, a local authority or the Border and Immigration Agency. The College is not obliged to release personal data unless it is satisfied that it is reasonable to do so. Under these exemptions, personal data may be released without the consent of the data subject and outside of the purpose for which the personal data was originally collected.

A request for release of personal data for the purpose of law enforcement should be submitted using the organisation's own form for that purpose. The form should give full details of the personal data requested, a full explanation of the reason for the request and should be counter-signed by a Senior Officer of the organisation. Completed forms should be emailed to dpo@nelsongroup.ac.uk

SAR Records

The College will retain and maintain a record of all SAR's in the SAR Log. The log will include the requesters name, data requested, outcome of request, dates provided and data format.

Related Policies and Procedures

Documents related to the policy are:

- GDPR - Rights of Individuals Policy
- Data Protection Policy
- Freedom of Information Policy
- Complaints Policy and Procedure

Subject Access Request Form (SAR)

Please read this form carefully and complete it in full so as not to delay the processing of your request. This form is not mandatory and SAR's made in other formats will also be processed.

Further information can be found in the College's Subject Access Request Procedure. If you have any questions about this form or your request, please contact the Data Protection Officer at dpo@nelsongroup.ac.uk

The information supplied within this form will be used for identifying your personal data in order for your request to be responded to and will also be recorded in the College SAR log.

We require proof of your identity before we can disclose personal data. Please attach official photographic identification to your request.

Please submit this completed form and identification to:

Data Protection Officer
Nelson and Colne College
Scotland Road
Nelson
BB9 7YT
Email:
dpo@eastlancslearning.ac.uk

Personal Details:

Full Name:	
Former Names (if applicable)	
Student/Staff ID number (if applicable):	
Department:	
Postal Address (including postcode):	
Telephone Number:	
Email Address:	

Are you the Data Subject? (please circle):

Yes:	Please provide official photographic identification e.g. copy of passport or driving licence. If you are a current member of staff or student, please provide a copy of your ID card.
No:	Are you acting on behalf of the data subject? If so, complete this form and provide us with their written authority and include identification of yourself and the data subject. Please note that we may take further steps to confirm that authority has been freely given.

Your request:

Describe as precisely as possible the information you seek, together with any additional information which will help us to locate it. Please continue on a separate sheet if necessary.

Please note we are not obliged to comply with a request until we are supplied with sufficient information to process it.

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Please indicate your preference for receiving the personal data:

Hard copy

Electronic copy

Verbally

Declaration:

I certify that the information given on this form is true and accurate, and accept the terms laid out. I understand that it is necessary for Nelson and Colne College to confirm my/the Data Subject's identity and it may be necessary for them to obtain more detailed information in order to locate the correct personal data. I understand that the response period of one month, stipulated in the General Data Protection Regulation (and associated UK data protection legislation), will not commence until Nelson and Colne College is satisfied in this regard and has received proof of identification.

Signature:	
Print Name:	
Date:	

Subject Access Request Process (Internal Use Only)

