

Subject Access Request (Right to Access) Guidance Note

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1. Overview

A Subject Access Request (SAR) is a request made by an individual to a TEN Group organisation under the General Data Protection Regulations, asking for personal data (“information”) that we may hold about them.

The purpose of a SAR is to make you aware of the existence of any processing of information TEN Group organisations do regarding you, and to allow you to verify the lawfulness of our processing.

You have the right to obtain confirmation as to whether your personal information is being processed by TEN Group organisations and if so, you are entitled to access the following information:

- A copy of the Information (subject to any exemptions).
- The reasons why their data is being processed.
- The description of the personal data concerning them.
- Anyone who has received or will receive their personal data.
- Details of the origin of their data if it was not collected from them.
- An explanation as to how (if any) automated decisions taken about them have been made.

We must respond to all SAR's as soon as practicable, and no later than one calendar month from receipt.

2. Submitting a Subject Access Request

You don't have to mention GDPR or use the words 'subject access request' for a request it to be a valid - but it does help us, and you, if you do.

A SAR can be made in a number of different ways, including via telephone or in person, but for it to be considered a valid request, it must be clear what you want to receive, so you are encouraged to submit a request in writing – this gives us a clear instruction as to what you want, and gives you a “check list” to mark our response against and ensure that we've given you what you asked for.

Written requests may be received via post, email or through the submission of the Subject Access Request Form.

If a request isn't written down, there could be some confusion over what you want. If you can't put it in writing, we will write to you to confirm what we understand your request to be and you will have a chance to confirm or correct us.

Where a request is considered too vague to be processed, we will ask you to provide clarification.

You will also be asked to prove who you are – to stop other people accessing your data without your knowledge.

A copy of Photographic ID is preferred such as passport, driving licence or Student ID (originals are not required, but can be copied if presented in person). In limited cases a

current utility bill or evidence of means-tested benefits may be accepted as proof of identity. Identity documents such as birth certificates, passports and driving licences will be returned by recorded delivery (if originals are provided); utility bills etc will be returned by first class post. If a name change has occurred so that the name on the record held by the TEN Group organisation is different from that in the submitted proof of identity further evidence will be needed to support the link between the original name and the current name.

3. Is there a fee to submit a Subject Access Request?

Under the GDPR, a request for personal information is free.

If however the request is deemed to be 'manifestly unfounded or excessive' or for multiple requests, we can charge a 'reasonable fee' to cover the processing costs. Should this be necessary, we will notify the requester within a month of receipt of the request explaining why the fee is necessary.

4. Can someone else make a Subject Access Request on my behalf?

Yes, they can – but only with evidence of your permission to do so.

If a parent, family member or anyone else claiming to be connected to you asks us for copies of your personal information, we will always say no, unless they can prove that they are acting on your behalf:

- Their requests must be accompanied by a copy of written authority from you or with legal written authority such as Power of Attorney (if applicable).
- The requester will still need to provide proof of your identity.

5. How long do we have to respond?

Under GDPR, we must respond to SARs within one calendar month of receipt. This deadline can be extended by a further two months where there are a number of requests or the request is complex. In these instances we must notify the requester within a month of receipt of their request, explaining why the extension is necessary.

You will always receive an acknowledgement from us, if you haven't received one within 5 days of sending your request, check your junk mail or post and if there's nothing there, please do make contact to advise.

If you've emailed someone and received an out of office response asking you to direct it to another address, it's your responsibility to ensure that you forward it, otherwise we won't consider the request "received" until that original email has been received.

6. What information is covered by the Subject Access Request

The legal definition of Personal data is “any information relating to an identified or identifiable natural person; an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.”

In summary this means any information we hold about you that can be used to identify you. It can take a number of forms such as a paper document, an electronic file, email, entry on a database or CCTV footage.

7. Will I get everything I've asked for?

We will endeavour to provide you with everything you have requested, but on occasion there may be a legal reason why we can't.

It may be that the information you have requested includes references to other people that you are not entitled to see, in that situation, we would redact (black out) certain parts of the information. In extreme circumstances where redacting cannot satisfy the rights of others to not have their data disclosed, we may need to withhold completely.

If it's reasonable for us to do so, we might speak to the other party and ask their permission to disclose – if they say yes, we will.

There may be other exemptions under European or UK law that prohibit disclosure of information. If there are, we will explain them to you in full when we respond.

8. How will you send me my information.

We will always try to send you the information in the manner you have requested us to. If sent electronically via email we will always ensure that appropriate security precautions are taken, an email may contain an encrypted response.

If sent by post, even on a USB, we will send by recorded or special delivery.

You can also arrange to collect the information in person.

9. What if I don't hear from you within a month?

If you received an acknowledgement, but it isn't followed up with a response within a month, then please contact us. It is unlikely to happen, but it's always possible that your email account has rejected our reply due to its size and we're not aware of it, or something's happened to delay the delivery.

If we're responding by post, please allow a day or two for the letter/parcel to arrive

10. Contact us

To avoid delay and to ensure any Subject Access Requests are processed by the appropriate department, please direct your enquiry to the Information Compliance team.

If you have any questions, concerns or would like more information about anything mentioned in this document, please also direct your enquiry to:

Email: data_protection@ccn.ac.uk

Postal address:

Information Compliance, Professional Services Team
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