



Data Subjects Rights Policy

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. The UK GDPR and Data Protection Act 2018 provide the following rights for individuals ("Data Subjects"):
 1. The right to be informed
 2. The right of access
 3. The right to rectification
 4. The right to erasure
 5. The right to restrict processing
 6. The right to data portability
 7. The right to object
 8. Rights in relation to automated decision making and profiling.

2. THE RIGHT TO BE INFORMED

- 2.1 This is the right of an individual to be told by an organisation why their Personal Data is collected and how the organisation intends to use that Personal Data.
- 2.2 Typically, this information is available in what is called a "privacy statement" or "privacy notice", usually found on websites; but can also be set out in documents such as on forms.
- 2.3 The College has two key privacy statements: the College's Staff Privacy Statement and Student Privacy Statement, but individual privacy statements also appear on documents that the College uses, for instance, the Application Form, the Enrolment Form, etc.

Version: September 2021	Next Review: September 2022	Author: Legal and Compliance Adviser	SLT Owner: Director of Governance
-------------------------	-----------------------------	--------------------------------------	-----------------------------------

DATA SUBJECTS RIGHTS POLICY

3. THE RIGHT OF ACCESS

- 3.1 This is the right of an individual to understand how and why an organisation is using their Personal Data and to be provided with a copy of that information.
- 3.2 The right of access is the subject of a separate Subject Access Policy and Procedure.
- 3.3 Any Subject Access requests should be directed immediately upon receipt to the College's Legal and Compliance Adviser by emailing jethro.powell@askham-bryan.ac.uk or by emailing [DataProtection@askham-bryan.ac.uk](mailto>DataProtection@askham-bryan.ac.uk).

4. THE RIGHT TO RECTIFICATION

- 4.1 The right to have inaccurate or incomplete Personal Data rectified.

5. THE RIGHT TO ERASURE

- 5.1 The right to deletion or removal of Personal Data where there is no compelling reason for its continued processing. The right is not absolute and only applies in certain circumstances.

When does the right to erasure not apply?

- 5.2 The right to erasure does not apply if processing is necessary for one of the following reasons:
 - to exercise the right of freedom of expression and information;
 - to comply with a legal obligation;
 - for the performance of a task carried out in the public interest or in the exercise of official authority;
 - for archiving purposes in the public interest, scientific research, historical research or statistical purposes where erasure is likely to render impossible or seriously impair the achievement of that processing; or
 - for the establishment, exercise or defence of legal claims.

If an organisation is required by law to process individuals' personal data, then the right to erasure will not apply.

The UK GDPR also specifies two circumstances where the right to erasure will not apply to Special Category Data* (what used to be known as "sensitive data", ie personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic data, biometric data (where used for identification purposes), data concerning health, data concerning a person's sex life or data concerning a person's sexual orientation):

Version: September 2021	Next Review: September 2022	Author: Legal and Compliance Adviser	SLT Owner: Director of Governance
-------------------------	-----------------------------	--------------------------------------	-----------------------------------

DATA SUBJECTS RIGHTS POLICY

- if the processing is necessary for public health purposes in the public interest (eg protecting against serious cross-border threats to health, or ensuring high standards of quality and safety of health care and of medicinal products or medical devices); or
- if the processing is necessary for the purposes of preventative or occupational medicine; for the working capacity of an employee; for medical diagnosis; for the provision of health or social care; or for the management of health or social care systems or services. This only applies where the data is being processed by or under the responsibility of a professional subject to a legal obligation of professional secrecy (eg a health professional).

* This does not include personal data about criminal allegations, proceedings or convictions, as separate rules apply.

6. THE RIGHT TO RESTRICT PROCESSING

- 6.1 The right to have an organisation stop processing an individual's Personal Data where an individual contests the accuracy of that data or where the processing is unlawful and the individual opposes erasure and requests restriction instead.

7. THE RIGHT TO DATA PORTABILITY

- 7.1 The right of an individual to be given a copy of their Personal Data held by an organisation "in a structured, commonly used and machine-readable format", so that the individual can transfer that Personal Data to another organisation.

8. THE RIGHT TO OBJECT

- 8.1 The right for an individual to object to the processing of their Personal Data, unless the organisation can demonstrate compelling legitimate grounds for the processing, which override the interests, rights and freedoms of the individual, or the processing is for the establishment, exercise or defence of legal claims.

9. AUTOMATIC DECISION MAKING AND PROFILING

- 9.1 Automated individual decision-making is a decision made by automated means without any human involvement. Examples of this include an online decision to award a loan, or a recruitment aptitude test which uses pre-programmed algorithms and criteria.

- 9.2 Automated individual decision-making does not have to involve profiling, although it often will do.

- 9.3 The UK GDPR says that profiling is:

"Any form of automated processing of personal data consisting of the use of personal data to evaluate certain personal aspects relating to a natural person, in particular to analyse or predict aspects concerning that natural person's performance at work, economic situation, health, personal preferences, interests, reliability, behaviour, location or movements." [Article 4(4)]

Version: September 2021	Next Review: September 2022	Author: Legal and Compliance Adviser	SLT Owner: Director of Governance
-------------------------	-----------------------------	--------------------------------------	-----------------------------------

DATA SUBJECTS RIGHTS POLICY

- 9.4 Automated individual decision-making and profiling can lead to quicker and more consistent decisions; but if they are used irresponsibly there are significant risks for individuals. The UK GDPR provisions are designed to address these risks.
- 9.5 Automated decision making is unlikely to apply here at the College.

10. DATA PROTECTION OFFICER

- 10.1 The College Senior Leadership 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 and Director of Governance.
- 10.2 The Data Protection Officer will lead on the College's overall approach to data protection, assisted by the Legal and Compliance Adviser.
- 10.3 In addition, the College's Data Protection Officer, assisted by the Legal and Compliance Adviser and Head of IT, will monitor internal compliance with the UK GDPR and the Data Protection Act 2018, and provide advice on data protection issues and how it impacts the College and its activities, and act as a contact point for Data Subjects and the supervisory authority, the ICO.
- 10.4 However, all users of College systems, ie staff, students, contractors and visitors to the College, and link organisations such as the Wildlife Park and the Rural Business Research Unit ("RBRU"), are expected to comply with data protection legislation and support the College's Data Protection Officer, Legal and Compliance Adviser and Head of IT in meeting the College's obligations under data protection legislation, and cooperate with them in the event of a Data Breach or Cyber Security incident.
- 10.5 Any person who considers that any of the College's data protection policies and/or procedures have 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](mailto>DataProtection@askham-bryan.ac.uk) or by contacting the Legal and Compliance Adviser at jethro.powell@askham-bryan.ac.uk.
- 10.6 If an individual makes a complaint to the College's Data Protection Officer and is not satisfied with the College's response, he/she may then wish to contact the Information Commissioner's Office (or "ICO"), the UK's supervisory authority, at <https://ico.org.uk/concerns/> and make a formal complaint.
- 10.7 The College is registered with the Information Commissioner's Office ("ICO"). The Registration Number is Z6170811. Renewal of the registration takes place annually on 22 January.
- 10.8 Please note that the ICO is unlikely to investigate a complaint without an individual first having made a complaint to the College and exhausting the College's own internal complaints procedure first, before referring the matter to the ICO.

Version: September 2021	Next Review: September 2022	Author: Legal and Compliance Adviser	SLT Owner: Director of Governance
-------------------------	-----------------------------	--------------------------------------	-----------------------------------

DATA SUBJECTS RIGHTS POLICY

11. RELATED POLICIES AND PROCEDURES

This policy is supplemented by the following policies and procedures which should be referred to if and when the situation arises:

Staff Privacy Statement

Student Privacy Statement

Data Protection Policy

Subject Access Request Policy

Subject Access Request Procedure (internal use only)

Data Sharing Policy

Data Sharing Procedure (internal use only)

Data Retention Policy

Data Retention Procedure (internal use only)

Breach Detection and Reporting Policy

Breach Detection and Reporting Procedure (internal use only)

Data Subject Rights Procedure (internal use only)

Version: September 2021	Next Review: September 2022	Author: Legal and Compliance Adviser	SLT Owner: Director of Governance
-------------------------	-----------------------------	--------------------------------------	-----------------------------------

DATA SUBJECTS RIGHTS POLICY

APPENDIX A

SUBJECT ACCESS REQUEST FORM

Part 1 – The Request

Please complete in **BLOCK CAPITALS**

I am the person the information is about

if yes, please tick and then complete
Parts 3, 4, 5 and 6

OR

I am acting on behalf of someone else

if yes, please tick and then complete
Parts 2, 3, 4, 5 and 6

Part 2 – The information requested is about someone else

I am the Data Subject's parent

I enclose proof of parental responsibility

I am the Data Subject's guardian/carer

I enclose proof

Other

I enclose consent to share signed by the Data Subject

If "Other", please state

If you are requesting information on behalf of someone else, please give **YOUR** details below

Full Name Relationship to Data Subject

Address

Daytime Telephone Number Email Address (optional).....

Version: September 2021	Next Review: September 2022	Author: Legal and Compliance Adviser	SLT Owner: Director of Governance
-------------------------	-----------------------------	--------------------------------------	-----------------------------------

DATA SUBJECTS RIGHTS POLICY

Part 3 – Data Subject - Person that the information relates to

Title Surname First Name

Student number:

Date of birth

Current Address

Post Code

Telephone Number. Email Address

Identification Documents - please select one from each section

Section 1 – proof of identity

Passport

Driving Licence

Other Please state

Section 2 – proof of address

Bank Statement

Utility Bill

Other Please State

Version: September 2021	Next Review: September 2022	Author: Legal and Compliance Adviser	SLT Owner: Director of Governance
-------------------------	-----------------------------	--------------------------------------	-----------------------------------

DATA SUBJECTS RIGHTS POLICY

Part 4 – Details of the information being requested

Please help us deal with your request quickly and efficiently by giving as much detail as possible about the information you want.

Part 5 – Access to the Information

All information is provided in an encrypted format, or by registered post, unless specified otherwise. If you have learning disabilities or who are hearing impaired or who have other disabilities and may struggle to access your information in this format, then please let us know. We can seek to provide you with this information in another format.

.....

Part 6 – Declaration

I certify the information provided on this form is true. I understand Askham Bryan College is not obliged to comply with my request unless they are supplied with such information as they may reasonably require in order to satisfy themselves as to my identity and to locate the information which I seek.

Name Signature Date

Version: September 2021	Next Review: September 2022	Author: Legal and Compliance Adviser	SLT Owner: Director of Governance
-------------------------	-----------------------------	--------------------------------------	-----------------------------------

DATA SUBJECTS RIGHTS POLICY

APPENDIX B

APPLICATION BY DATA SUBJECT FOR RECTIFICATION

NOTIFICATION OF CHANGE OF STUDENT ADDRESS OR NAME

You can use this form to notify Student Records of a change of name or change of address or both. Only complete the boxes that apply to your change.

Student's Full Name			
Student ID		Date Of Birth	
Course Title			
Year Of Course (e.g. 1 st , 2 nd etc.):			

With effect from (insert date)

/ /

I would like the following changes to take effect:

New Name	
Copy of Deed Poll/Marriage Certificate must be handed to Student Records	

New Address	
County	
Postcode	

Version: September 2021	Next Review: September 2022	Author: Legal and Compliance Adviser	SLT Owner: Director of Governance
-------------------------	-----------------------------	--------------------------------------	-----------------------------------

DATA SUBJECTS RIGHTS POLICY

Telephone Number	
Does this include Next of Kin details	
<u>Yes/No</u>	
If No, please add Next of Kin details	

Previous Address	
County	
Postcode	
Telephone Number	

Signed			
Print Name		Date	

For Student Records' use only:

QL amended (date) By (staff name)

Course Code:

If printed, send to: STUDENT RECORDS, Askham Bryan, College, Askham Bryan, York, YO23 3FR

Version: September 2021	Next Review: September 2022	Author: Legal and Compliance Adviser	SLT Owner: Director of Governance
-------------------------	-----------------------------	--------------------------------------	-----------------------------------