



Data Subject Rights Policy 2025- 2027

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 (also known as “Data Subjects” under data protection legislation) with regards how their Personal Data is used/processed:
1. The right to be informed;
 2. The right of access, i.e. the right to make a Subject Access Request;
 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; and
 8. Rights in relation to automated decision making and profiling.
- 1.2 A “Data Subject” is an identified or identifiable living individual to whom Personal Data relates. For the purposes of the UK GDPR and Data Protection Act 2018, a child over 13 is a Data Subject in their own right and have the same rights as adults over their Personal Data.
- 1.3 The Data (Use and Access) Act 2025, which received Royal Assent on 19th June 2025, modifies some of these rights, in particular the right of access, and also introduces a formal statutory right for individuals to complain directly to an organisation (the Data Controller) if they believe their data protection rights have been violated.
- 1.4 The Information Commission (formerly “the ICO”) is reviewing its guidance on Data Subject rights. This Policy is correct as at the time of being published; but will be updated when the guidance changes.

2. THE RIGHT TO BE INFORMED

- 2.1 This is the right of an individual to be informed about the collection and use of their Personal Data. Organisations must provide individuals with information including the reasons for processing their Personal Data, how long any Personal Data will be held for and why, and who it will be shared with. The ICO calls this “privacy information”. Organisations must provide privacy information to individuals at the time they collect their Personal Data from them.
- 2.2 Typically, this information is made available to individuals in what is called a “privacy statement” or “privacy notice”, which is a document that details an organisation’s data collection and use.
- 2.3 Privacy statements/notices are usually found on websites; but can also be set out in documents such as on forms.
- 2.4 The College has a number of key privacy notices, providing different levels of information to different groups of individuals about what data the College collects on them and why and how the College uses that data, which are specific to those groups of individuals:
- Staff Privacy Notice;
 - Student Privacy Notice;
 - Student Recruitment and Marketing Privacy Notice;
 - Privacy Notice for Parents Carers and Guardians and
 - Visitors Privacy Notice,

all of which are available at

<https://www.askham-bryan.ac.uk/publication-scheme-data-protection/>

- 2.5 Separate privacy statements also appear on documents that the College uses, for instance, the Application Form, the Enrolment Form, etc and also on the College website <https://www.askham-bryan.ac.uk/privacy-statement/>

3. THE RIGHT OF ACCESS

- 3.1 Commonly referred to as a “Subject Access Request”, 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 (though not necessarily copies of the documents that contain it) and certain other, supplementary information relating to the organisation’s processing of that data, typically the information that should be contained in the organisation’s privacy notice. Unless the request is complex, then the organisations must perform a reasonable search for the information requested and respond to a Subject Access Request within a month of the date of the request.
- 3.2 The Data (Use and Access) Act 2025, which received Royal Assent on 19th June 2025, has modified the right of access so that organisations are only required to provide Personal Data that can be retrieved after conducting a "reasonable and proportionate" search. The one-month response time can now be paused, or "stopped," if the organisation needs further information from the Requester (the person who submitted the request) to clarify the scope of their request.

- 3.3 For details on how to make a Subject Access Request, please see the College's Subject Access Request Policy which is available at <https://www.askham-bryan.ac.uk/publication-scheme-data-protection/>

4. THE RIGHT TO RECTIFICATION

- 4.1 The UK GDPR includes a right for individuals to have inaccurate Personal Data rectified, or completed if it is incomplete. Organisations have one month from the date of the request to respond to a request for rectification. The right is not absolute though and in certain circumstances, an organisation can refuse a request for rectification.
- 4.2 For further details, see <https://ico.org.uk/for-organisations/uk-gdpr-guidance-and-resources/individual-rights/individual-rights/>
- 4.3 If you would like to request rectification of your data, please submit your request to DataProtection@askham-bryan.ac.uk.
- 4.4 Students wishing to request rectification of their data should submit a Change of Personal Data Request available at https://forms.office.com/Pages/ResponsePage.aspx?id=A_D0_MohlkGoHefjRlrlf_0h6S7qSXdlqGA112BxWk9UMVc4SjgyRDEyN0paMVhPQUI4R1VWRDM0RCQIQCN0PWCU

5. THE RIGHT TO ERASURE

- 5.1 This is 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.
- 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.
- 5.3 The UK GDPR also specifies two circumstances where the right to erasure will not apply to Special Category Data¹ (what used to be known as "sensitive data", i.e. 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):

¹ This does not include Personal Data about criminal allegations, proceedings or convictions, as separate rules apply.

DATA SUBJECT RIGHTS POLICY 2025 - 2027

- if the processing is necessary for public health purposes in the public interest (e.g. 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 (e.g. a health professional).

5.4 If you would like to submit an erasure request, please submit your request to DataProtection@askham-bryan.ac.uk

6. THE RIGHT TO RESTRICT PROCESSING

- 6.1 Individuals have the right to request the restriction or suppression of their Personal Data. This is not an absolute right and only applies in certain circumstances. For instance, where the Personal Data has been unlawfully processed (i.e. in breach of the UK GDPR) and the individual opposes erasure and requests restriction instead.
- 6.2 For further details, see <https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/right-to-restrict-processing/#ib2>
- 6.3 If you would like to restrict the processing of your Personal Data, please submit your request to DataProtection@askham-bryan.ac.uk

7. THE RIGHT TO DATA PORTABILITY

- 7.1 The right to data portability allows individuals to be given a copy of their Personal Data “in a structured, commonly used and machine-readable format”, for instance, in a .csv file, so they can reuse their Personal Data for their own purposes across different services. It allows them to move, copy or transfer Personal Data easily from one IT environment to another in a safe and secure way, without affecting its usability. Doing this enables individuals to take advantage of applications and services that can use this data to find them a better deal or help them understand their spending habits.
- 7.2 For further details, see <https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/right-to-data-portability/>
- 7.3 To submit a data portability request, please submit your request to DataProtection@askham-bryan.ac.uk

8. THE RIGHT TO OBJECT

- 8.1 The right for an individual to object to the processing of their Personal Data. Individuals have an absolute right to stop their Personal Data being used for direct marketing. In other cases where the right to object applies, an organisation may still be able to continue the processing if it can show that it has a compelling reason for doing so, which override the interests, rights and freedoms of the individual, or the processing is for the establishment, exercise or defence of legal claims.
- 8.2 For further details, see <https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/right-to-object/>
- 8.3 If you object to your processing, please contact DataProtection@askham-bryan.ac.uk and please specify what Personal Data you object to being processed and why.

9. AUTOMATED DECISION MAKING AND PROFILING

- 9.1 Automated 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. Profiling is the automated processing of Personal Data to evaluate certain things, for instance, spending habits, about an individual and can be part of an automated decision-making process.
- 9.2 There are certain restrictions around when automated decision making and profiling can be used, and where this applies, individuals need to be given certain information to explain why automated decision making is necessary and details of how they can request human intervention or challenge a decision. For further details see <https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/rights-related-to-automated-decision-making-including-profiling/>
- 9.3 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, i.e. staff, students, contractors and visitors to the College, and link organisations, such as the Wildlife Park, 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 or by contacting the Legal and Compliance Adviser at jethro.powell@askham-bryan.ac.uk.

11. COMPLAINTS

- 11.1 The Data (Use and Access) Act 2025, which received Royal Assent on 19th June 2025, introduced a statutory right for individuals to complain directly to an organisation (the Data Controller) if they believe their data protection rights have been violated.
- 11.2 Organisations must now acknowledge complaints within 30 days and respond "without undue delay". Individuals can escalate their complaint to the Information Commission (the new name for the ICO) only after attempting to resolve it with the organisation first.

Resolution and escalation

- 11.3 If you make a complaint to the College's Data Protection Officer and you are not satisfied with the College's response, then you have the right to contact the Information Commission and make a formal complaint.
- 11.4 The College is registered with the Information Commission. The Registration Number is Z6170811. Renewal of the registration takes place annually on 22 January.

12. SUPPORTING DOCUMENTS

Staff Privacy Notice
Student Privacy Notice
Student Recruitment and Marketing Privacy Notice
Privacy Notice for Parents Carers and Guardians
Visitor Privacy Notice

13. 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:

Data Protection Policy
Subject Access Request Policy
Subject Access Request Procedure (internal use only)
Data Sharing Policy
Data Sharing Procedure (internal use only)

DATA SUBJECT RIGHTS POLICY 2025 - 2027

Data Retention Policy
Data Retention Procedure (internal use only)
Data Breach Reporting Policy
Data Breach Reporting Procedure (internal use only)
Data Subject Rights Procedure (internal use only)

14. RELEVANT LEGISLATION

UK GDPR
Data Protection Act 2018
Privacy and Electronic Communications Regulations 2003
Data (Use and Access) Act 2025

15. DOCUMENT HISTORY

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