

# SUBJECT ACCESS REQUEST PROCEDURE (TIER 2)

## Document Control

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## 1. Scope

All personal data processed by Leeds City College, Keighley College and Harrogate College is within the scope of this procedure.

NOTE: The GDPR at Recital 63, clarifies that the reason for allowing individuals to access their personal data is so that they are aware of and can verify the lawfulness of the processing.

Data subjects are entitled to obtain:

- Confirmation as to whether Leeds City College, Keighley College or Harrogate College is processing any personal data about that individual;
- Access to their personal data;
- Any related information;

## 2. Responsibilities

2.1 The Data Protection Officer / GDPR Owner is responsible for the application and effective working of this procedure, and for reporting to the information and resource owner on Subject Access Requests (SARs).

2.2 The Data Protection Officer / GDPR Owner is responsible for handling all SARs.

## 3. Procedure

**NOTE:** Where possible, Leeds City College (the controller) will provide remote access to a secure system which would provide the data subject with direct access to his or her personal data. However, if this direct access is not available, a subject access request will be required.

3.1 Subject Access Requests are made using the Subject Access Request Record (GDPR REC 4.2).

3.2 The data subject provides Leeds City College, Keighley College or Harrogate College with evidence of their identity, in the form of (*see below*), and the signature on the identity must be cross-checked to that on the application form (GDPR REC 4.2).

Two copies of forms of identification will be needed, which can be:

- Passport
- Driving licence
- Birth certificate
- Utility bill (from last 3 months)
- Current vehicle registration document
- Bank statement (from last 3 months)
- Rent book (from last 3 months).

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- 3.3 The data subject specifies to Leeds City College, Keighley College or Harrogate College a specific set of data held on their subject access request (SAR). The data subject can request all data held on them.
- 3.4 Leeds City College, Keighley College or Harrogate College records the date that the identification checks were conducted.

Leeds City College, Keighley College or Harrogate College provides the requested information to the data subject within one month from this recorded date.

*Please NOTE:* Under the GDPR Article 12 (3), that period may be extended by two further months where necessary, taking into account the complexity and number of the requests.

The controller shall inform the data subject of any such extension within one month of receipt of the request, together with the reasons for the delay. Where the data subject makes the request by electronic form means, the information shall be provided by electronic means where possible, unless otherwise requested by the data subject.

- 3.5 Once received, the subject access request (SAR) application is immediately forwarded to the Data Protection Officer / GDPR Owner, who will ensure that the requested data is collected within the specified time frame in clause 3.4 above. Collection entails:
  - 3.5.1 Collecting the data specified by the data subject, or
  - 3.5.2 Searching all databases and all relevant filing systems (manual files) in Leeds City College, Keighley College or Harrogate College, including all back up and archived files (computerised or manual) and all email folders and archives.
- 3.6 The Data Protection Officer / GDPR Owner maintains a record of requests for data and of its receipt, including dates .
- 3.7 The Data Protection Officer / GDPR Owner reviews subject access requests from a child. Before responding to a SAR of the child data subject the Data Protection Officer / GDPR Owner considers their ability to making the request by the following
  - 3.8.1 A child has a right of access to the information held about them. In most cases, these rights are likely to be exercised by those with parental responsibility for them. However, before responding to a SAR for information held about a child, you should consider whether the child is mature enough to understand their rights.
  - 3.8.2 It is reasonable, in most cases, for a child that is aged 12 years or more has the capacity to make a subject access request.

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- 3.8 The Data Protection Officer / GDPR Owner reviews all documents that have been provided to identify whether any third parties are present in it, and either removes the identifying third party information from the documentation or obtains written consent from the third party for their identity to be revealed.
- 3.9 If any of the requested data is being held or processed under one of the following exemptions, it does not have to be provided:
- National security
  - [Crime and taxation](#)
  - Health
  - Education
  - Social Work
  - [Regulatory activity](#)
  - [Journalism, literature and art](#)
  - Research history, and statistics
  - [Publicly available information](#)
  - Corporate finance
  - Examination marks
  - Examinations scripts
  - Domestic processing
  - [Confidential references](#)
  - Judicial appointments, honours and dignities
  - Crown of ministerial appointments
  - Management forecasts
  - Negotiations
  - [Legal advice and proceedings](#)
  - Self-incrimination
  - Human fertilization and embryology
  - Adoption records
  - Special educational needs
  - Parental records and reports
- 3.10 In the event that a data subject requests Leeds City College, Keighley College or Harrogate College to provide them with the personal data stored by the controller/processor, then Leeds City College will provide the data subject with the requested information in electronic format, unless otherwise specified.
- 3.11 In the event that a data subject requests what personal data is being processed then Leeds City College, Keighley College or Harrogate College provides the data subject with the following information:
- 3.11.1 Purpose of the processing
  - 3.11.2 Categories of personal data
  - 3.11.3 Recipient(s) of the information, including recipients in third countries or international organisations
  - 3.11.4 How long the personal data will be stored
  - 3.11.5 The data subject's right to request rectification or erasure, restriction or objection, relative to their personal data being processed.
    - 3.11.5.1 Leeds City College, Keighley College or Harrogate College removes personal data from systems and processing operations

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as soon as a request for erasure has been submitted by the data subject.

3.11.5.2 Leeds City College, Keighley College or Harrogate College contacts and communicates with other organisations, where the personal data of the data subject is being processed, to cease processing information at the request of the data subject. Based on the Data Inventory register/

3.11.5.3 Leeds City College, Keighley College or Harrogate College takes without undue delay in the event that the data subject has: withdrawn consent ((GDPR REC 4.6A); objects to the processing of their personal data in whole or part; no longer under legal obligation and/or has been unlawfully processed.

3.11.6 Inform the data subject of their right to lodge a complaint with the supervisory authority and a method to do so (Complaints Procedure GDPR DOC 2.9).

3.11.7 Information on the source of the personal data if it hasn't been collected from the data subject.

3.11.8 Inform the data subject of any automated decision-making.

3.11.9 If and where personal data has been transferred and information on any safeguards in place.

3.12 Leeds City College, Keighley College or Harrogate College uses the following electronic formats to respond to SARs: Egress Secure and Encrypted software method of data transfer.

## ***Document Owner and Approval***

The Leeds City College Data Protection Officer is the owner of this document and is responsible for ensuring that this procedure is reviewed in line with the review requirements of the GDPR.

A current version of this document is available to all members of staff and students on the Leeds City College Staff and Student Intranets.

This procedure is issued on a version controlled basis.

## **Change History Record**

Issue	Description of Change	Date of Policy
1.0	Initial issue	27/11/2017