



# UCG Data Subject Right Requests Policy

This policy outlines how the United Colleges Group will identify data subject requests (for City of Westminster College and the College of North West London).

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## **1 Introduction**

- 1.1 The College holds personal data (or information) about job applicants, employees, clients, customers, suppliers, business contacts and other individuals for a variety of business purposes.
- 1.2 Under Retained Regulation (EU) 2016/679, UK General Data Protection Regulation (UK GDPR), individuals (known as 'data subjects') have a general right to find out whether we hold or process personal data about them, to access that data, and to be given supplementary information. This is known as the right of access, or the right to make a data subject access request. The purpose of the right is to enable the individual to be aware of, and verify, the lawfulness of the processing of personal data that we are undertaking.
- 1.3 The College's Data Privacy Team (email: [gdpr@ucg.ac.uk](mailto:gdpr@ucg.ac.uk)) is responsible for ensuring:
  - 1.3.1 That all data subject access requests are dealt with in accordance with the UK GDPR and other relevant legislation and guidance.
  - 1.3.2 That all staff have an understanding of the UK GDPR and other relevant legislation and guidance in relation to data subject access requests and their personal responsibilities in complying with the relevant aspects of the UK GDPR and other relevant legislation and guidance.
- 1.4 This policy provides guidance for staff members on how data subject access requests should be handled and is intended for internal use. It is not a privacy policy or statement and is not to be made routinely available to third parties.
- 1.5 This policy applies to all staff but much of it is aimed primarily at those members of staff who are authorised to handle data subject access requests. These sections are identified by the words '(Authorised Staff)' appearing in the section title. For other staff members, it provides guidance on:
  - 1.5.1 What to do if you receive a data subject access request (see Section 3 below).
  - 1.5.2 How to decide whether a request for information is a data subject access request (see Section 2 below).
- 1.6 Failure to comply with the right of access under the UK GDPR puts both staff and the College at potentially significant risk, and so the College takes compliance with this policy very seriously. For further information on the consequences of failure to comply see Section 15 below.
- 1.7 This policy will be reviewed and updated regularly, in accordance with the College's data protection obligations. It does not form part of any employee's contract of employment, and the College may amend, update, or supplement it from time to time. The College will circulate any new or modified policy to staff when it is adopted.

- 1.8 If you have any questions regarding this policy, please contact the College's Data Privacy Team (email: [gdpr@ucg.ac.uk](mailto:gdpr@ucg.ac.uk)).

## **2 How to recognise a Data Subject Access Request (All Staff)**

- 2.1 A data subject access request is a request from an individual (or from someone acting with their authority, e.g., a relative or solicitor) for the information the individual is entitled to ask for under the UK GDPR, namely:
- 2.1.1 For confirmation as to whether we process personal data about the individual.
  - 2.1.2 For access to that personal data.
  - 2.1.3 And certain other supplementary information.
- 2.2 Such a request will typically be made in writing but may be made orally (e.g., during a telephone conversation). The request may refer to the UK GDPR, the 'GDPR' and/or to 'data protection' and/or to 'personal data' but does not need to do so in order to be a valid request. For example, a letter which states 'please provide me with a copy of all the information that you have about me' will be a data subject access request and should be treated as such.
- 2.3 All data subject access requests should be immediately directed to the College's Data Privacy Team (email: [gdpr@ucg.ac.uk](mailto:gdpr@ucg.ac.uk)) in accordance with Section 3 below.

## **3 What to do when you receive a Data Subject Access Request (All Staff)**

- 3.1 If you receive a data subject access request and you are not authorised to handle it, you must immediately take the steps set out in Section 3.4 (request received by email), Section 3.5 (request received by letter or Section 3.6 (request received orally). There are limited timescales within which the College must respond to a request and any delay could result in our failing to meet those timescales, which could lead to enforcement action by the Information Commissioner's Office (ICO) and/or legal action by the affected individual.
- 3.2 The timescales referred to in this policy must be calculated from the day the College receives a request (whether it is a working day or not) until the corresponding calendar date in the next month, for example if a request is received on the 1st of September, information must be provided in accordance with Section 7.1 by the 1st of October.
- 3.3 For information on what amounts to a data subject access request, see Section 2 above. If you are in any way unsure as to whether a request for information is a data subject access request, please contact the College's Data Privacy Team (email: [gdpr@ucg.ac.uk](mailto:gdpr@ucg.ac.uk)).
- 3.4 If you receive a data subject access request by email, you must immediately forward the request to the College's Data Privacy Team at this email address: [gdpr@ucg.ac.uk](mailto:gdpr@ucg.ac.uk)
- If you receive a data subject access request by letter you must:

- 3.4.1 Scan the letter.
- 3.4.2 Send the original to the College's Data Privacy Team at this address: The Data Privacy Team, United Colleges Group, 25 Paddington Green, London W2 1NB
- 3.4.3 Send a scanned copy of the letter to this email address: [gdpr@ucg.ac.uk](mailto:gdpr@ucg.ac.uk)
- 3.5 If you receive a data subject access request orally, you must:
  - 3.5.1 Take the name and contact details of the individual.
  - 3.5.2 Inform the individual orally that you will notify the College's Data Privacy Team that the individual has made an oral request and that the College's Data Privacy Team will contact them in relation to the request.
  - 3.5.3 Immediately email the College's Data Privacy Team at this email address: [gdpr@ucg.ac.uk](mailto:gdpr@ucg.ac.uk) and provide the individual's contact details and details of the oral request and the date on which it was received.
- 3.6 You will receive confirmation when the request (or your email concerning an oral request) has been received by the College's Data Privacy Team. If you do not receive such confirmation within two working days of sending it, you should contact the College's Data Privacy Team to confirm safe receipt.
- 3.7 You must not take any other action in relation to the data subject access request unless the College's Data Privacy Team has authorised you to do so in advance and in writing.

#### **4 Conditions for responding to a Valid Request (Authorised Staff)**

- 4.1 Where we process a large quantity of information about an individual, we may need to ask the individual to specify the information or processing activities to which the request relates.
- 4.2 While it is not a requirement under Retained Regulation (EU) 2016/679, UK GDPR that an individual must make a data subject access request in writing, it is helpful for the College if they do so. Individuals should therefore be encouraged to use the College's data subject request form in Appendix 1.
- 4.3 We will not usually charge a fee for responding to a data subject access request. We may, however, charge a reasonable fee (based on the administrative cost of providing the information) for responding to a request:
  - 4.3.1 That is manifestly unfounded or excessive, e.g., repetitive.
  - 4.3.2 For further copies of the same information.

## **5 Identifying the Data Subject (Authorised Staff)**

- 5.1 Before responding to a data subject access request, the College will take reasonable steps to verify the identity of the person making the request. In the case of current employees, this will usually be straightforward.
- 5.2 The College will not retain personal data, e.g., relating to former employees for the sole purpose of being able to react to potential data subject access requests in the future.
- 5.3 If the College have doubts as to the identity of the person making the data subject access request, the College may ask for additional information to confirm their identity. The data subject access request form contains examples of the type of documents that can be used to do this. Typically, the College will request a copy of the individual's driving licence or passport to enable the College to establish their identity and signature (which should be compared to the signature on the data subject access request and any signature the College already hold for the individual). The College may also ask for a recent utility bill (or equivalent) to verify the individual's identity and address.
- 5.4 If, having requested additional information, the College is still not in a position to identify the data subject, the College may refuse to act on a data subject access request (see Section 6 below).

## **6 Refusing to respond to a Request (Authorised Staff)**

- 6.1 The College may refuse to act on a data subject access request where:
- 6.1.1 Even after requesting additional information in accordance with Section 5.2, the College is not able to identify the individual making the data subject access request.
- 6.1.2 Requests from an individual are manifestly unfounded or excessive, e.g., because of their repetitive character.
- 6.2 If the College intends to refuse to act on a data subject access request, the College will inform the individual within one month of receiving the individual's request:
- 6.2.1 Of the reason(s) why the College is not taking action.
- 6.2.2 That they (the data subject) have the right to complain to the ICO and seek a judicial remedy.

## **7 Time Limit for responding to a Request (Authorised Staff)**

- 7.1 Once a data subject access request is received, the College must provide the information requested without delay and at the latest within one month of receiving the request. You should therefore make a note of when request was received and when the time limit will end.

- 7.2 If a data subject access request is complex or the data subject has made numerous requests, the College:
- 7.2.1 May extend the period of compliance by a further two months.
  - 7.2.2 Must inform the individual of the extension within one month of the receipt of the request and explain why the extension is necessary.

## **8 Information to be provided in response to a Request (Authorised Staff)**

- 8.1 The individual is entitled to receive access to the personal data the College process about the individual and the following information:
- 8.1.1 The purposes for which the College process the data.
  - 8.1.2 The recipients or categories of recipient to whom the personal data has been or will be disclosed, in particular where those recipients are in third countries or international organisations.
  - 8.1.3 Where possible, the period for which it is envisaged the personal data will be stored, or, if not possible, the criteria used to determine that period.
  - 8.1.4 The fact that the individual has the right:
    - (a) To request that the College rectifies, erases or restricts the processing of the individual's personal data.
    - (b) To object to its processing.
    - (c) To lodge a complaint with the ICO.
  - 8.1.5 Where the personal data has not been collected from the individual, any information available regarding the source of the data.
  - 8.1.6 Any automated decision the College has taken about the individual (see Section 9 below), together with meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the individual.
- 8.2 The information referred to in Section 8.1 should be provided using the College's data subject request form in Appendix 1.
- 8.2.1 In a way that is concise, transparent, easy to understand and easy to access.
  - 8.2.2 Using clear and plain language, with any technical terms, abbreviations or codes explained.
  - 8.2.3 In writing using the College's data subject request form in Appendix 1 if the data subject access request was made in writing.

- 8.2.4 In a commonly used electronic format, if the data subject access request was made electronically, unless otherwise requested by the individual.
- 8.2.5 Where possible, by providing remote access to a secure system which would provide the data subject with direct access to their personal data.

## **9 Automated Decision-making**

- 9.1 If the data subject access request specifically asks for information about the logic behind any automated decision that the College have taken in relation to important matters relating to the individual (e.g., performance at work, creditworthiness, reliability or conduct), the College must provide a description of the logic involved in that automated decision, subject to the following conditions:
  - 9.1.1 The automated decision must have constituted the sole basis for the decision. For example, an application for credit which is conducted without any human intervention, other than to complete the application form, could be a decision which is taken solely by automatic means. However, if there is any element of human discretion as to whether or not to grant the credit, the decision would cease to be wholly automated, and the individual would not be entitled to a description of the logic.
  - 9.1.2 In providing a description of the logic the College is not required to reveal any information which constitutes a trade secret (e.g., the algorithm behind a credit scoring system).
- 9.2 If the College carries out automated decision-making in relation to an individual, the data subject access request may include a request:
  - 9.2.1 For information relating to the automated decision.
  - 9.2.2 For human intervention on the part of the College, i.e., to ask that an individual with the authority and competence to change the decision should review the automated decision, considering all the available data.
  - 9.2.3 To express their point of view on the automated decision.
  - 9.2.4 To contest the automated decision.

If such a request is received, the College's Data Privacy Team (email: [gdpr@ucg.ac.uk](mailto:gdpr@ucg.ac.uk)) will ensure that it is dealt with in accordance with the UK GDPR and other relevant legislation and guidance.

## **10 How to locate Information (Authorised Staff)**

- 10.1 The personal data you need to provide in response to a data subject access request may be located in several of the College's electronic and manual filing systems, or on those of the

College's data processors or other third parties. This is why it is important to identify at the outset the type of information requested so that the search can be focused.

- 10.2 Depending on the type of information requested, you may need to search all or some of the following:
- 10.2.1 Electronic systems, e.g., databases, networked and non-networked computers, servers, customer records, human resources system, email data, back up data, and CCTV.
  - 10.2.2 Manual filing systems in which personal data are accessible according to specific criteria, e.g., chronologically ordered sets of manual records containing personal data.
  - 10.2.3 Data systems held externally by our data processors e.g., external payroll service providers.
  - 10.2.4 Occupational health records held by the HR Department.
  - 10.2.5 Pensions data held by the HR Department.
  - 10.2.6 Insurance benefit information held by the HR Department.
  - 10.2.7 Data held by third parties engaged by the College e.g., service providers engaged to provide assistance with absence reporting.
  - 10.2.8 Data held in any other type of system which the organisation has specified in the College's Record of Processing Activities (ROPA).
- 10.3 You should search these systems using the individual's name, employee number, customer account number or other personal identifier as a search determinant.

## **11 What is Personal Data? (Authorised Staff)**

- 11.1 Once you have carried out the search and gathered the results, you will need to select the information to be supplied in response to the data subject access request. The individual is only entitled to access to information which constitutes the individual's personal data.
- 11.2 Personal data is any information relating to an identifiable person who can be directly or indirectly identified in particular by reference to an identifier, e.g., their name, identification number, location data or online identifier. It may also include personal data that has been pseudonymised (e.g., key-coded), depending on how difficult it is to attribute the pseudonym to a particular individual.



## **12 Requests made by Third Parties on behalf of the Individual (Authorised Staff)**

Occasionally the College may receive a request for a data subject access by a third party (an 'agent') acting on behalf of an individual. These agents may include parents, guardians, legal representatives, and those acting under a power of attorney or other legal authority. The agent must provide sufficient evidence that the agent is authorised to act on behalf of the individual. The College's data subject request form in Appendix 1 should be used for all such requests.

## **13 Exemptions to the right of subject access (Authorised Staff)**

13.1 In certain circumstances the College may be exempt from providing some or all of the personal data requested. These exemptions are described below and should only be applied on a case-by-case basis after a careful consideration of all the facts.

13.2 **Crime detection and prevention:** The College does not have to disclose any personal data which we are processing for the purposes of preventing or detecting crime, apprehending or prosecuting offenders, or assessing or collecting any tax or duty. This is not an absolute exemption. It only applies to the extent to which the giving of subject access would be likely to prejudice any of these purposes. We are still required to provide as much of the personal data as we able to. For example, if the disclosure of the personal data could alert the individual to the fact that they are being investigated for an illegal activity (i.e., by us or by the police) then we do not have to disclose the data since the disclosure would be likely to prejudice the prevention or detection of crime, or the apprehension or prosecution of offenders.

13.3 **Protection of rights of others:** The College does not have to disclose personal data to the extent that doing so would involve disclosing information which identifies another individual, unless:

13.3.1 That other individual has consented to the disclosure of the information to the individual making the request.

13.3.2 It is reasonable to disclose the information to the individual making the request without the other individual's consent, having regard to:

- (a) The type of information that would be disclosed.
- (b) Any duty of confidentiality owed to the other individual.
- (c) Any steps taken by the controller with a view to seeking the consent of the other individual.
- (d) Whether the other individual is capable of giving consent.
- (e) Any express refusal of consent by the other individual.

13.4 **Confidential references:** The College does not have to disclose any confidential references that we have given to third parties for the purpose of actual or prospective:

13.4.1 Education, training or employment of the individual.

13.4.2 Appointment of the individual to any office.

13.4.3 Provision by the individual of any service.

This exemption does not apply to confidential references that we receive from third parties. However, in this situation, granting access to the reference may disclose the personal data of another individual (i.e., the person giving the reference), which means you must consider the rules regarding disclosure of third-party data set out in Section 12 before disclosing the reference.

13.5 **Legal professional privilege:** The College does not have to disclose any personal data which are subject to legal professional privilege. There are two types of legal professional privilege:

13.5.1 ‘Legal advice privilege’, which covers confidential communications between the College and its professional legal advisers for the purpose of seeking or obtaining legal advice.

13.5.2 ‘Litigation privilege’, which covers confidential communications between the College and its professional legal advisers or a third party where litigation is contemplated or in progress.

If you think the legal professional privilege exemption could apply to the personal data that have been requested, or are in any way uncertain as to whether it might apply, you should refer the matter to the College’s Data Privacy Team (email: [gdpr@ucg.ac.uk](mailto:gdpr@ucg.ac.uk)) for further advice.

13.6 **Management forecasting:** The College does not have to disclose any personal data which we process for the purposes of management forecasting or management planning to assist us in the conduct of any business or any other activity. Examples of management forecasting and planning activities include staff relocations, redundancies, succession planning, promotions and demotions. This exemption must be considered on a case-by-case basis and must only be applied to the extent to which disclosing the personal data would be likely to prejudice the conduct of that business or activity.

13.7 **Negotiations:** The College does not have to disclose any personal data consisting of records of our intentions in relation to any negotiations with the individual where doing so would be likely to prejudice those negotiations. For example, if the HR department is negotiating with an employee in order to agree the terms of a redundancy package and the employee makes a data subject access request, the HR department can legitimately withhold giving access to information which would prejudice those redundancy negotiations. The HR department must, however, disclose all other personal data relating to the individual unless those other personal data are also exempt from disclosure.

## **14 Deleting personal data in the normal course of business (Authorised Staff)**

- 14.1 The information that the College is required to supply in response to a data subject access request must be supplied by reference to the data in question at the time the request was received. However, as we have one month in which to respond and we are generally unlikely to respond on the same day as we receive the request, we are allowed to take into account any amendment or deletion made to the personal data between the time the request is received and the time the personal data is supplied if such amendment or deletion would have been made regardless of the receipt of the data subject access request.
- 14.2 We are, therefore, allowed to carry out regular housekeeping activities even if this means that we delete or amend personal data after the receipt of a data subject access request. What we are not allowed to do is amend or delete data because we do not want to supply the data.

## **15 Consequences of failing to comply with this policy (All Staff)**

- 15.1 The College takes compliance with this policy very seriously. If we fail to comply with a subject access request or fail to provide access to all the personal data requested, or fail to respond within the one-month time period, we will be in breach of GDPR and other relevant legislation. This may have several consequences:
- 15.1.1 It may put at risk the individual(s) whose personal information is being processed.
- 15.1.2 The individual may complain to the ICO and this may lead the ICO to investigate the complaint. If we are found to be in breach, enforcement action could follow, which carries the risk of significant civil and criminal sanctions for the College and, in some circumstances, for the individual responsible for the breach.
- 15.1.3 If an individual has suffered damage, or damage and distress, as a result of our breach of the UK GDPR or other relevant legislation, the individual may take us to court and claim damages from us.
- 15.1.4 A court may order us to comply with the subject access request if we are found not to have complied with our obligations under the UK GDPR and other relevant legislation.
- 15.2 Because of the importance of this policy, an employee's failure to comply with any requirement of it may lead to disciplinary action under our procedures, and this action may result in dismissal for gross misconduct. If a non-employee breaches this policy, they may have their contract terminated with immediate effect.

## **16 Contacts and responsibilities (All Staff)**

- 16.1 This Policy will be reviewed annually by the Data Privacy Team (email: [gdpr@ucg.ac.uk](mailto:gdpr@ucg.ac.uk)).

16.2 Any questions regarding this Policy should be addressed to the Data Privacy Team (email: [gdpr@ucg.ac.uk](mailto:gdpr@ucg.ac.uk)).

**17 Acknowledgment and declaration**

**You are required to sign the acknowledgement below to confirm that you have read, understood and will abide by the terms of this policy.**

**I have read and understood this data subject access request policy, agree to abide by its terms and agree that the College shall have the rights set out within it. I agree that the College may amend or remove this policy at its absolute discretion and that I shall be bound by its terms as amended.**

Signed by <i>[insert full name]</i> :	
Dated:	

**Appendix 1**

**UCG Data Subject Request Form:**

**1. DATA SUBJECT DETAILS:**

<b>Title</b>	Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other: <input type="checkbox"/>
<b>Surname</b>					
<b>First name(s)</b>					
<b>Current address</b>					
<b>Telephone number:</b>					
<b>Home</b>					
<b>Work</b>					
<b>Mobile</b>					
<b>Email address</b>					
<b>Date of birth</b>					
<b>Details of identification provided to confirm name of data subject:</b>					
<b>Details of data requested:</b>					

**1.1 DETAILS OF PERSON REQUESTING THE INFORMATION (if not the Data Subject):**

Are you acting on behalf of the data subject with their written or other legal authority?	Yes <input type="checkbox"/> No <input type="checkbox"/>
If 'Yes' please state your relationship with the data subject (e.g., parent, legal guardian or solicitor)	
<b>Please enclose proof that you are legally authorised to obtain this information.</b>	

<b>Title</b>	Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other: <input type="checkbox"/>
<b>Surname</b>					
<b>First name(s)</b>					
<b>Current address</b>					
<b>Telephone number:</b>					
<b>Home</b>					
<b>Work</b>					
<b>Mobile</b>					
<b>Email address</b>					

**2. DECLARATION**

I, ....., the undersigned and the person identified in (1) above, hereby request that UCG provide me with the data about me identified above.

Signature:

Date:

DSAR form completed by (Staff/Student name):

I, ....., the undersigned and the person identified in (1.1) above, hereby request that UCG provide me with the data about the data subject identified in (1) above.

Signature:

Date:

DSAR form completed by (name):

This form must immediately be forwarded to the Data Protection Team: [gdpr@ucg.co.uk](mailto:gdpr@ucg.co.uk)