



Data Subject Access Request Procedure

1 Introduction

The GDPR applies to living, identifiable individuals ('natural persons'). It gives such individuals the right to be told what 'personal data' an organisation is processing about them and, unless an exemption applies, to receive a copy of that information. They do this by making a data subject access request, which might be received by any member of staff.

2 Aim

This guidance aims to inform staff about:

1. What a Data Subject Access Request (DSAR) is
2. Who can make a DSAR
3. What to do if you are contacted in relation to a DSAR
4. Information that may be exempt from disclosure
5. Consequences of not following this guidance
6. Help and support available to staff responding to DSAR

3 The Data Subject's Right of Access

Data Subjects have the right to receive copy of their Personal Data which is held by the University. In addition, an individual is entitled to receive further information about the University's processing of their Personal Data as follows:

1. the purposes
2. the categories of Personal Data being processed
3. recipients/categories of recipient
4. retention periods
5. information about their rights
6. the right to complain to the ICO,
7. details of the relevant safeguards where Personal Data is transferred outside the EEA
8. any third-party source of the Personal Data

4 Responsibilities

All information users are responsible for contacting the Information Compliance team on data-protection@nottingham.ac.uk as soon as they are aware they have received a data subject access request or think they may have received one. There is a time limit of one month to complete the request from the point a data subject makes contact with the University so it is essential to notify the Information Compliance team as quickly as possible.

The Information Compliance team can provide advice on responding to SARs, searching records and applying any relevant exemptions. Staff are encouraged to contact the Team to discuss any queries they have relating to both specific SARs and Data Protection.

5 Communication

This procedure will be published on the University's internal website. Line managers are responsible for bringing this policy to the attention of members of staff in their area, including new staff.



6 Revision

This procedure will be revised regularly, and formally approved by the Information Management and Security Steering Committee on a regular basis.

Approved: January 2020

Next revision due: February 2021

7 Contact

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Procedure for managing a data subject access request

1 Receiving a data subject access request

The request must be in writing (including e-mails and faxes), so if someone makes a subject access request by telephone or in person you should ask them to put it in writing using the form available here:

<http://www.nottingham.ac.uk/governance/records-and-information-management/forms-and-information-sheets.aspx>

The request can be very broad (such as, 'give me a copy of all the information you hold about me') or it can be very precise ('give me a copy of the letter you wrote about me yesterday'). The University must respond to such requests within one month. Data subjects have the right to compensation in the event they are damaged by a contravention of the Act, for example if we fail to supply them with the information they request (unless exemptions apply to that information), within the month limit and their interests suffer as a result. For particularly large requests a further 60 day extension to the request may be applicable.

Due to the limited timescale for response, if you are contacted about a subject access request, or receive something that looks like one, please contact the Information Compliance team on data-protection@nottingham.ac.uk immediately.

2 If the Information Compliance team contacts you in relation to a data subject access request

When the Information Compliance team receives a SAR they usually have to contact several different areas of the University to gather the information requested. In some cases it necessary to ask individual members of staff to look through their files, both paper and electronic.

Staff who have been asked to search their files should first check to see if the material they are being requested to search for is held in a "relevant filing system". It is a 'relevant filing system' if the information is filed in a file with an index, contents list or other means of finding pieces of information. A file about a specific aspect of the University's interaction with an individual is a 'relevant filing system', for example a file called 'Dr X's leave' or 'Dr X's research' or 'Meeting about Dr X'. A general file about a particular subject, such as the payment of expenses, is a 'relevant filing system' if it has a subsection dedicated to Dr X or if the papers in the file are kept in alphabetical order so that you can go straight to a set of papers about Dr X.

The Information Compliance team can provide additional guidance on searching email and other electronic records for staff who would find it helpful. All records held by staff in their capacity as University employees are potentially disclosable. This includes records that are held on home PCs.

3 Consequences of not following this guidance

Staff are reminded that they must not destroy or refuse to disclose records because they would be embarrassing to disclose: this is a criminal offence if it is done after you know a SAR has been made.

As information is gathered material which does not reflect favourably on the University or individuals may be uncovered. For example, documents which show that standard procedures have not been followed, or documents which may cause offence to the data subject. These documents must be disclosed

Data subjects may complain to the Information Commissioner about any decision we make regarding the disclosure or non-disclosure of information. The Information Commissioner may serve an enforcement notice ordering us to release the information.

Therefore, it is important that we disclose all of the information that the data subject has requested but *only* that information which is liable for disclosure. We must do this within the month time limit. In any dispute it is important that the University is able to demonstrate that normal practice was followed. This guidance represents normal practice.

4 Information exempt from disclosure

In some, limited cases, information may be exempt from disclosure. The decision on whether an exemption applies must be taken on a case-by-case basis for each individual piece of information. In some cases only parts of particular documents may need to be disclosed. The Information Compliance team encourages staff they have contacted in relation to a DSAR to provide the Team with all potentially relevant material so that a decision can be made on whether an exemption can be applied. The Information Compliance team can be contacted on data-protection@nottingham.ac.uk.

DOCUMENT HISTORY

Date and event	Change Detail
21 May 2018	Policy approved by IMSSC
30 Jan 2020	Policy reviewed by Information Compliance Team

RELATED DOCUMENTS

DSAR request form

Data Protection Policy

Data Subjects' rights – a guide

Exercising Data Subjects' rights procedure