



Data Protection Rights Procedure

Key Information	
Procedure Reference Number	CCSW - DPRP
ELT Post responsible for policy update and monitoring	Chief Financial Officer
Published on Website	Yes
Date approved	06 July 2021
Approved by	ELT
Date of next policy review	11 July 2023

1. Introduction

- 1.1 The UK data protection regime is set out in the Data Protection Act 2018, along with the UK General Data Protection Regulations (*UK GDPR*). As a Data Controller the College must comply with the law when processing personal data of its learners, staff, and other individuals.
- 1.2 Individuals' rights form a fundamental part of data protection law. This procedure will set out the rights of individuals; and the process the College will follow to ensure compliance with those rights which are:
 - 1.2.1 right of access (*subject access requests*);
 - 1.2.2 right to rectification;
 - 1.2.3 right to erasure (right to be forgotten);
 - 1.2.4 right to restrict processing;
 - 1.2.5 right to data portability;
 - 1.2.6 right to object; and
 - 1.2.7 rights in relation to automated decision making.
- 1.3 This procedure should be reviewed alongside the College's [Data Protection Policy](#).
- 1.4 A flow chart for each of the rights is included at *Appendix 1* to show the steps the College will take to comply with a request.
- 1.5 *Appendix 2* includes a Data Subject Rights Form as a template for individuals making a request; the College will also introduce a web-based form on the College website. It is important to note that submitting a request using these forms is optional and a request does not have to be made in writing.
- 1.6 *Appendix 3* includes a feedback form for requestors, this will be requested via a link to a web-based form on the College website. If the request was made via a non-electronic means a paper copy will be enclosed in the final response.
- 1.7 This procedure has been based on the template Rights of Individuals Policy and Rights of Individuals Procedure provided by the Association of Colleges (*AoC*).

2. Responsibilities of Staff

- 2.1 This procedure sets out the rights that individuals have over their personal data under Data Protection Laws. If a member of the College staff receives a request from an individual to exercise any of the rights set out in this Policy, that member of staff must:
 - 2.1.1 inform the Data Protection Officer as soon as possible and, in any event, within 1 working day of receiving the request;
 - 2.1.2 tell the Data Protection Officer: what the request consists of who has sent the request, and provide the Data Protection Officer with a copy of the request (*if received in writing*); and
 - 2.1.3 make no attempt to deal with, or respond to, the request without authorisation from the Data Protection Officer.

3. Data Subject Rights

- 3.1 A request from an individual does not have to be in a particular format, for example it does not have to be in writing. If the request is not made in writing (*e.g., it is taken over the telephone*) best practice is that the College asks the individual to confirm in writing so the College can ensure it is complying correctly with the request; however, the individual is not required to do this. The College cannot generally charge a fee for responding to these requests.
- 3.2 Requests must generally be complied with within 1 calendar month of receipt *e.g.*, a request received on the 2 June would need to be complied with by no later than 2 July. Where the deadline falls on a bank holiday or weekend the College has until the next working day. Where a request falls on a month with less days than the subsequent month the request is due on the last day of the month *e.g.*, received on 31 March, the request

would be due on the 30 April.

4. Right of access (*Subject Access Requests*)

4.1 Individuals have the right to ask the College to confirm the personal data about them that the College is holding, and to have copies of that personal data (*commonly known as a Subject Access Request or SAR*) along with the following information:

- 4.1.1 the purposes that the College has their personal data for;
- 4.1.2 the categories of personal data about them that the College holds;
- 4.1.3 the recipients or categories of recipients that their personal data has been or will be disclosed to;
- 4.1.4 how long the College will keep their personal data;
- 4.1.5 that they have the right to request that the College corrects any inaccuracies in their personal data or deletes their personal data¹, or restrict the uses the College is making of their personal data¹, or to object to the uses the College is making of their personal data¹;
- 4.1.6 that they have the right to complain to the ICO if they are unhappy about how the College has dealt with their request or in general about the way the College is handling their personal data; and
- 4.1.7 where the personal data was not collected from them, where the College obtained it, and
- 4.1.8 the existence of automated decision-making, including profiling (*if applicable*).

4.2 The College is not entitled to charge individuals for complying with this request. However, if the individual would like a further copy of the information requested, the College can choose to charge a reasonable fee based on its administrative costs of making the further copy.

4.3 There are no formality requirements to making a subject access request and it does not have to refer to data protection law, use the words subject access request or SAR. The College will monitor its incoming communications, including post, email, website, and social media pages to ensure that the College can recognise a subject access request when it receives it.

4.4 The College is required to respond to a subject access request within one month from the date the College receives it. If the subject access request is complex or there are multiple requests at once, the College may extend this period by two further months. The College must tell the individual who has made the subject access request about any extension or delay, and the College's reasons for the delay.

4.5 The Data Protection Officer will reach a decision as to the complexity of the subject access request, and whether the College is entitled to extend the deadline for responding.

5. Right to Rectification

5.1 Individuals have the right to ask the College to correct any personal data about them that the College is holding that is incorrect. The College is then obliged to correct that personal data within one month (*or two months if the request is complex*).

5.2 Where an individual tells the College, that their personal data is incomplete, the College is obliged to complete it e.g., by adding a supplementary statement to their personal file.

5.3 If the College has disclosed the individual's inaccurate personal data to any third parties, the College is required to tell the individual who those third parties are and, to inform the third parties of the correction where the College can.

5.4 When an individual asks the College to correct their personal data, the College is required to do so and to confirm this in writing to the individual within one month of them making the request.

¹ In certain circumstances further outlined in this procedure

6. Right to Erasure (*Right to be Forgotten*)

- 6.1 Individuals have the right to ask the College to delete the personal data the College holds about them, but this right is limited in scope and does not apply to every individual. The right to be forgotten applies when:
- 6.1.1 the personal data is no longer necessary for the purpose the College collected it for;
 - 6.1.2 the individual withdraws consent, and the College has no other legal basis to use their personal data;
 - 6.1.3 the individual objects to the College's processing and there is no overriding legitimate interest for continuing the processing;
 - 6.1.4 the personal data was unlawfully processed; and/or
 - 6.1.5 the personal data must be erased to comply with a legal obligation.
- 6.2 If the College has disclosed the individual's personal data to any third parties, the College is required to tell the individual who those third parties are and to inform the third parties to delete the personal data.
- 6.3 When an individual asks the College to delete their personal data, the College is required to do so; and to inform the individual in writing, within one month of them making the request, that this has been done.

7. Right to Restrict Processing

- 7.1 Individuals have the right to "block" or "suppress" the College's processing of their personal data when:
- 7.1.1 they contest the accuracy of the personal data, for a period enabling the College to verify the accuracy of the personal data;
 - 7.1.2 the processing is unlawful, and the individual opposes the deletion of the personal data and requests restriction instead;
 - 7.1.3 the College no longer needs the personal data for the purposes the College collected it for, but the College is required by the individual to keep the personal data for the establishment, exercise, or defence of legal claims; and
 - 7.1.4 the individual has objected to the College's legitimate interests, for a period enabling the College to verify whether its legitimate interests override their interests.
- 7.2 If the College has disclosed the individual's restricted personal data to any third parties, the College is required to tell the individual who those third parties are, and to inform the third parties about the restriction.
- 7.3 When an individual asks the College to restrict its processing of their personal data, the College is required to do so and, to confirm to the individual in writing within one month of them making the request that this has been done.

8. Right to Data Portability

- 8.1 Individuals have the right to obtain from the College a copy of their own personal data in a structured, commonly used, and machine-readable format (*such as CSV files*). The aim of this right is to facilitate the ability of individuals to move, copy or transmit their personal data easily from one IT environment to another.
- 8.2 The right to data portability only applies when:
- 8.2.1 the individual provided the College with the personal data,
 - 8.2.2 the processing the College is carrying out is based on the individual's consent or is necessary for the performance of a contract, and
 - 8.2.3 the processing is carried out by automated means.
- 8.3 The right to data portability does not apply to personal data the College is processing on another legal basis, such as its legitimate interests.
- 8.4 The College is obliged to provide this information free of charge, within one month of the individual making the request (*or two months where the request is complex provided that the College explains to the individual why it needs more time*).

8.5 The individual also has the right to ask the College to transmit the personal data directly to another organisation if this is technically possible.

9. Right to Object

9.1 Individuals have the right to object to the College's processing of their personal data where:

9.1.1 the College's processing is based on its legitimate interests, or the performance of a task in the public interest, and the individual has grounds relating to his or her situation on which to object;

9.1.2 the College is carrying out direct marketing to the individual; and/or

9.1.3 the College's processing is for the purpose of scientific/historical research and statistics and the individual has grounds relating to his or her situation on which to object.

9.2 If an individual has grounds to object to the College's legitimate interests, the College must stop processing their personal data unless the College has compelling legitimate grounds for the processing which override the interests of the individual, or where the processing is for the establishment, exercise or defence of legal claims.

9.3 If an individual objects to direct marketing, the College must stop processing their personal data for these purposes as soon as the College receives the request. The College cannot refuse the request and cannot charge for complying with it.

9.4 Before the end of one month from the date the College gets the request, the College must notify the individual in writing that the College has complied, or intends to comply with their objections, or that the College is not complying and the reasons why.

10. Rights in Relation to Automated Decision Making

Definitions

- *Automated decision making: This is where the College makes a decision about an individual solely by automated means without any human involvement; and*
- *Profiling: This is where the College automatically uses personal data to evaluate certain things about an individual.*

10.1 Individuals have the right not to be subject to a decision based solely on automated processing, including profiling, which produces legal effects concerning him or her or similarly significantly affects him or her unless the decision is:

10.1.1 necessary for entering or performing a contract between the College and the individual;

10.1.2 required or authorised by Data Protection Laws; or

10.1.3 based on the individual's explicit consent.

11. Requests the College Does Not Have To Respond To

11.1 If the request the College receives from an individual is unfounded or excessive then the College may either:

11.1.1 refuse to action the request, or

11.1.2 charge a reasonable fee taking into consideration the College's administrative costs of providing the information or taking the action requested.

11.2 Any decisions in relation to not actioning the request or charging a fee shall be made by the Data Protection Officer.

12. Response Times

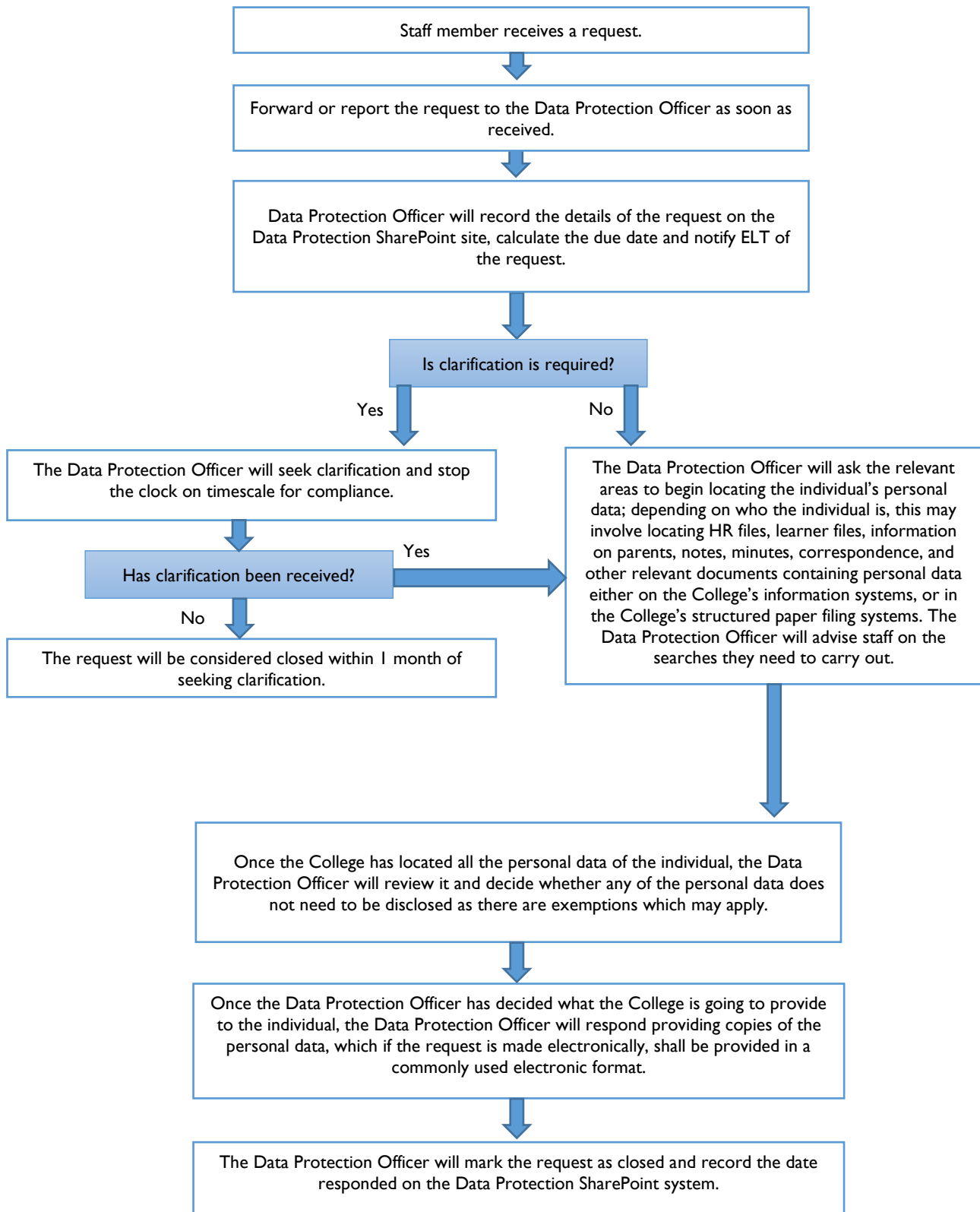
- 12.1 All requests set out above must be responded to within a month; unless the request is complex, in which case the period may be extended up to a further two months. Any decision in relation to whether the request is complex is to be made by the Data Protection Officer, who shall inform the individual making the request of the extension. Any notification of the extension to the individual shall be made within the initial one-month period and shall give reasons for the delay.
- 12.2 If the College is not going to action the request made by an individual, the Data Protection Officer shall communicate this to them within one month of receipt of the request. The communication shall include details of the College's reasons for not actioning the request and the ability of the individual to make a complaint to the Information Commissioners Office (*ICO*).

13. Legal Advice

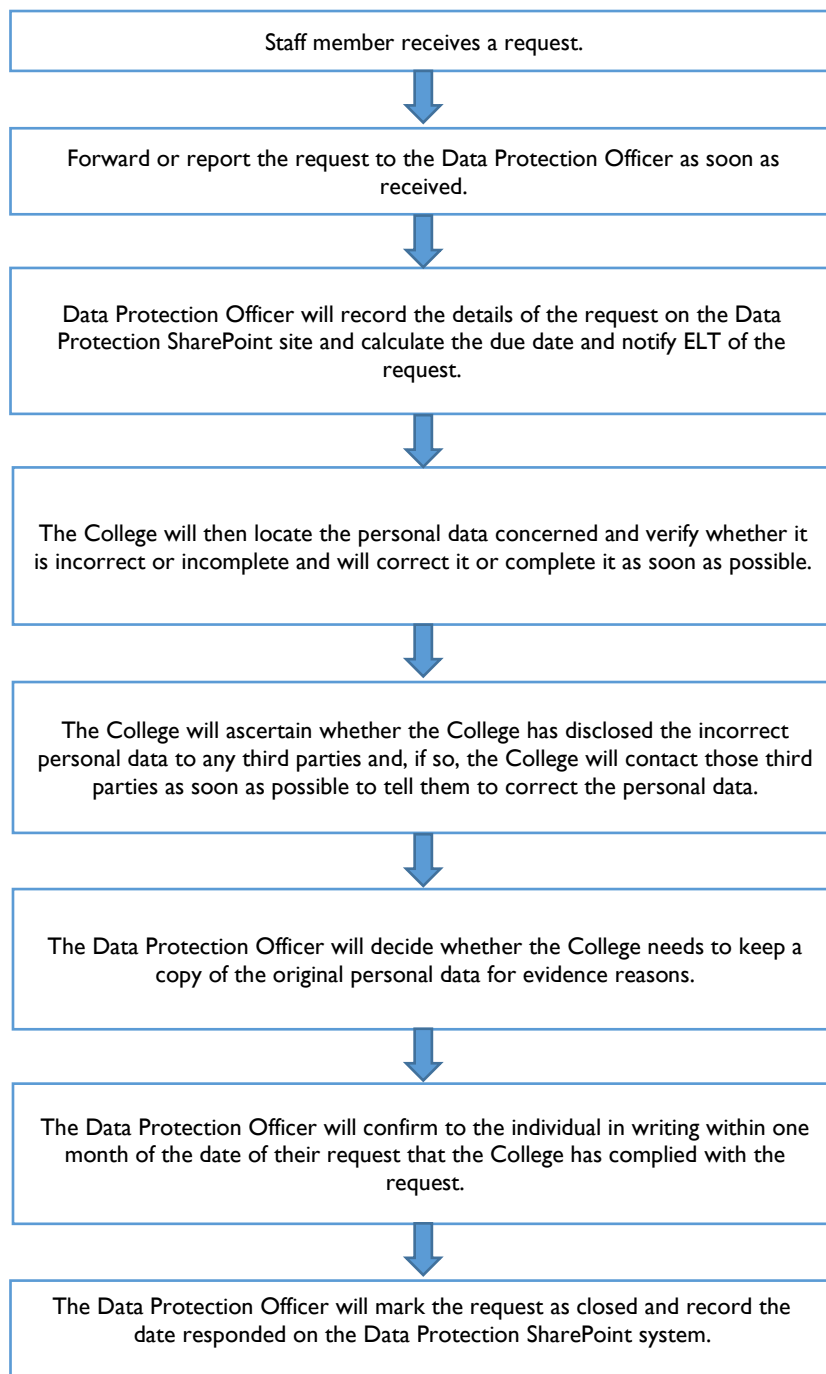
- 13.1 Specialist external legal advice may be taken in relation to requests, but this shall be the decision of the Data Protection Officer in consultation with the Executive Leadership Team (*ELT*).

Appendix I – Data Subject Right Process

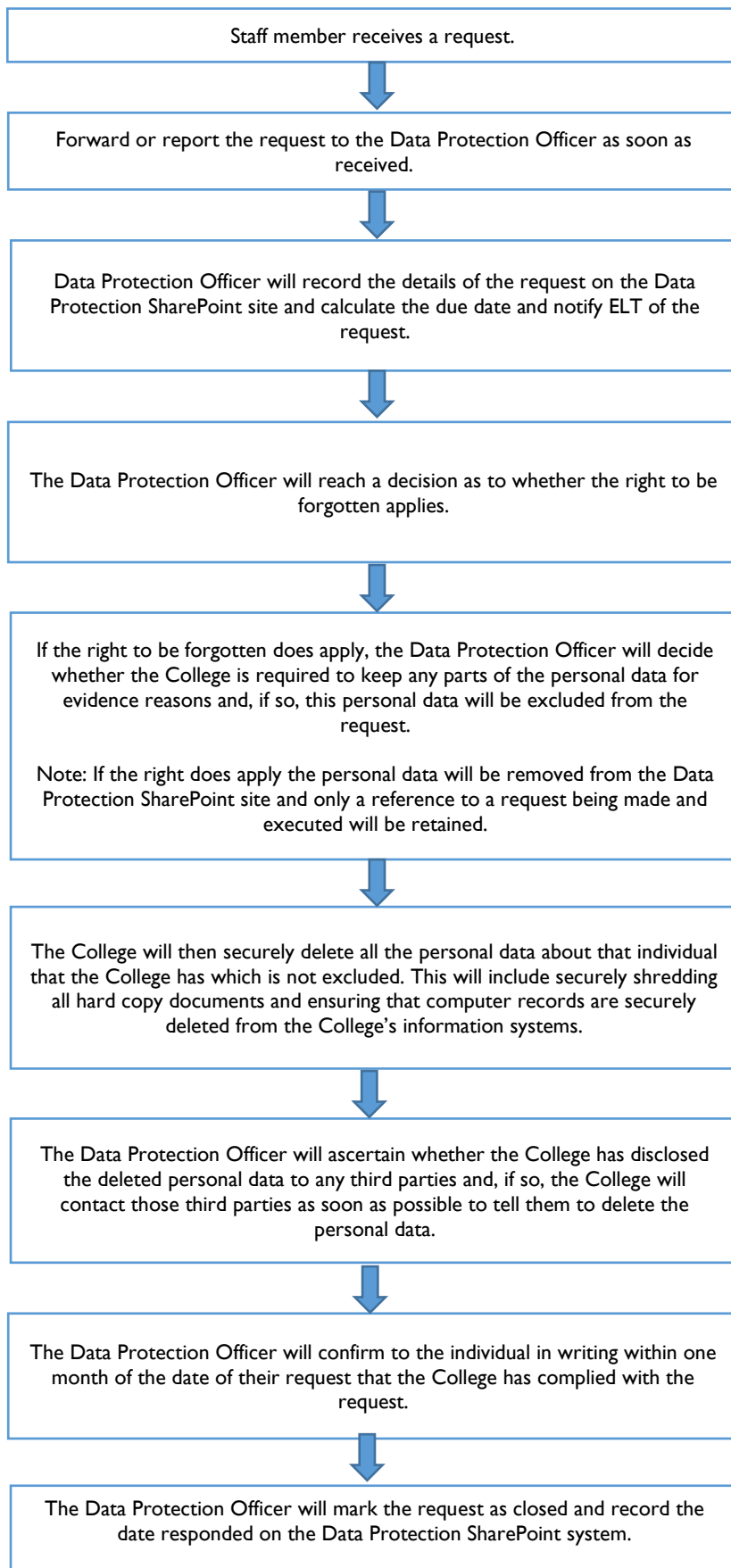
A1.1. Right of Access (Subject Access Requests)



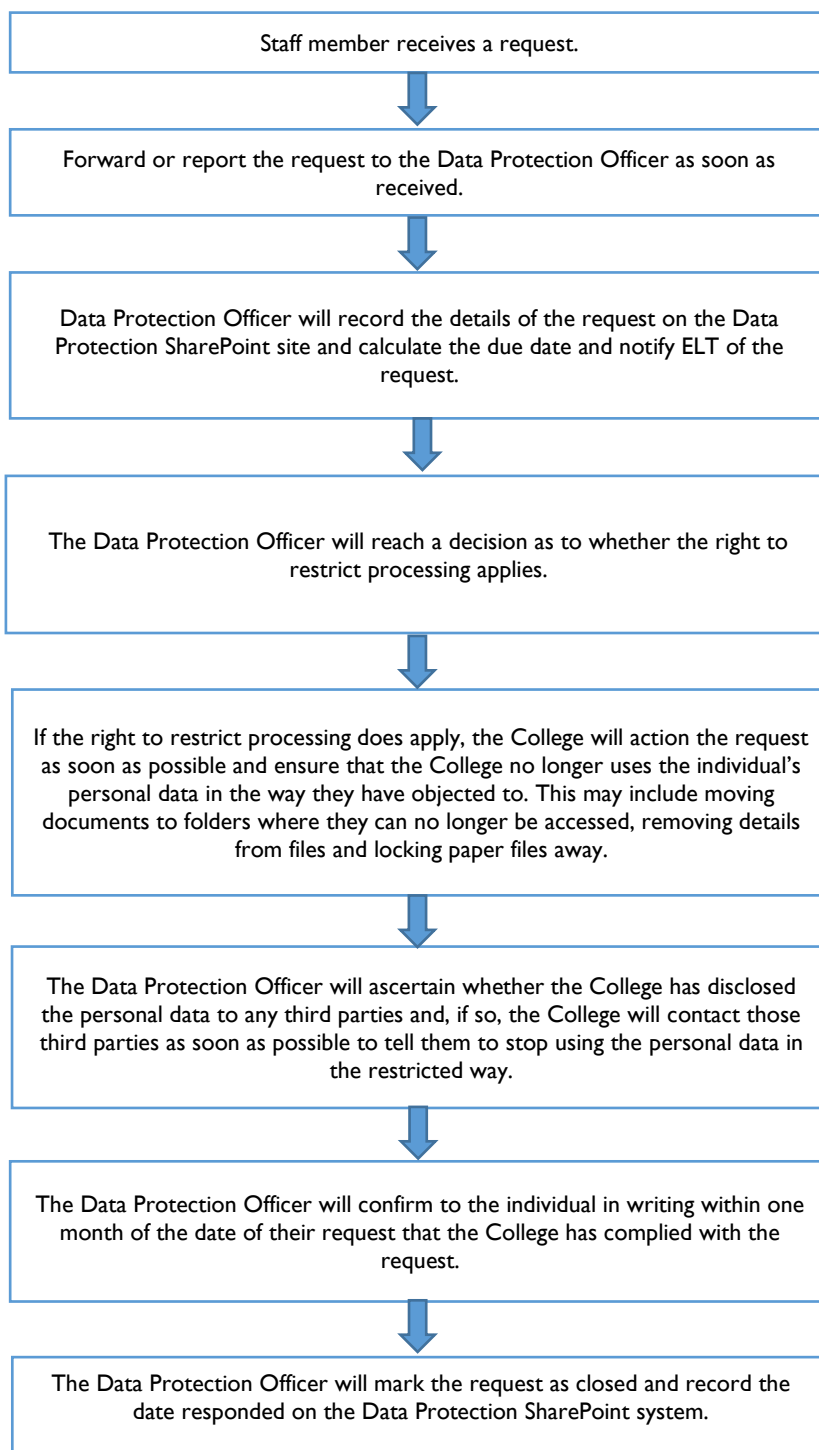
AI.2. Right to Rectification



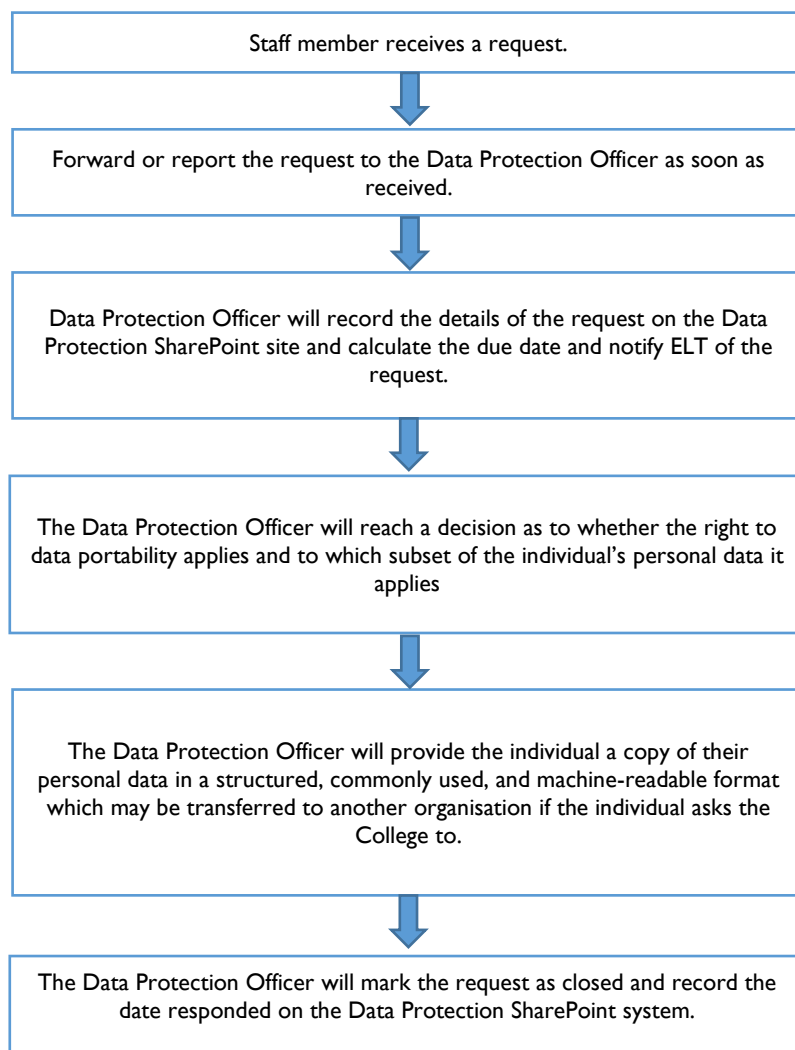
AI.3. Right to Erasure (*right to be forgotten*)



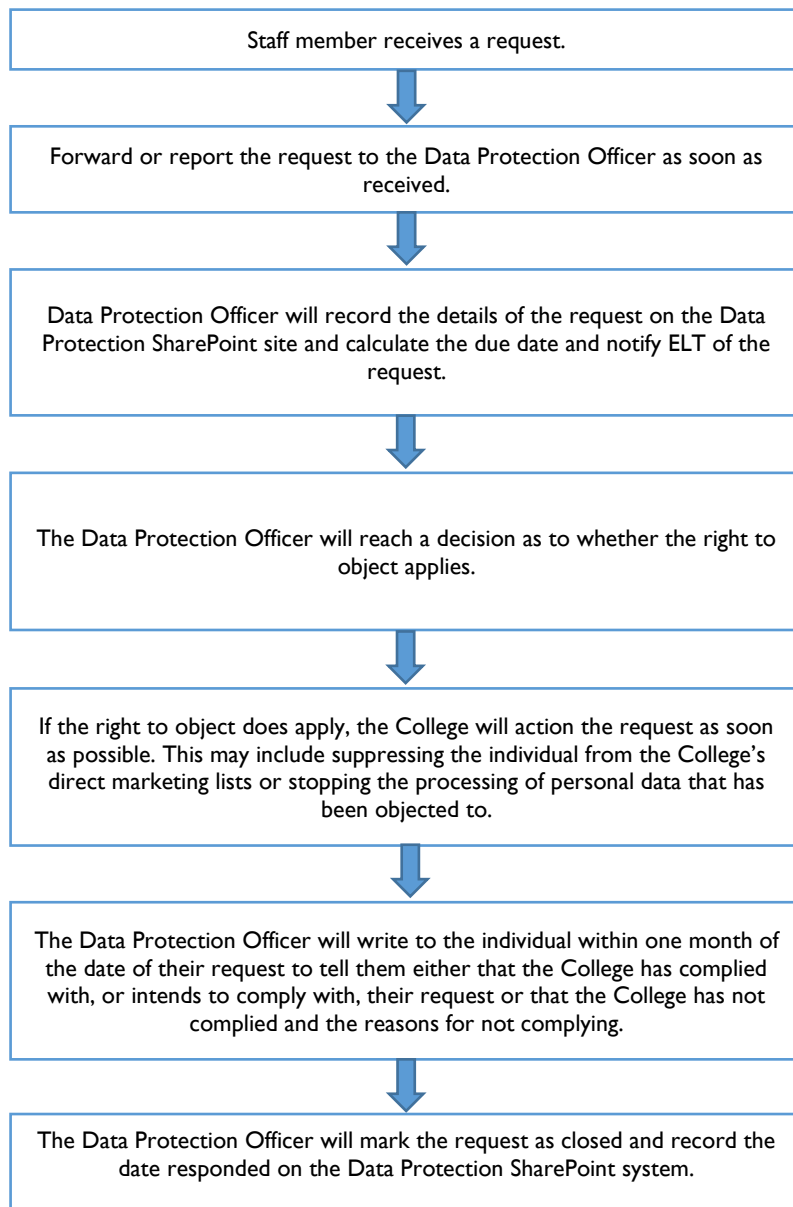
AI.4. Right to Restrict Processing



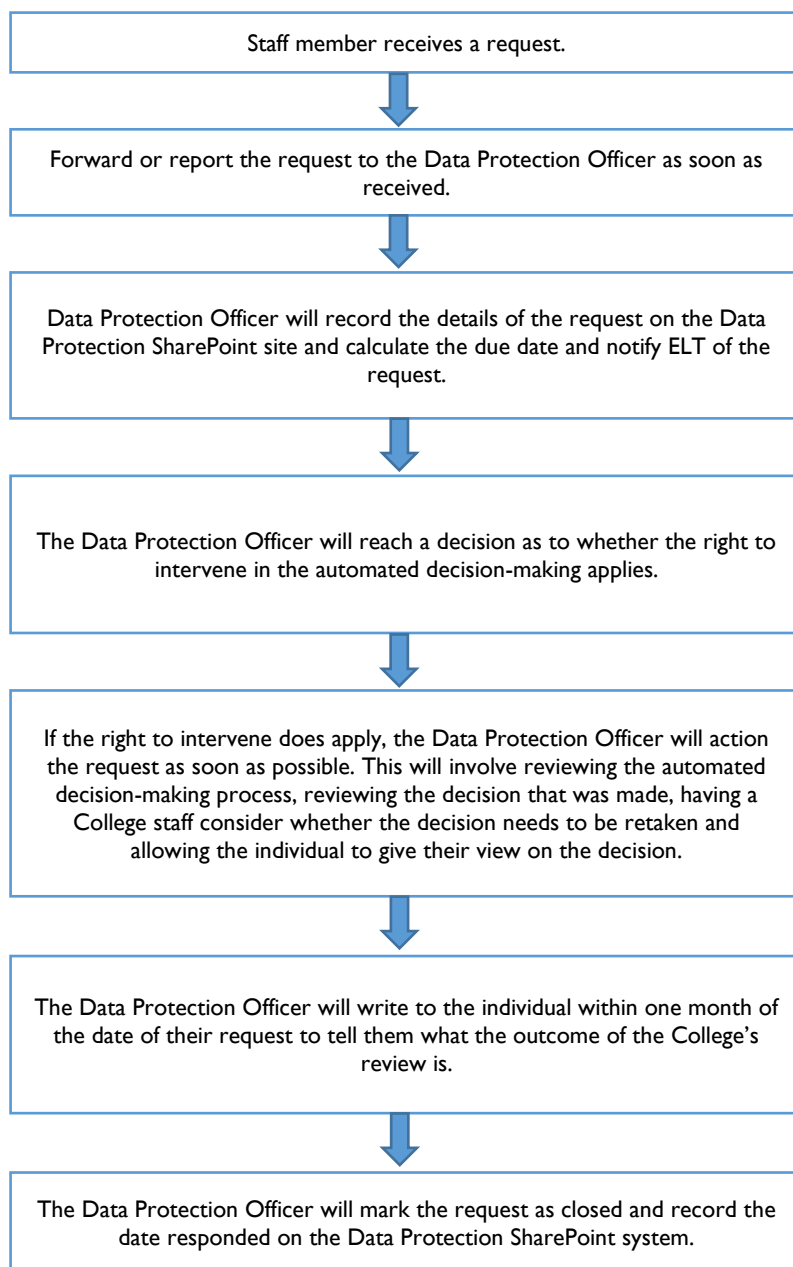
AI.5. Right to Data Portability



AI.5. Right to Object



AI.5. Right in Relation to Automated Decision Making



Appendix 2: Data Subject Rights Form

Please complete the details below to enable us to identify you and your information. Please note you are not required to use this form, but it may help the College comply with your request if you do so.

Full name (s) <i>(include any previous known names)</i>	
Current address	
Previously known address(s)	
Contact tel. and/or email	
Date of birth(s)	
Relationship to College	<input type="checkbox"/> Learner <input type="checkbox"/> Employee <input type="checkbox"/> Parent <input type="checkbox"/> Other, please specify:
Dates attended	
Under Data Protection law which right would you like to exercise:	<input type="checkbox"/> Right of access (subject access requests) <input type="checkbox"/> Right to rectification <input type="checkbox"/> Right to erasure (right to be forgotten) <input type="checkbox"/> Right to restrict processing <input type="checkbox"/> Right to data portability <input type="checkbox"/> Right to object <input type="checkbox"/> Rights in relation to automated decision making
Please provide as much detail as possible about the type of information required, or the steps you would like the College to take in relation to processing your data	
Where the information is held in an electronic form would you like the data provided to you electronically	<input type="checkbox"/> Yes <input type="checkbox"/> No
Data Subject(s) Declaration:	Signature : _____ Date : _____

Data Subject's Representative

If you are seeking information about someone who is unable to contact the College directly, please provide the Data Subject's written consent and current identification confirming their signature and current address, or appropriate Court Order or Power of Attorney.

Please complete the details below if you are acting as the representative to the data subject.

Full name/Organisation	
Address	
Relationship to Data Subject	
Contact tel. no. or email	
Data Subject Representative Declaration: I confirm that I am acting as the data subject's representative and include the appropriate consent document(s) and identification for them.	
Signed	: _____
Date	:

Please forward all completed request forms and copies of ID to:

Email: dataprotect@ccsw.ac.uk

Or

Data Protection Officer
Cheshire College - South & West
Crewe Campus
Dane Bank Avenue
Crewe
CW2 8AB

