

# Data Subjects' Rights

## UPR IM08, Appendix II - version 08.1

### Policies superseded by this document

This document replaces version 08.0 of UPR IM08, Appendix II, with effect from 15 October 2021.

### Summary of significant changes to the previous version

Only minor amendments have been made for clarification purposes only.

### Glossary

A glossary of approved University terminology can be found in [UPR GV08](#).

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## 1 About this Appendix

- 1.1 Data subjects, or where appropriate their representatives, have certain rights in respect of their personal data. When the University processes data subjects' personal data, the University will respect those rights. This appendix provides a framework for responding to requests to exercise those rights. It is the University's policy to ensure that requests by data subjects to exercise their rights in respect of their personal data are handled in accordance with applicable law. Subsidiary companies will also follow this policy in respect of data subjects' rights.
- 1.2 This appendix only applies to data subjects whose personal data the University or one of its subsidiaries processes.

## 2 Responding to Requests to Access Personal Data

- 2.1 Data subjects have the right to request access to their personal data processed by the University. Such requests are called subject access requests (“**SARs**”). When a data subject makes a SAR, the University will take the following steps:
  - 2.1.1 log the date on which the request was received (to ensure that the relevant timeframe of one month for responding to the request is met);
  - 2.1.2 confirm the identity of the data subject who is the subject of the personal data. For example, the University may request additional information from the data subject to confirm their identity. Please note the University will only start collating the requested information once valid ID has been provided;
  - 2.1.3 search databases, systems, applications and other places where the personal data which are the subject of the request may be held; and
  - 2.1.4 confirm to the data subject whether or not personal data of the data subject making the SAR are being processed.
- 2.2 If personal data of the data subject are being processed, the University will provide the data subject with the following information in a concise, transparent, intelligible and easily accessible form, using clear and plain language, in writing or by other (including electronic) means:
  - 2.2.1 the purposes of the processing;
  - 2.2.2 the categories of personal data concerned (for example, contact details, bank account information and details of sales activity);
  - 2.2.3 the recipients or categories of recipient to whom the personal data have been or will be disclosed, in particular recipients overseas (for example, US-based service providers);
  - 2.2.4 where possible, the envisaged period for which the personal data will be stored, or, if not possible, the criteria used to determine that period;
  - 2.2.5 the existence of the right (where applicable) to request rectification or erasure of personal data or restriction of processing of personal data or to object to such processing;
  - 2.2.6 the right to lodge a complaint with the Information Commissioner’s Office (ICO);
  - 2.2.7 where the personal data are not collected from the data subject, any available information as to their source;
  - 2.2.8 the existence of automated decision-making and meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject; and
  - 2.2.9 where personal data are transferred outside the EU, details of the appropriate safeguards to protect the personal data.
- 2.3 The University will also, unless there is an exemption (see paragraph 9 below), provide the data subject with a copy of the personal data processed by the University in a commonly used electronic form (unless the data subject either did not make the request by electronic means or has specifically requested not to be provided with the copy in electronic form) within one month of receipt of the request. If the request is complex, or there are a number of requests, the University may

extend the period for responding by a further two months. If the University extends the period for responding the University will inform the data subject within one month of receipt of the request and explain the reason(s) for the delay.

- 2.4 Before providing the personal data to the data subject making the SAR, the University will review the personal data requested to see if they contain the personal data of other data subjects. If they do, the University may redact the personal data of those other data subjects prior to providing the data subject with their personal data, unless those other data subjects have consented to the disclosure of their personal data.
- 2.5 If the SAR is manifestly unfounded or excessive, for example, because of its repetitive character, the University may charge a reasonable fee, taking into account the administrative costs of providing the personal data, or refuse to act on the request.
- 2.6 If the University is not going to respond to the SAR, the University will inform the data subject of the reason(s) for not taking action and of the possibility of lodging a complaint with the ICO.

### **3 Responding to Requests to Rectify Personal Data**

- 3.1 Data subjects have the right to have their inaccurate personal data rectified. Rectification can include having incomplete personal data completed, for example, by a data subject providing a supplementary statement regarding the data. Where such a request is made, the University will, unless there is an exemption (see paragraph 9 below), rectify the personal data without undue delay.
- 3.2 The University will also communicate the rectification of the personal data to each recipient to whom the personal data have been disclosed (for example, our third party service providers who process the data on our behalf), unless this is impossible or involves disproportionate effort. The University will also inform the data subject about those recipients if the data subject requests it.

### **4 Responding to Requests for the Erasure of Personal Data**

- 4.1 Data subjects have the right, in certain circumstances, to request that the University erase their personal data. Where such a request is made, the University will, unless there is an exemption (see Paragraph 9 below), erase the personal data without undue delay if:
  - 4.1.1 the personal data are no longer necessary in relation to the purposes for which they were collected or otherwise processed;
  - 4.1.2 the data subject withdraws their consent to the processing of their personal data and consent was the basis on which the personal data were processed and there is no other legal basis for the processing;
  - 4.1.3 the data subject objects to the processing of their personal data on the basis of the University's performance of a task carried out in the public interest or in the exercise of official authority vested in the University, or on the basis of the University's legitimate interests which override the data subject's interests or fundamental rights and freedoms, unless the University either can show compelling legitimate grounds

- for the processing which override those interests, rights and freedoms, or the University are processing the data for the establishment, exercise or defence of legal claims;
- 4.1.4 the data subject objects to the processing of their personal data for direct marketing purposes;
  - 4.1.5 the personal data have been unlawfully processed;
  - 4.1.6 the personal data have to be erased for compliance with a legal obligation to which the University are subject; or
  - 4.1.7 the personal data have been collected in relation to the offer of online services.
- 4.2 When a data subject makes a request for erasure in the circumstances set out above, the University will, unless there is an exemption (see paragraph 4.5 and Paragraph 9 below), take the following steps:
- 4.2.1 log the date on which the request was received (to ensure that the relevant timeframe of one month for responding to the request is met);
  - 4.2.2 confirm the identity of the data subject who is the subject of the personal data. For example, the University may request additional information from the data subject to confirm their identity. Please note the University will only start collating the requested information once valid ID has been provided;
  - 4.2.3 search databases, systems, applications and other places where the personal data which are the subject of the request may be held and erase such data within one month of receipt of the request. If the request is complex, or there are a number of requests, the University may extend the period for responding by a further two months. If the University extend the period for responding the University will inform the data subject within one month of receipt of the request and explain the reason(s) for the delay;
  - 4.2.4 where the University has made the personal data public, the University must, taking reasonable steps, including technical measures, inform those who are processing the personal data that the data subject has requested the erasure by them of any links to, or copies or replications of, those personal data; and
  - 4.2.5 communicate the erasure of the personal data to each recipient to whom the personal data have been disclosed unless this is impossible or involves disproportionate effort. The University will also inform the data subject about those recipients if the data subject requests it.
- 4.3 If the request is manifestly unfounded or excessive, for example, because of its repetitive character, the University may charge a reasonable fee, taking into account the administrative costs of erasure, or refuse to act on the request.
- 4.4 If the University are not going to respond to the request the University will inform the data subject of the reasons for not taking action and of the possibility of lodging a complaint with the ICO.
- 4.5 In addition to the exemptions in paragraph 9 below, the University can also refuse to erase the personal data to the extent processing is necessary:
- 4.5.1 for exercising the right of freedom of expression and information;

- 4.5.2 for compliance with a legal obligation which requires processing by law and to which the University are subject or for the performance of a task carried out in the public interest or in the exercise of official authority vested in the University;
- 4.5.3 for reasons of public interest in the area of public health;
- 4.5.4 for archiving purposes in the public interest, scientific or historical research purposes, or statistical purposes in so far as the right to erasure is likely to render impossible or seriously impair the achievement of the objectives of that processing; or
- 4.5.5 for the establishment, exercise or defence of legal claims.

## **5 Responding to Requests to Restrict the Processing of Personal Data**

- 5.1 Data subjects have the right, unless there is an exemption (see paragraph 9 below), to restrict the processing of their personal data if:
  - 5.1.1 the data subject contests the accuracy of the personal data, for a period to allow the University to verify the accuracy of the personal data;
  - 5.1.2 the processing is unlawful and the data subject opposes the erasure of the personal data and requests the restriction of their use instead;
  - 5.1.3 the University no longer need the personal data for the purposes the University collected them, but they are required by the data subject for the establishment, exercise or defence of legal claims; and
  - 5.1.4 the data subject has objected to the processing, pending verification of whether the University have legitimate grounds to override the data subject's objection.
- 5.2 Where processing has been restricted, the University will only process the personal data (excluding storing them):
  - 5.2.1 with the data subject's consent;
  - 5.2.2 for the establishment, exercise or defence of legal claims;
  - 5.2.3 for the protection of the rights of another person; or
  - 5.2.4 for reasons of important public interest.
- 5.3 Prior to lifting the restriction, the University will inform the data subject of the lifting of the restriction.
- 5.4 The University will communicate the restriction of processing of the personal data to each recipient to whom the personal data have been disclosed, unless this is impossible or involves disproportionate effort. The University will also inform the data subject about those recipients if the data subject requests it.

## **6 Responding to Requests for the Portability of Personal Data**

- 6.1 Data subjects have the right, in certain circumstances, to receive their personal data that they have provided to the University in a structured, commonly used and machine-readable format that they can then transmit to another company. Where such a request is made, the University will, unless there is an exemption (see paragraph 9 below), provide the personal data without undue delay if:

- 6.1.1 the legal basis for the processing of the personal data is consent or pursuant to a contract; and
- 6.1.2 the University's processing of those data is automated.
- 6.2 When a data subject makes a request for portability in the circumstances set out above, the University will take the following steps:
  - 6.2.1 log the date on which the request was received (to ensure that the relevant timeframe of one month for responding to the request is met);
  - 6.2.2 confirm the identity of the data subject who is the subject of the personal data. The University may request additional information from the data subject to confirm their identity; and
  - 6.2.3 search databases, systems, applications and other places where the personal data which are the subject of the request may be held and provide the data subject with such data (or, at the data subject's request, transmit the personal data directly to another company, where technically feasible) within one month of receipt of the request. If the request is complex, or there are a number of requests, the University may extend the period for responding by a further two months. If the University extend the period for responding the University will inform the data subject within one month of receipt of the request and explain the reason(s) for the delay.
- 6.3 If the request is manifestly unfounded or excessive, for example, because of its repetitive character, the University may charge a reasonable fee, taking into account the administrative costs of providing or transmitting the personal data, or refuse to act on the request.
- 6.4 If the University are not going to respond to the request the University will inform the data subject of the reasons for not taking action and of the possibility of lodging a complaint with the ICO.

## **7 Responding to Objections to the Processing of Personal Data**

- 7.1 Data subjects have the right to object to the processing of their personal data where such processing is on the basis of our performance of a task carried out in the public interest or in the exercise of official authority vested in the University, or on the basis of our legitimate interests which override the data subject's interests or fundamental rights and freedoms, unless the University either:
  - 7.1.1 can show compelling legitimate grounds for the processing which override those interests, rights and freedoms; or
  - 7.1.2 are processing the personal data for the establishment, exercise or defence of legal claims.
- 7.2 Data subjects also have the right to object to the processing of their personal data for scientific or historical research purposes, or statistical purposes, unless the processing is necessary for the performance of a task carried out for reasons of public interest.
- 7.3 Where such an objection is made, the University will, unless there is an exemption (see paragraph 9 below), no longer process a data subject's personal data.

- 7.4 Where personal data are processed for direct marketing purposes, data subjects have the right to object at any time to the processing of their personal data for such marketing. If a data subject makes such a request, the University will stop processing the personal data for such purposes.

## **8 Responding to Requests not to be Subject to Automated Decision-Making**

- 8.1 Data subjects have the right, in certain circumstances, not to be subject to a decision based solely on the automated processing of their personal data, if such decision produces legal effects concerning them or similarly significantly affects them. Where such a request is made, the University will, unless there is an exemption (see paragraph 9 below), no longer make such a decision unless it:
- 8.1.1 is necessary for entering into, or the performance of, a contract between the University and the data subject;
  - 8.1.2 is authorised by applicable law which lays down suitable measures to safeguard the data subject's rights, freedoms and legitimate interests; or
  - 8.1.3 is based on the data subject's explicit consent.
- 8.2 If the decision falls within paragraph 8.1.1 or paragraph 8.1.2, the University will implement suitable measures to safeguard the data subject's rights, freedoms and legitimate interests, including the right to obtain human intervention, to express their point of view and to contest the decision.

## **9 Exemptions**

- 9.1 Before responding to any request the University will check whether there are any exemptions that apply to the personal data that are the subject of the request. Exemptions may apply (under the Data Protection Act 2018 or otherwise) where it is necessary and proportionate not to comply with the requests described above to safeguard:
- 9.1.1 national security;
  - 9.1.2 defence;
  - 9.1.3 public security;
  - 9.1.4 the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security;
  - 9.1.5 other important objectives of general national public interest, in particular an important national economic or financial interest, including monetary, budgetary and taxation matters, public health, social security and immigration;
  - 9.1.6 the protection of legal professional privilege, judicial independence and judicial proceedings;
  - 9.1.7 the prevention, investigation, detection and prosecution of breaches of ethics for regulated professions;
  - 9.1.8 a monitoring, inspection or regulatory function connected, even occasionally, to the exercise of official authority in the cases referred to in paragraph 9.1.1 and paragraph 9.1.7 above;

- 9.1.9 the protection of the data subject or the rights and freedoms of others;
- 9.1.10 information required to be disclosed by law or in connection with legal proceedings or the enforcement of civil law claims; or
- 9.1.11 the employer or potential employer where the information requested is a reference.

Sharon Harrison-Barker  
Secretary and Registrar  
Signed: **15 October 2021**

**Alternative format**

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