

SUBJECT ACCESS REQUEST PROCEDURE

1. INTRODUCTION

All personal data processed by Blackburn College ('The College') is within scope of this procedure.

To request access to general information (non-personal information) held by the College, please refer to the publication scheme section on our website here: [Publication Scheme \(blackburn.ac.uk\)](http://blackburn.ac.uk). Further information regarding non-personal College information is detailed in our [Freedom of Information Policy](#).

1.1 What is a Subject Access Request?

Under data protection legislation, individuals (data subjects) have the right to request that a data controller (Blackburn College) provides them with the following:

- Confirmation that their personal data is being processed.
- Access to their personal data.
- Other supplementary information about the processing of their personal data.

A Subject Access Request (SAR) is simply a request made by, or on behalf of, an individual.

2. THE PROCEDURE

2.1 How do I make a Subject Access Request?

A SAR can be submitted verbally or in writing but must describe the personal data required. If making a third-party request for personal data, please refer to the section 'Making a third-party request for personal data'. Using the College's Subject Access Request form available [here](#) will aid you in providing as much detail as possible relating to the request and will reduce the potential for delays pending clarification (although this is not a requirement of making a SAR).

Proof of identification must be provided, comprising of a copy of an official document containing photographic identification e.g. passport or driving license. The SAR and proof of identity can be submitted in writing via email or verbally/in person. These should be submitted to the Data Protection Officer (DPO):

Vice Principal – Finance and Corporate Services
Blackburn College
Feilden Street
Blackburn
BB2 1LH

Tel: 01254 292929

Email: dataprotection@blackburn.ac.uk

Please note that only once the College is in receipt of both items (SAR and proof of identity) will we begin to process your request.

2.2 What happens once I have submitted a request?

SARs are received by the Data Protection Officer who will send you an acknowledgement of the request and who will ensure that the requested data is collected. If we need clarification on your request, we will contact you as soon as possible. Once we are in receipt of a clear request and proof of identity we will begin to locate and collate the relevant personal data. This will entail:

- Collecting the data specified by the data subject, or
- Searching all databases and all relevant filing systems (manual files) in college, including all back up and archived files (computerised or manual) and all email folders and archives.

2.3 Am I required to pay a fee to receive my data?

In most cases obtaining copies of your data will be processed free of charge. However, the College has the right to charge 'a reasonable fee' for the administrative costs of complying with a request if it is manifestly unfounded or excessive, or if you request further copies of your data.

2.4 What information will I receive?

The Subject Access Right allows individuals the right to access personal data of which they are the subject. It does not provide the right to access entire documents if the documents do not fully comprise the personal data of the individual.

The DPO will review the documents and where the information you request reveals details directly or indirectly about another person, an individual may receive partial or redacted documents. Furthermore, where disclosure would adversely affect the rights and freedoms of others, we may not be able to disclose the information to you, in which case you will be informed promptly and given full reasons for that decision.

2.5 Can I access the personal data of other individuals?

An individual only has the right to access personal data of which they are the subject and there is no right of access to the personal data of friends or family. However, there are some instances in which a request can be made on behalf of another individual or for a specific purpose (such as the detection or prevention of crime) will be considered (see 'Making a Third-Party Request for Personal Data').

2.6 When will I receive a response to my request?

Under data protection legislation, the College must respond within one calendar month of receiving a request and proof of identification, unless the request is particularly complex, in which case the deadline may be extended by a further two months. Where the College needs to extend a deadline, we will write to inform the requester of this.

The College will inform the data subject of any such extension within one month of receipt of the request, together with the reasons for the delay.

2.7 How will I receive copies of personal data in response to my request?

Copies of personal data will normally be sent either electronically via One Drive or via email attachment using password and encryption). If you prefer, you can request that we provide personal data to you verbally, but we will only do so if we are able to verify your identity first.

2.8 What if I am dissatisfied with the College's response to my request?

If you are dissatisfied with the way in which your SAR has been processed or dissatisfied with the response that you have been given, please contact the DPO in the first instance so that the College is provided with the opportunity to review the matter and respond to your concerns. Contact details for the DPO are below:

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Blackburn College
Feilden Street
Blackburn
BB2 1LH

Tel: 01254 292929

Email: dataprotection@blackburn.ac.uk

You can also ask the Information Commissioner's Office (ICO) to carry out an assessment to see whether it is likely or unlikely that the College has responded properly. You can contact the ICO via www.ico.org.uk.

2.9 Making a third-party request for personal data.

There are some circumstances under which the College will consider a request for access to personal data on behalf of another individual, with or without their consent. These are:

- The requestor is the parent of a child aged 12 or under
- The requestor has the written permission to make a request on behalf of another individual.
- The requestor has Power of Attorney or an order from the Court of Protection to act on behalf of another individual.
- The College believes that it is in the best interests of an individual who does not have the capacity to make a request themselves.
- The College deems that release can be justified under crime and taxation purposes.

In these circumstances we may seek further information from the requestor to help determine whether the College is willing to release any personal data.

2.9.1 A request for access to personal data made on behalf of a child

The DPO will review SARs for a child. Before responding the DPO will consider the child's ability to make the request. Children aged 13 and above are generally deemed mature enough to make decisions about the processing of their personal data and would normally be expected

to submit a SAR themselves. Where a parent of a child over the age of 13 submits a SAR on the child's behalf, the College may contact the child to request their consent to the release of the personal data or require the parent to provide written consent from the child.

The College will decide if it is in the best interests of the child to make the disclosure. In these circumstances the SAR should be submitted alongside identification for yourself and the child.

2.9.2 A request for access to personal data made on behalf of an adult

A request for access to personal data made on behalf of an adult will need to be accompanied by a signed letter/form of authority from the data subject which contains consent to the release of all or specific personal data to the requestor. Such requests are typically made by solicitors acting on behalf of a client.

A request for access to personal data made on behalf of an adult who does not have the capacity to make a request themselves will need to be accompanied by proof that the requestor has the authority to act on behalf of the data subject, such as through Power of Attorney or an order from the Court of Protection. Where authority is not provided, the College will consider on a case-by-case basis whether release of the personal data requested is in the best interests of the data subject. In these circumstances the SAR should be submitted alongside, identification for yourself, the data subject and proof of your authority to act on behalf of the data subject.

2.9.3 A request for personal data for the purpose of law enforcement

Data protection legislation contains some exemptions that permit the College to release personal data for the purpose of law enforcement:

- Safeguarding national security (section 110)
- The prevention or detection of crime, the apprehension or prosecution of offenders or the assessment or collection of any tax or duty or of any imposition of a similar nature (schedule 2).

A request for the release of personal data under these provisions would typically be made by the police force, the Department for Work and Pensions, a local authority or the Border and Immigration Agency. The College is not obliged to release personal data unless it is satisfied that it is reasonable to do so. Under these exemptions, personal data may be released without the consent of the data subject and outside of the purpose for which the personal data was originally collected.

A request for the release of personal data for the purpose of law enforcement should be submitted using the organisation's own form for that purpose. The form should give full details of the personal data requested, a full explanation of the reason for the request and should be counter-signed by a Senior Officer for the organization. Completed forms should be emailed or forwarded to the DPO, dataprotection@blackburn.ac.uk.

3. SAR RECORDS

The College will retain and maintain a record of all SARs in the Record of Requests – FOI/DP Log. The log will include the requesters name, data requested, outcome of request, dates provided and data format.

4. MONITORING AND REVIEWING

4.1 The Vice Principal – Finance and Corporate Services is responsible for the recording and responding of Subject Access Requests received by the College. An annual report on the number of requests received will be provided to the Policy and Resources Committee and will be published on our website.

4.2 This Procedure will be reviewed every two years.

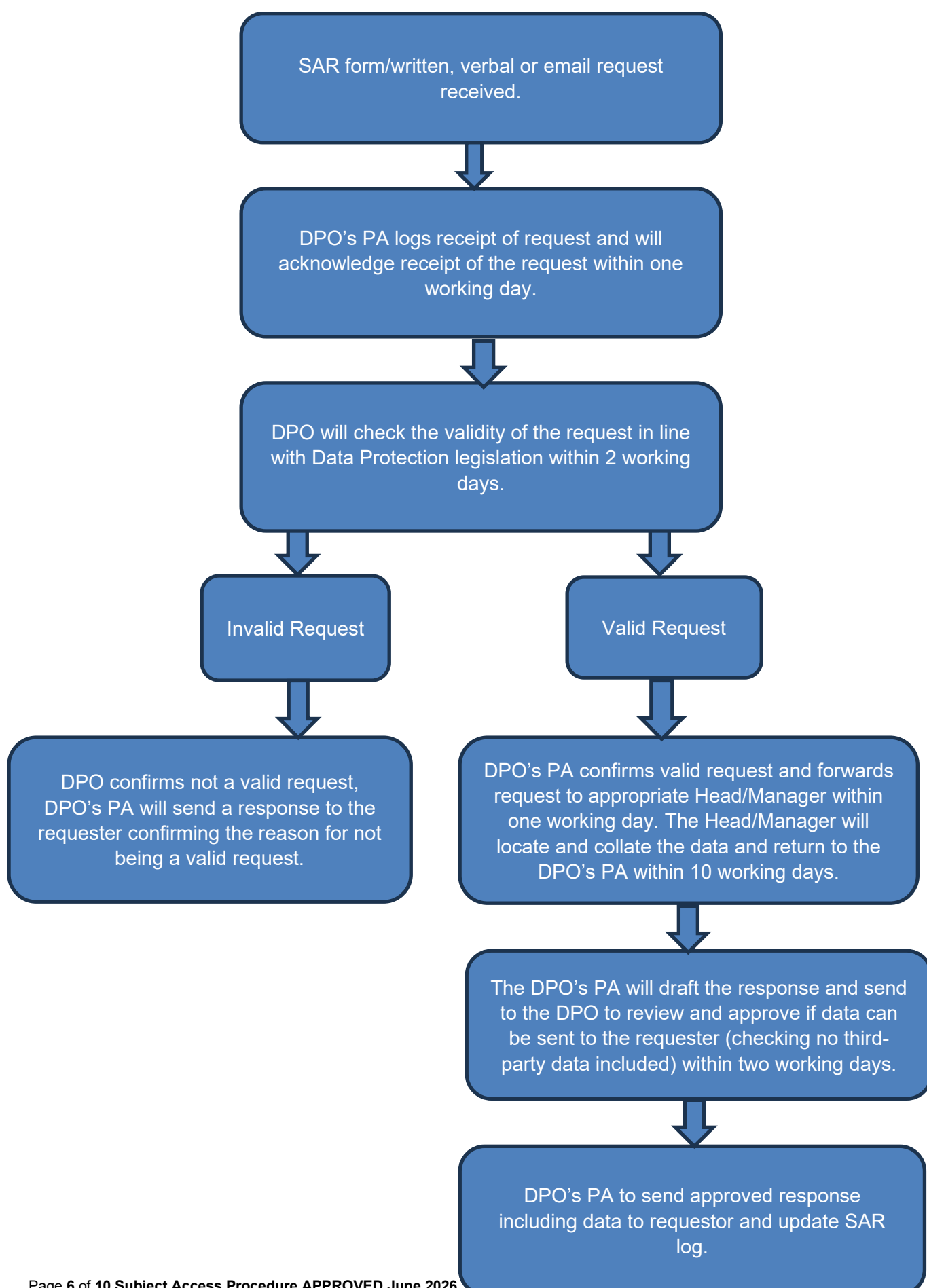
5. RELATED POLICIES/PROCEDURES/CODES AND GUIDANCE

- Data Protection/GDPR Policy
- Freedom of Information Policy
- Complaints Policy and Procedure

6. EQUALITY IMPACT ASSESSMENT

Blackburn College is committed to the promotion of equality, diversity and providing a supportive environment for all members of our community. Our commitment means that this policy has been reviewed to ensure that it does not discriminate (either intentionally or unintentionally) any of the protected characteristics of age, disability, gender (including gender identity), race, religion or sexual orientation and meets our obligations under the Equality Act 2010. Therefore, this policy has no adverse impact on any of the above protected groups.

Author:	<i>Vice Principal: Finance and Corporate Services</i>
Owner:	<i>Vice Principal: Finance and Corporate Services</i>
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SUBJECT ACCESS REQUEST PROCESS (INTERNAL USE ONLY)

Subject Access Request Form (SAR)

Please read this form carefully and complete it in full so as not to delay the processing of your request. This form is not mandatory, and SARs made in other formats will also be processed.

Further information can be found in the College's Subject Access Request Procedure. If you have any questions about this form or your request, please contact the Data Protection Officer:

dataprotection@blackburn.ac.uk.

The information supplied within this form will be used for identifying your personal data for your request to be responded to and will also be recorded in the College SAR log.

We require proof of your identity before we can disclose your personal data. Please attached official photographic identification to your request. If you do not hold any photographic identification documents, please contact the DPO for further advice as to what will be accepted as forms of identification in these circumstances.

Please submit this completed form and identification to the DPO:

Vice Principal – Finance and Corporate Services
Blackburn College
Feilden Street
Blackburn
BB2 1LH

Tel: 01254 292929

Email: dataprotection@blackburn.ac.uk

Personal Details:

Full Name:	
Former Names (if applicable):	
Postal Address (including postcode):	
Telephone number:	
Email address:	
Student/Staff ID number (if applicable)	

The Data Protection Act requires Blackburn College to satisfy itself as to the identity of the person making the request.

Are you the Data subject? (please circle):

Yes:	Please provide official photographic identification e.g. copy of passport or driving licence. If you are a current member of staff or student, please provide a copy of your ID card.
No:	Are you acting on behalf of the data subject? If so, complete this form and provide us with their written authority and include identification of yourself and the data subject. Please note that we may take further steps to confirm that authority has been freely given.

If the supply of this documentation is problematic, please contact us to discuss alternative proof of identity arrangements. If the College is unable to satisfy itself as to your identity from the documentation you send us, we will contact you as soon as possible.

Your request:

Please detail the information required:

Start Date: _____

End Date: _____

- HR File ☐
- Student Records ☐
- Any Emails about me ☐ (If so, please provide the names of those staff to search in the further details box)
- Any other records ☐ (If so, please provide information in the further details box)

Please note 'All staff' emails, cross College emails about appraisals, training and organisational development will not be supplied.

NB. Any personal information relating to others will be redacted. Information that is 'subject to legal privilege' will be excluded.

Further Details:

Please provide a detailed description of your request describing as precisely as possible the information you seek, together with any further information which will enable us to locate your personal data. Please continue on a separate sheet if necessary.

Please note we are not obliged to comply with a request until we are supplied with sufficient information to process it.

Please indicate your preference as to the format in which your personal data should be supplied:

Hard Copy _____ Electronic Copy (via One Drive) _____ Verbally _____

Declaration:

I certify that the information given on this form is true and accurate, and accept the terms laid out. I understand that it is necessary for Blackburn College to confirm my/the Data Subject's identity and it may be necessary for them to obtain more detailed information to locate the correct personal data. I understand that the response period of one month as stipulated in the General Data Protection Regulation (and associated UK Data Protection legislation), will not commence until Blackburn College is satisfied in this regard and has received valid proof of identification.

Signature:	
Print Name:	
Date:	