

## **A Guide to Your Rights – Personal Data**

Data protection law means that you have a range of rights over the personal data the College collects and processes about you.

- You have the right to know what data we have about you and what we are doing with it; this is known as the **right to be informed** (Page 4).
- In most circumstances you have the right to obtain a copy of the data we have about you, this is often known as a **subject access request**. (Page 5)
- You have the right to make sure that the data we have about you is correct and complete; this is known as the **right to rectification** (Page 5).
- In some circumstances you have the right to have your data deleted; this is known as the **right to erasure**, sometimes referred to as the 'right to be forgotten' (Page 6).
- In some circumstances you have the right to ask us to stop processing your data; this is known as the **right to restriction of processing** (Page 7).
- For some of your data you have the right to ask us to provide you with an electronic version which you can then use elsewhere; this is known as the **right to data portability** (Page 48).
- In some circumstances you can ask us to stop using your data; this is known as the **right to object** (Page 8).
- The law also gives you the right not to have decisions made automatically about you without a person being involved in the decision making; this is known as the **right not to be subject to automated decision making, including profiling** (Page 9).

The above rights are not always available to you in every circumstance, this guide explains when and how they apply in the sections below.

### **Possible Exemptions**

In addition to any restrictions outlined in the sections below The Data Protection Act 2018 outlines a range of circumstances where your rights over your data may legitimately be limited or denied. We will consider requests on an individual basis and determine whether any of the exemptions apply. This may mean that we aren't able to provide you with all or some of the data you have asked for in a subject access request, or carry out your request in relation to other rights. The exemptions that could apply in relation to your data held by the College include where they relate to:

- the rights and freedoms of others;
- our ability to carry out our public task;
- criminal proceedings and taxation;
- legal advice we have received;
- research and statistics;
- archiving in the public interest;
- employment references;
- corporate finance and management forecasts.

This list is not exhaustive.

A specific exemption exists for information recorded by students during exams. We aren't able to provide a copy of work submitted, but we could release comments recorded by examiners when marking scripts.

If we apply an exemption we will tell you, if you disagree you can challenge our decision by raising your concerns with the ICO.

<https://ico.org.uk/your-data-matters/raising-concerns/>

## Using this Guide

This guide outlines your rights in more detail, when they apply and how you can exercise them. It is relevant to you if the College collects or processes your personal data – for example this could include if you are or have been a student at the College or have applied for a course, or if you are a staff member, governor or visitor. It applies to any personal data about you processed by the College; whether you gave us the data directly or where we were given it by any other organisation or individual.

This guide aims to use plain English. Further support and more technical and legal information is available:

- From the information commissioner at <https://ico.org.uk/your-data-matters/>
- By accessing the General Data Protection Regulation itself at <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1528874672298&uri=CELEX%3A32016R0679>
- By accessing the Data Protection Act at <http://www.legislation.gov.uk/ukpga/2018/12/contents/enacted>
- By accessing guidance from the European Commission at [https://ec.europa.eu/info/law/law-topic/data-protection/reform/rights-citizens\\_en](https://ec.europa.eu/info/law/law-topic/data-protection/reform/rights-citizens_en)

If you have queries regarding this guide or questions about your rights please contact our Data Protection Officer at [dpofficer@northern.ac.uk](mailto:dpofficer@northern.ac.uk).

## How can I make a request regarding my data?

The best way to make a request is by completing the form attached to this guide. But this is not essential; you can use any of our normal channels of communication or talk to any member of staff.

In any circumstance you need to tell us

- Your name and contact details;
- Any information used by us to identify or distinguish you from other people with the same name, for example your employee number or student registration number;
- Any details or relevant dates that will help us identify what data or action you want.

For example, you may want to:

- Request a copy of your personnel file; emails between 'person A' and 'person B' (from 1 June 20XX to 1 Sept 20XX) or CCTV camera data situated at 'location E' on, say, 23 May 20XX from 11am to 5pm
- Ask us to delete an email address we are using to contact you with direct marketing;
- Ask us to amend your contact details.

## How long will the process take?

We will usually deal with your request within one month. If your request is complex we may extend the time we have to respond by up to two months, but we would explain this to you within the standard one-month time limit.

## **What if I am not satisfied?**

If you are dissatisfied with how we have handled your request or you want to challenge a decision we have made you can raise your concerns with our Data Protection Officer at [dpofficer@northern.ac.uk](mailto:dpofficer@northern.ac.uk).

If you are still dissatisfied you should can make a complaint to the ICO. <https://ico.org.uk/your-data-matters/raising-concerns/>

# Your Rights Explained

## The Right to be Informed

You have the right to be told what data we have about you, why we have it and what we will do with it. We will tell you this at the time we ask you to provide the data.

### What will you tell me when you ask me for data?

We will tell you:

- who we are;
- the contact details for our Data Protection Officer;
- why we are asking you for the data and what we will do with it;
- the legal basis we have for processing your data;
- if we are planning to share it with any other organisation or individual, and if so who they are and why;
- if we intend to send or store your data outside the EU and if so what we will do to make sure it is secure;
- if we intend to use your data to make any automated decisions;
- how long we will keep your data for;
- what your rights are in relation to the personal data we are collecting, including your right to object, and how to exercise them;
- and how to complain if you think we have got something wrong.

We will usually do this in two ways:

- 1) We'll provide a short explanation, for example on our course or job application forms or apply on-line service;
- 2) We'll provide you with a privacy notice which sets out the information in much more detail. The College's privacy notices can be found at [www.northern.ac.uk/dataprotection](http://www.northern.ac.uk/dataprotection), we have specific notices that apply to particular services, for example additional learning support, where you may provide us with complex health related data.

### What if you get my data from someone else?

If we collect and process personal data about you which we have received from another organisation, for example your community group worker or support officer, if you don't already know, we will tell you all the information above, plus contact details for who gave us your data or where we got it from, what data they have given us and why.

We will usually do this at the latest within one month or when we first contact you, or if we disclose your data to anyone else or intend to process it for any other reason than the one we collected it for.

### Using your data for a new purpose

If in the future we want to use your personal data in a way other than we explained to you at the time we collected it we will tell you before we process it further and explain to you your rights and options.

### Are there occasions when you won't inform me?

Yes. We won't inform you again if you already have the information and nothing has changed.

Plus in occasional circumstances where:

- It would be impossible or would require "disproportionate effort" for us to provide you with the information;
- In situations where giving you the information would make it impossible for us to use your data for its intended purpose or seriously damage the reasons for its use.

<https://ico.org.uk/your-data-matters/your-right-to-be-informed-if-your-personal-data-is-being-used/>

## **The Right to Access Your Data**

If we have personal data about you in most instances you have the right to receive a copy of it.

### **What information do I need to provide in my request?**

Tell us the data you require. We may ask you to narrow down what you would like, for example if you ask for tutor feedback we may ask you if there is a particular course/unit you are interested in.

When you make a request we may ask you for proof of your identity. If you ask someone else to ask us for your data e.g. a solicitor, we will check that they have your authority before we release your data.

### **What will I receive?**

We will provide you with data we hold about you at the time of your request.

In our response we will:

- confirm that we are processing your data;
- provide a clear and accessible copy of the data you have requested;
- provide you with a copy of our privacy notice setting out why we have your data, how long we will keep it, if we share it and who with, where we got your data from and your rights.

If we can't provide you with all or some of the data you have requested we will tell you why and explain our decision. We will do this as soon as possible and at the latest within one month of your request. We will also explain how you can complain if you disagree with our decision.

If you ask for your data electronically, we will provide it electronically. We may hide (redact) some data in order to comply with data protection laws.

### **Will I be charged?**

In most cases there will be no charge. In a limited number of cases we may make a reasonable administrative charge, for example if you ask for a second copy.

### **Are there circumstances where I won't be given access to my data?**

Yes, there are a number of reasons why we may not be able to give you the data you have asked for; these include:

- If the data you have requested also includes personal data about another person, e.g. another student, and we can't hide their data we will usually only disclose it if they give us their consent or if it is reasonable. If this is the case we will tell you;
- If your request is 'manifestly unfounded or excessive';
- Where we are legitimately allowed to do so under Data Protection Act 2018 exemptions.

<https://ico.org.uk/your-data-matters/your-right-of-access/>

## **The Right to Rectification**

As an organisation processing your personal data we are required to ensure that it is accurate. If you think that the personal data we have about you is wrong you have the right to ask us to correct it.

In some circumstances if you think the data we hold about you is incomplete you can ask us to complete it.

### **What do I need to tell you?**

You need to let us know how you think your data is inaccurate or incomplete and what you think we need to do to correct it. If possible you should let us have evidence to support your request.

### **How will I know you have updated my data?**

We will let you know that your data has been corrected, deleted or completed.

## **Are there circumstances where you may not rectify my data?**

Yes.

- If after investigation we believe that the data we have is already correct and/or complete we will tell you and explain why we have reached that decision. We will explain what investigations we have undertaken to clarify its accuracy. We will usually also make a note to state that you have challenged the data.
- Sometimes it could be appropriate for us to keep a record of previously inaccurate data even after it has been corrected. For example, if we had the wrong date of birth recorded for you and we used this to inaccurately claim funding for your course it may be appropriate for us to retain a record to outline a subsequent amendment to our funding claim. If this is the case we will ensure that it is clear that the data was inaccurate and has now been corrected.
- Sometimes data records an opinion which you may disagree with, for example that of your tutor or line manager. Where this is the case we will make sure it is clear whose opinion it is.
- If we believe your request is “manifestly unfounded or excessive” we will explain to you why we think this is the case and we may refuse to update your data or charge you a reasonable fee to do so.

## **What happens while you are checking my data?**

Sometimes it takes time to establish whether data is correct and/or complete. In this case we can stop processing it until we confirm what is accurate. *Please see the section on [restricting the use of your data](#).*

## **What happens if you have shared my data with other organisations?**

If we have shared your data with anyone else we will let them know when your data needs correcting or completing or if processing needs to be restricted.

<https://ico.org.uk/your-data-matters/your-right-to-get-your-data-corrected/>

## **The Right to Erasure**

In some circumstances you have the right to have your data erased. This is sometimes known as ‘the right to be forgotten’. Having your data erased is not automatically a right and only happens in some circumstances.

## **How long do you keep my data for?**

We routinely erase data as a matter of good data management. When we collect your data we will tell you how long we will keep it for and at the end of this period it will be securely erased/destroyed. The amount of time we retain data will vary depending on what it is and why we collected it. We publish a document which lists how long we keep information; this is available on our website at [www.northern.ac.uk/dataprotection](http://www.northern.ac.uk/dataprotection).

## **Under what circumstances can I ask you to erase my data?**

You can ask us to erase your data if:

- We no longer need it for the purpose we collected it;
- We process it on the basis of your consent and you withdraw your consent; which you can do at any time;
- We collected the data illegally in the first place or we no longer have a legal basis for using it;
- You object to your data being used, and your interests outweigh ours;
- We have a legal obligation to erase your data;
- We are using your data for direct marketing purposes and you object;
- If you provided your data to us when you were a child.

## **Are there occasions when you won't delete my data?**

Yes. This depends on the reason we collected it in the first place and the legal basis we have for doing so. And could include:

- If we need to keep your data for academic reasons;
- If we have a legal obligation to keep your data;
- We are required to keep your data to carry out a public task, for example we can't erase data about you from our funding claim;
- If your data could be necessary for establishing, exercising or defending a legal claim;
- If erasing your data would damage historical research or archiving that is in the public interest;
- If your request for erasure is "manifestly unfounded or excessive" or repetitive. In this case rather than refusing to delete your data we may charge you a reasonable fee.

If after investigation we decide we do not need to delete your data we will explain why we think that is the case, what we based our decision on and let you know how you can complain and/or challenge the decision.

### **How will I know you have erased my data?**

We will confirm that your data has been erased.

### **What happens if you have shared my data with someone else?**

If we have shared your data we will contact each recipient and inform them that your data should be erased. Occasionally this could be impossible or involve disproportionate effort. We do not make your data public.

<https://ico.org.uk/your-data-matters/your-right-to-get-your-data-deleted/>

## **The Right to Restrict Processing**

If you have concerns about the accuracy of your data or how we are using it you have the right to restrict us from using it, or stop us from deleting it.

### **When can I ask you to restrict the use of my data?**

You can ask us to restrict the use of your data:

- Whilst we are responding to a request from you to check the accuracy of your data, for example if you think the data we are basing a decision on is wrong;
- If we are processing your data illegally but you don't want us to delete it;
- Where we no longer need your data but you need it for the establishment, exercise or defence of a legal claim;
- Where you have objected to processing of your data and your needs outweigh our legitimate interests.

You may wish to make a request to restrict processing at the same time as you make another objection or ask for your data to be corrected.

### **How will you restrict processing of my data?**

This will depend on the data involved and how it is processed, and could include:

- temporarily moving your data to another system;
- making your data unavailable to users.

### **What if you have shared my data?**

If we have shared your data we will contact each recipient and inform them that its use should be restricted. Occasionally this could be impossible or involve disproportionate effort.

If we lift a restriction on the processing of your data we will let you know before we recommence processing.

<https://ico.org.uk/your-data-matters/your-right-to-limit-how-organisations-use-your-data/>

## The Right to Portability

Where you have provided information to us and we hold it electronically you have the right to ask us to provide you with a copy of it in an accessible and machine-readable format, for example as a csv file. Where it is technically feasible you can ask us to transfer your data directly to another organisation.

However, this right only applies to data where we rely on your *consent* to process the data or is part of a *contract* you have with us. The range of data in the College that this will apply to is therefore very limited at this time.

An example where portability could apply is for certain elements of your student registration file where data was provided by you and is processed on the basis of your consent.

### **Are there any other circumstances where you may refuse my request for data portability?**

Yes. If we believe your request is “manifestly unfounded or excessive” or repetitive in nature, we will explain to you why we think this is the case and what we based our decision on, and then either refuse your request or charge you a reasonable fee.

<https://ico.org.uk/your-data-matters/your-right-to-data-portability/>

## The Right to Object

In some circumstances you have the right to object to us processing your data.

### **When can I object and how will my request be assessed?**

This depends on the legal basis we have for processing your data, you can check this by looking at the relevant privacy notice at [www.northern.ac.uk/dataprotection](http://www.northern.ac.uk/dataprotection). If you're not sure contact our Data Protection Officer for advice [dpofficer@northern.ac.uk](mailto:dpofficer@northern.ac.uk).

If we are processing your data:

- for a task carried out in the public interest;
- on the basis of our legitimate interests; or
- for scientific or historical research, or statistical purposes,

you can object; but the right to make us stop processing your data is not guaranteed. We will assess your request carefully, considering the reasons you have given us, assessing whether the processing is causing you substantial damage or distress, and balancing your interests, rights and freedoms with our legitimate grounds for processing.

If we believe your request is “manifestly unfounded or excessive” or repetitive, we will explain to you why we think this is the case and what we based our decision on, and then either refuse your request or charge you a reasonable fee.

If we are processing your data for direct marketing, you have an absolute right to object at any time and no exemptions apply.

### **What happens if you reject my objection?**

If after careful consideration we decide we do not need to stop processing we will let you know and explain the basis of our decision. We'll also outline how you can make a complaint if you disagree.

<https://ico.org.uk/your-data-matters/the-right-to-object-to-the-use-of-your-data/>

## **The Right to Object to Automated Decision Making**

The law gives you the right not to have decisions made about you by automated means i.e. without the involvement of an actual person, this includes profiling. Profiling is when information is collected about you and is then used to predict things such as how you might behave in the future.

The College does not undertake any automated decision making or profiling, if in the future we adopt any automated decision making or profiling in relation to your data we will let you know and explain your rights and options. We will also update this guidance.

<https://ico.org.uk/your-data-matters/your-rights-relating-to-decisions-being-made-about-you-without-human-involvement/>

**Data Rights – Request Form**

**Your Details**

<b>Name</b>	
<b>Contact Details</b>	
<b>ID (where appropriate) e.g. employee number, student number</b>	
<b>Relationship to the College</b>	Current Student <input type="checkbox"/> Past Student <input type="checkbox"/> Current Employee <input type="checkbox"/> Past Employee <input type="checkbox"/> Other <input type="checkbox"/> <i>Please explain</i>

**Tell us what you want us to do**

<input type="checkbox"/>	<p><b>Provide me with access to my data</b></p> <p>Please tell us the data you would like, for example a copy of your personnel file; emails between 'person A' and 'person B' (from 1 June 20XX to 1 Sept 20XX) or CCTV camera data situated at 'location E' on, say, 23 May 20XX from 11 am to 5pm.</p> <p>Please be as specific as you can about the data you want.</p>	
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<input type="checkbox"/>	<b>Correct or complete my data</b> Please tell us what you believe is inaccurate or incomplete and how we should correct it, and where available, provide evidence of the inaccuracies	
<input type="checkbox"/>	<b>Delete my data</b> Please tell us what data you want erased and why.	
<input type="checkbox"/>	<b>Restrict or stop processing my data</b> Please tell us what data you want restricted and why.	
<input type="checkbox"/>	<b>Provide me with an electronic version of my data</b> Please tell us what data you would like to receive in a machine readable format.	

Please send this completed form to a relevant member of staff or [dpofficer@northern.ac.uk](mailto:dpofficer@northern.ac.uk)