Bury College Policy and Procedures

Data Requests & Complaints Procedure

1. Overview & Purpose

Bury College's reputation and future growth are dependent on the way the College manages and protects personal data. Facilitating the rights of those who make a request under GDPR is a key responsibility of everyone within the College.

The College collects, uses and stores personal data about its employees, suppliers, sole traders, partnerships or individuals within companies, students, governors, visitors, parents and employers. People whose personal data we process and retain may wish to exercise their rights. This policy sets out how the College will meet its obligations under Data Protection Laws, particularly Article 12 and Articles 15-22 of UK GDPR, and handle data requests as efficiently and easily as possible. If you have any queries concerning this policy, please contact our Data Protection Officer at dpo@burycollege.ac.uk, who is responsible for ensuring the College's compliance.

2. Definitions

Data protection complaint: May also be called an Information Rights Concern; this is a letter someone will send to us if they are not happy with the way we have handled their personal information/a data protection rights request they have made.

Environmental Information Request: This is similar to a Freedom of Information request but gives requestors extra rights to make requests specifically for environmental information.

Freedom of Information Request: A request for information the College holds that the requestor believes should be in the public domain. This is not a request for personal data and should not be treated as such. The timeline for responding to these requests is 20 working days.

Information Commission's Office 'ICO'/ The regulator: This is the regulator for all data protection and information access complaints in the United Kingdom.

Right of Access/Subject Access Request: This is someone's right under UK GDPR to see any non-exempt information Bury College holds about them, how we are using this information, who we transfer the information to, and where we got the information from. The deadline to respond to these requests, and any request made under UK GDPR, is one calendar month, plus an additional two months if the request is complex.

Right to rectification: This is someone's right under UK GDPR to request information we hold be modified if they do not believe it to be accurate.

Right to erasure/Right to be forgotten: This is someone's right under UK GDPR to request we remove information we hold about them from our systems

Right to restriction: This is a request to limit the College's processing of an

individual's personal data. It is often combined with a rectification request or an objection to how we use personal data. For example, an individual may believe that information we retain is inaccurate but not want it deleted. They can request that we isolate the information and do not use it while the restriction applies.

Right to object/objection to processing: This is when someone challenges our reasoning behind processing personal data and would like us to stop doing so.

Right to data portability: This is someone's right to request that we transfer data we hold on them to another data controller e.g Bury Council, Greater Manchester Police, etc.

3. Responsibilities

3.1 All College personnel are responsible for following the procedures specified in this document. Failure to do so could delay the College's response to a request made under UK GDPR and result in the ICO upholding a complaint against the College. Non-compliance may also have legal ramifications.

3.2 A person wishing to exercise their data protection rights can make a request to any representative of Bury College other than a student. Requests must therefore be channeled to the appropriate department without undue delay.

3.3 College Personnel must not release or disclose any Personal data in response to a request without specific authorisation from the Data Protection Officer; this includes by phone calls or in emails.

3.4 It is important to remember that an information rights request will not always appear obvious. Something as simple as "give me all the information you hold on me" could be considered a valid subject access request. If you are unclear then ask the requestor if they are making a request under GDPR, and CC DPO@burycollege.ac.uk should this request have been made in writing.

3.5 Unlike a subject access request, a Freedom of Information request must be made in writing, include contact information, and be clearly interpreted as a request for information under the Freedom of Information Act. We are not obliged to accept an FOI request verbally. If someone attempts to do so you can direct them to make the request in writing to the College.

3.5.1 This does not apply to anyone who is considered to require a reasonable adjustment under the Equality Act 2010. Should this be the case please alert the DPO so arrangements can be made to facilitate the request verbally.

3.6 An Environmental Information Request can be made verbally, although we would recommend that this is followed up in writing. If the requestor does not wish to do this, we recommend they note who they made the request to, the date and time of the request, and the information requested.

4. Procedures when someone has made an information rights request

4.1 If the request is made by email

4.1.1 If you receive an information rights request in your staff mailbox or a directorate mailbox reply to acknowledge receipt. In either instance, please CC the DPO or data requests mailbox into your response. The DPO and data requests team will then take over handling the request.

4.2 If the request is posted to the College

4.2.1 If you receive a letter containing a data request or data complaint, please scan it and save it as a PDF. Email the PDF to the DPO who will process the request or complaint.

4.3 If the request is made to you verbally

4.3.1 If you receive a request by telephone or face to face acknowledge it to the requestor. Write down the request to create a record, then pass it to the DPO. The DPO will provide a response without undue delay.

4.3.2 If someone wishes to make a request under the Freedom of Information Act, please advise them that this is not possible under the legislation and direct them to make a written request.

4.4 If the request is made via social media

4.4.1 If someone makes a request through one of Bury College's social media accounts please acknowledge the request. If the requestor has not provided contact information for a response, ask them to provide it. Take a screenshot or copy the message containing the request, then forward the screenshot or copy to dpo@burycollege.ac.uk.

4.4.2 Please be advised that Bury College does not consider using any social media platform as an appropriate format for responding to a request. If the requestor states they wish for us to disclose the information to them via a social media channel please inform them this will not be possible and request they provide an email address as an alternative. This is because we cannot guarantee secure delivery of the information.

4.5 If the request is made by a third party

4.5.1 If a third party makes a request in writing, please check whether they have attached signed authority from the requestor consenting to the third party raising the request with the College. If signed authority is missing, please reply to ask for it. Explain that the College cannot facilitate the request without this authority.

4.5.2 If a third party makes a request verbally, follow the verbal request form as normal. Record that the request is being made by a third party on behalf of the individual. Once the form is completed inform the third party that the DPO will write to them in due course.

4.6 If the requestor requires a reasonable adjustment

4.6.1 A requestor may ask for or require a reasonable adjustment under the Equality Act 2010. If Bury College already knows that the requestor requires an adjustment or the requestor identifies an adjustment when making their request, please record the adjustment details. Forward those details with the request to dpo@burycollege.ac.uk.

4.7 Identity verification

4.7.1 In any scenario involving a request relating to personal data, the College has the right to verify the identity of the requestor in order to minimise the possibility of data being inappropriately disclosed to a third party.

4.7.2 If the requestor is a student/member of staff, please ask them for a copy of their student/staff card or their student/staff number and forward this to dpo@burycollege.ac.uk as part of the request.

4.7.3 If they requestor is a member of the public please ask them to provide an appropriate from of ID (driving licence or passport) and CC dpo@burycollege.ac.uk into the reply.

4.7.4 This section does not apply to requests made under FOI or EIR.

5. Data Complaints

5.1 If the requestor is unhappy with the way we have handled their request, do not believe they have received all the information they are entitled to, or have had their rights infringed by the College in some way they should be directed to make a data complaint in writing to dpo@burycollege.ac.uk.

5.2 The Data Protection Officer will consider the scope and nature of the data complaint. The DPO will then either explain the next steps to resolve the data complaint or provide reasons for how the request was handled. The DPO must provide this response within 30 days of the College receiving the data complaint.

5.2.1 Resolutions can include reversing a decision, rectifying or erasing data, restricting how we process data of this nature in future, training of members of staff or issuing an apology to the requestor.

Where the complaint concerns an FOI or EIR request, a resolution can include providing the information requested.

5.2.2 The College will not at this stage award any compensation to the subject or offer a payment in order to resolve the data complaint

5.3 If the requestor remains dissatisfied, they will be advised to direct their data complaint to the Information Commission's Office (ICO) for a regulatory view. Whilst the College will generally accept any decision the ICO makes as a regulator, the College reserves the right to request a review of a decision made by the ICO (if a data protection issue) or appeal to a First-Tier Tribunal should it be necessary.

5.4 In a data protection complaint, the requestor also has the right under article 79 of GDPR to seek a legal resolution, and compensation under Article 82. Should the requestor indicate to the College that they wish to exercise this right through a letter advising legal action will commence the DPO must be alerted as soon as possible.

6. Monitoring, Review and Evaluation

6.1 This policy will be monitored periodically. Changes in the law or in processes and procedures will be reviewed to assess whether the policy needs to be amended. Following review and evaluation, any amendments will be incorporated into this document and communicated as necessary