

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.

As an organisation that collects, uses and stores personal data about its employees, suppliers, sole traders, partnerships or individuals within companies, students, governors, visitors, parents and employers, the College recognises that there will be times when people subject to our processing and retention will wish to facilitate their rights. These policies have been put in place to ensure compliance with the College's obligations under Data Protection Laws, in particular, Article 12 and Articles 15-22 of UK GDPR. It has also been put in place to ensure that compliance with and facilitation of data requests is as efficient and as easy 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 requestees extra rights to make request specifically for environmental information.

Freedom of Information Request: A request for information the college holds that the requestee 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 Commissioner'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 on 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 this request,

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 on them from our systems

Right to restriction: Often combined with a rectification request or an objection to how we use personal data. This is a request to limit the data the college is processing on an individual. For instance, if we have retained inaccurate information but an individual does not want this deleted they can request we isolate (but not use) this data as part of the restriction.

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 It is the responsibility of all college personnel to follow the procedures specified in this document. Failure to do so could delay the college's ability to facilitate a request made under UK GDPR, and result in the ICO upholding a complaint against the college, there may also be legal ramifications for non-compliance.

3.2 A person wishing to facilitate their data protection rights can raise this with any representative of Bury College (besides students). Therefore, it is important that we have a structure for how to channel these requests 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 requestee if they are making a request under GDPR,

and CC DPO@burycollege.ac.uk should this request have been made in writing. If verbally contact the DPO via their extension (8342).

3.5 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 requestee 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 via email (whether to your employee or a directorate mailbox) please reply to the email acknowledging the request. In either instance, please CC the DPO or data requests mailbox into your response. Once this is done the DPO and data requests team will handle the request from this point.

4.1.2 If you are away on annual leave, or the request is made outside of term time, please include in your out of office message the DPO mailbox address and instruct the subject to forward the request to this address.

4.2 If the request is posted to the college

4.2.1 If you receive a letter containing a data request or complaint, please contact the DPO who will collect the letter and process the request.

4.3 If the request is made to you verbally

4.3.1 In the unlikely event a request is made verbally, either via telephone or face to face acknowledge this to the requestee and use the verbal request from (located on sharepoint) to record the request. Once completed inform the requestee that the DPO will provide a

response without undue delay.

4.3.2 If the requestee does not wish for you to fill out the form, make a note of the name and the type of request they wish to make and email this to dpo@burycollege.ac.uk.

4.3.3 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 the person has made a request to one of Bury College's social media accounts please acknowledge the request and ask for contact information for the college to respond to the request (if the requestee has not included this), screenshot or copy the message containing the request and forward this on 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 requestee 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

4.5 If the request is made by a third party

4.5.1 If a request is made in writing by a third party, please check if the third party has attached signed authority from the requestee giving the third-party consent to raise this with the college. If this is not included, please reply to the requestee asking for this and that without this we will not be able to facilitate the request.

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

4.6 If the requestee requires a reasonable adjustment

4.6.1 There will be instances where a requestee will request or require a reasonable adjustment under the Equality Act 2010. If the

requestee is known to Bury College as requiring a reasonable adjustment, or they identify a reasonable adjustment when making a request, please note this and forward onto 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 requestee in order to minimise the possibility of data being inappropriately disclosed to a third party.
- 4.7.2 If the requestee 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 requestee is a member of the public please ask them to provide an appropriate form 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. Complaints

- 5.1 If the requestee 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 complaint in writing to dpo@burycollege.ac.uk.
- 5.2 The Data Protection Officer will consider the scope and nature of the complaint and either provide next steps to resolve the complaint or justify the handling of the request. This must be done within 30 days of the college receiving the 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, issuing an apology to the requestee, or in the case of a complaint made in response to an FOI or EIR request providing the information requested.
 - 5.3.2 The college will not at this stage award any compensation to the subject or offer a payment in order to resolve the complaint

- 5.3 If the subject remains dissatisfied, they will be advised to direct their complaint to the Information Commissioner’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 subject also has the right under article 79 of GDPR to seek a legal resolution, and compensation under Article 82. Should the subject indicate they wish to exercise this right to the college receives 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 and any changes in the law or process/procedures will be reviewed and assessed to reflect the contents of the policy. Any amendments will be updated and added to the document following the review and evaluation and communicated as necessary

Equality Impact Assessment

| Screening for effects on equality | |
|---|------------------------------|
| Name of policy being assessed. | Data requests procedure |
| Policy Holder and/or person with authority to make changes to policy: | Oliver Mackenzie |
| Position: | DPO |
| Directorate: | Finance & Corporate services |
| New/Revised/Reviewed Policy: | <u>New Procedure</u> |
| What is the aim, objective or purpose of the policy, procedure, strategy or decision? | |

To provide guidance on staff and volunteers at Bury College on how to manage a request under UK GDPR if made to and to outline the college's framework for managing these requests.

Who was consulted when the policy was first written?

Information Commissioner's Office

Who does the policy affect?

Staff, Students, Governors and Clients (all data subjects)

Who implements the policy, and what steps will be taken to ensure the effective implementation of the policy?

Leadership Team, Managers, HR, Staff and DPO

What pre-existing evidence is available to facilitate the screening of the policy?

| What impact is the policy likely to have on the following characteristics? | | | | | |
|--|--------------------------|--------------------------|----------------|--------------------------|------------------|
| Protected characteristic* | Positive impact | Negative impact | Neutral impact | Unclear | Further comments |
| Age (or age group) | <input type="checkbox"/> | <input type="checkbox"/> | x | <input type="checkbox"/> | |
| Disability | <input type="checkbox"/> | <input type="checkbox"/> | x | <input type="checkbox"/> | |
| Gender reassignment | <input type="checkbox"/> | <input type="checkbox"/> | X | <input type="checkbox"/> | |
| Pregnancy and maternity | <input type="checkbox"/> | <input type="checkbox"/> | X | <input type="checkbox"/> | |
| Race (including ethnicity and nationality) | | <input type="checkbox"/> | X | <input type="checkbox"/> | |
| Religion or belief | <input type="checkbox"/> | <input type="checkbox"/> | X | <input type="checkbox"/> | |
| Sex | <input type="checkbox"/> | <input type="checkbox"/> | X | <input type="checkbox"/> | |
| Sexual orientation | <input type="checkbox"/> | <input type="checkbox"/> | X | <input type="checkbox"/> | |
| Marriage/Civil Partnerships | <input type="checkbox"/> | <input type="checkbox"/> | X | <input type="checkbox"/> | |
| Looked after learners | <input type="checkbox"/> | <input type="checkbox"/> | X | <input type="checkbox"/> | |
| Social-economic | <input type="checkbox"/> | <input type="checkbox"/> | X | <input type="checkbox"/> | |
| Carers | <input type="checkbox"/> | <input type="checkbox"/> | X | <input type="checkbox"/> | |
| Ex-offenders | <input type="checkbox"/> | <input type="checkbox"/> | X | <input type="checkbox"/> | |

*Protected Characteristics as identified by the Equality Act 2010.

If any answers are 'negative' can any adverse impact be justified on the basis of a legal requirement? Yes No

If 'yes', please explain:

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Please detail any suggested actions identified to improve positive impact or remove negative impact of this policy.

| Issue identified | Suggestion action to address this issue |
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Should a Full Equality Impact Assessment be carried out? No

How will this policy be approved? Leadership Team and Resources Committee

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|------------------|--------------------------------------|
| Name & Signature | Oliver Mackenzie <i>OJMAC</i> |
| Date | 24 th October 2022 |