

Data Protection Guidance Document: Data Subject's Rights

Introduction

1. This guidance document should be read in conjunction with the University's Data Protection Procedures.
2. This Guidance Document sets out rights of Data Subjects under the Data Protection Act 1998.

Right of access to personal data

3. Southampton Solent University, as a Data Controller under the Data Protection Act 1998, has an obligation to comply with the provisions of access outlined in the Act regarding access to personal data. The following rights are afforded to Data Subjects:
 - The right to be informed whether their personal data is being processed by the University or on behalf of the University.
 - The right to be informed what personal data is held on them by the University; the purpose for which their personal data is or will be processed; and informed of any recipients to whom their personal data will or may be disclosed.
 - The right to be informed of the source of such personal data, if held by the University.
 - The right to have their personal data communicated to them in an intelligible form.
4. The rights of access to personal data outlined in paragraph 3 are only available to the subject of the data. For third party requests, please see the Data Protection Guidance Document - External Data Sharing.
5. All requests received by the University in respect of the rights of access to personal data, outlined in paragraph 3, are to be requested in writing. All requests, other than those stated in paragraph 22 and 23, are to be referred to the University's Information Compliance Officer and in his/her absence, the member of the Planning Team as authorised by the Head of Planning. This includes requests received from students, staff and third parties, either manual and/or computerised records, including CCTV footage.

Subject Access Requests

6. Written requests, where the Data Subject asks for copies of their personal data held by the University are referred to as a Subject Access Request (SAR). The statutory time scale to respond to a SAR under the Data Protection Act 1998 is 40 days from and including the date of receipt. The 40 days given to respond to a subject access request under the Data Protection Act 1998 are inclusive of weekends and bank holidays.
7. Southampton Solent University provides a dedicated application form for subject access requests, which is available in Appendix 1 of these guidelines. Ideally, to ensure efficiency of response, the request should be made using the University's subject access form titled 'Request for disclosure from the Data Subject'.
8. In order to undertake a SAR, the University must be satisfied as to the identity of the individual making the request. Therefore, all request MUST be accompanied by

identity documents, these are listed within the Guidelines for Completion contained in Appendix 1 of this Data Protection Guidance Document.

9. The request to undertake a SAR incurs a £10 fee, which the University is entitled to charge in accordance with the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004. Payment of the £10 fee can be made either by cheque, made out to 'Southampton Solent University', or paid in cash or card at the University's Cash Office located on the 1st floor of the Andrews Building.
10. All subject access requests should be addressed to:

Information and Compliance Officer
Finance (A101)
Southampton Solent University
East Park Terrace
Southampton
SO14 0YN
11. In some circumstances, SARs will be received by the University via a Data Subject's solicitor, these should be referred to the University's Information and Compliance Officer or in his/her absence, the member of the Planning Team as authorised by the Head of Planning.
12. The Information and Compliance Officer will acknowledge all SARs received by the University and if necessary request further clarification from the Data Subject.
13. The Information and Compliance Officer will monitor all requests and keep original copies.
14. Requests for information by the University's Head of Planning/ Information and Compliance Officer must be responded to promptly by Services/Faculties, and no later than the specified data response deadline provided. Failure to meet the data response deadline could lead to non-compliance by the University in meeting its legal statutory obligation.
15. The University's Head of Planning or Information and Compliance Officer will:
 - inform the Human Resources Service of all subject access requests received by former, current and prospective employees of the University;
 - inform the University's Faculty Registrars of all subject access requests received by former or current students of the University.
16. Further information on the disclosure procedure can be obtained from the Head of Planning and/or the Information and Compliance Officer.

Topic Specific Requests

References

17. Confidential references that have been **provided** by Southampton Solent University **do not** have to be disclosed on receipt of a SAR from the data subject.
18. Confidential references **received** by Southampton Solent University **do** have to be disclosed on receipt of a SAR from the data subject, but the referee or any third party/parties mentioned in the reference should be informed.

Examinations

19. The provisions of the Data Protection Act 1998 also extend to the handling of examination marks and the disclosure of examiners comments, but the University does not have to provide students with their examination scripts.

Transcripts

20. Transcripts are available to students via their Faculty, and it is the responsibility of the faculty to ensure sufficient identification checks have been undertaken and recorded prior to disclosure (e.g. copy of the student's campus card).

Duplicate Graduation Certificates

21. Requests received by the University for duplicate graduation certificate are to be directed to Academic Service (AS). AS will be responsible for ensuring sufficient identification checks have been undertaken and recorded prior to disclosure (e.g. copy of the student's campus card).

Right to prevent processing likely to cause damage and distress

22. A Data Subject has the right to submit a request in writing to the University requesting that the University: cease to begin processing, or continue processing their personal data for a specific purpose, if they believe that in doing so would cause them unwarranted and substantial damage or distress.
23. All requests received by the University in reference to damage and distress of processing must be referred as a matter of urgency, to the University's Information Compliance Officer and/or in his/her absence, the member of the Planning Team as authorised by the Head of Planning.

Right to prevent processing for purposes of direct marketing

24. Data Subject's have the right to prevent the University from using their personal data for the purposes of direct marketing. Therefore, should the University receive a request from a Data Subject to: cease to begin processing, or continue processing their personal data for this purpose, the University must comply with their request. It is the responsibility of the relevant Faculty/Service to acknowledge the receipt of such a request and ensure it is implemented.
25. Direct Marketing in accordance with this right is to mean the 'communication (by whatever means) of any advertising or marketing material which is directed to particular individuals' (Data Protection Act 1998, section 11(3)).

Rectification, blocking, erasure and destruction

26. The Data Subject has the right to request that their personal data be **rectified, blocked, erased or destroyed** by the University. Under the Fourth Data Protection Principle the University has an obligation to ensure that all personal data held is accurate.
27. Should a Data Subject dispute the accuracy of their personal data, the University must investigate such claims and rectify any data found to be inaccurate. Should the University dispute the claim or fail to amend the data as requested, and a court is satisfied on application of a Data Subject that their personal data is inaccurate, the court can order the University to rectify, block, erase and destroy the personal data concerned, whether it was received or obtained by the University or a third party.

Compensation for failure to comply with certain requirements

28. Southampton Solent University, as a Data Controller, has an obligation to comply with the rights set out in the Data Protection Act 1998. If the University fails to comply with the rights set out in the Act, then legal proceedings can be brought against the University, and/or relevant individual staff member, for compensation. In such circumstances, it is for the University or the staff member concerned to prove that all reasonable care was taken to comply with the requirements of the Act.

Contacts and Further Information

29. Any queries regarding the content of this policy should be referred to the Head of Planning (ext. 3275) and/or the Information and Compliance Officer (ext.3229).
30. Further information about Data Protection matters can be found on the Information Commissioner's Office website: www.ico.gov.uk.

Full Name: _____ Title: _____

Previous Name (if applicable) _____

Address: _____

Post Code: _____ Date of Birth: _____

1. Details of request

Student Enrolment Number: _____ Staff Payroll Number: _____

Faculty/Service: _____

Course (if applicable): _____

Start date at the University (employment/study): _____

Please outline details of your request below (continue on a separate sheet if required):

- I understand that, subject to a valid request being made under the Data Protection Act 1998, the information will be provided within 40 days of the request having been received.
- I enclose a fee of £10 per request
- I enclose appropriate identification (as outlined in the guidelines for completion)
- When completed, this form should be sent, with payment and identification, to:
- Planning Department, Finance Service, Southampton Solent University, East Park Terrace, Southampton SO14 0RX.

Signature _____ Date _____

Former Signature (if applicable) _____

FOR OFFICE USE ONLY

RECEIVED BY FINANCE SERVICE		DATE(S)
£10.00 PAYMENT	<input type="checkbox"/>	
PASSPORT	<input type="checkbox"/>	
PHOTO DRIVING LICENCE	<input type="checkbox"/>	
CAMPUS CARD	<input type="checkbox"/>	
STUDENT UNION CARD	<input type="checkbox"/>	
OTHER ID	<input type="checkbox"/>	
PASSED TO:		DATE(S)
NAME	FACULTY/SCHOOL/SERVICE	
RETURN TO:		DATE
NAME (FINANCE SERVICE)		
40 DAYS DEADLINE		
ADMIN OFFICER'S (RECORDS MANAGEMENT & COMPLIANCE) SIGNATURE ON COMPLETION		DATE

1. Request must be made in writing using the disclosure form.
2. All applicable sections of the form must be completed.
3. Full details of the request are required, additional sheets to be attached if necessary.
4. The appropriate fee of £10.00 must be enclosed for each request, cheques payable to 'Southampton Solent University.'
5. One copy of identification must be enclosed, i.e. passport, driving licence, campus card, National Insurance card, etc.
6. Full contact details must be given.
7. The completed form and fee must be returned to: The Information and Compliance Officer, Planning, Finance Service, Southampton Solent University, East Park Terrace, Southampton SO14 0RX.
8. The 40-day period will commence upon receipt of a valid request, with copy of appropriate identification and fee enclosed.
9. All requests will be responded to in writing (by email or by fax if requested).
10. All forms and correspondence will be treated in the strictest confidence.
11. For further guidance on the completion of the form, please contact the Information and Compliance Officer
Tel: 023 8031 9229
Fax: 023 8023 3475
E-mail: freedom.information@solent.ac.uk