

INFORMATION SECURITY & DATA PROTECTION POLICY: RIGHTS OF INDIVIDUALS

This policy is annually reviewed to ensure compliance with current regulations

Approved/reviewed by	
Approved by: ISMS Committee Reviewed by: Director of ICT	
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This policy and procedure is subject to The Equality Act 2010 which recognises the following Protected Characteristics: Age, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion and Belief, Sex, Sexual orientation and Disability.

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Rights of Individuals Procedure

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1. Overview

The College's reputation and future growth are dependent on the way the College manages and protects Personal Data. All individuals have rights over their Personal Data. This Rights of Individuals Procedure must be read in conjunction with the College's Rights of Individuals Policy. It explains the process the College follow to comply with its legal obligations to allow individuals to exercise their rights over their Personal Data which are detailed in the Rights of Individuals Policy.

College Personnel will receive a copy of this Policy when they start and may receive periodic revisions of this Policy. This Policy does not form part of any College Personnel's contract of employment and the College reserves the right to change this Policy at any time. All College Personnel are obliged to comply with this Policy at all times.

2. About this Procedure

The College's Data Protection Policy is the College's fundamental policy which sets out the types of Personal Data that the College may be required to handle, as well as the College's legal purposes for doing so. It sets out how the College complies with its obligations under Data Protection Laws.

This Procedure explains the process the College has in place to ensure that the College complies with its legal obligations to allow individuals to exercise their rights over their Personal Data. The College has a corresponding Rights of Individuals Policy that sets out what those rights are and explains the College personnel's' obligations in relation to ensuring that the College meets its obligations in this area.

3. Scope

This procedure applies to all College Personnel who collect and/or use Personal Data relating to individuals.

It applies to all Personal Data stored electronically, in paper form, or otherwise.

4. Definitions

4.1. **College** – Boston College, Skirbeck Road, Boston, Lincolnshire, PE21 6JF.

4.2. **College Personnel** – Any College employee or contractor who has been authorised to access any of the College's Personal Data and will include employees, consultants, contractors, and temporary personnel hired to work on behalf of the College.

4.3. **Data Protection Laws** – The General Data Protection Regulation (Regulation (EU) 2016/679) and all applicable laws relating to the collection and use of Personal Data and privacy and any applicable codes of practice issued by a regulator including in the UK, the Data Protection Act 2018.

- 4.4. **Data Protection Officer** – The Data Protection Officer is Evalian Ltd, and can be contacted via DataProtection@boston.ac.uk
- 4.5. **ICO** – the Information Commissioner’s Office, the UK’s data protection regulator.
- 4.6. **Personal Data** – any information about an individual which identifies them or allows them to be identified in conjunction with other information that is held. Personal data is defined very broadly and covers both ordinary personal data from personal contact details and business contact details to special categories of personal data such as trade union membership, genetic data and religious beliefs. It also covers information that allows an individual to be identified indirectly for example an identification number, location data or an online identifier.
- 4.7. **Special Categories of Personal Data** - Personal Data that reveals a person’s racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic data (i.e. information about their inherited or acquired genetic characteristics), biometric data (i.e. information about their physical, physiological or behavioural characteristics such as facial images and fingerprints), physical or mental health, sexual life or sexual orientation and criminal record.
5. **How do we allow individuals to exercise their rights under Data Protection Laws?**
 - 5.1. **Right of access (subject access requests)**
 - 5.1.1. If the College receives a request from an individual to access or to receive a copy of their Personal Data, the following procedure will be followed:
 - 5.1.1.1. the College must forward the request to the Data Protection Officer as soon as they receive it. A Subject Access Request form can be found at the end of this document. Please note that the College can no longer charge a fee for responding to these requests unless a second or subsequent copy of the Personal Data is requested (in which case the College can charge its administrative costs) or the request is unfounded or excessive (see paragraph 5.8 below);
 - 5.1.1.2. the Data Protection Officer will note the date the request was received, the deadline to respond (ordinarily one month from the date of receipt but an extension may be possible in certain circumstances as set out in paragraph 5.9), and send weekly chasers to all College staff involved in dealing with the request in order to track its progress;
 - 5.1.1.3. within 10 working days of receipt, the Data Protection Officer will decide whether any further information is needed from the individual to clarify the identity of the individual or to understand the request and will ask the individual for any further information that is needed as soon as possible;

- 5.1.1.4. if further information is required, no action will be taken until the further information has been received from the individual;
- 5.1.1.5. once the further information has been received and/or the College is satisfied that it knows what has been requested, the College will begin locating the individual's Data;
- 5.1.1.6. depending on who the individual is, this may involve locating staff files, student files, information on parents, notes, minutes, correspondence and other relevant documents containing Personal Data either on the College's information systems, or in the College's structured paper filing systems. The Data Protection Officer will let College staff know what searches they need to carry out;
- 5.1.1.7. once the College has located all the Personal Data of the individual, the Data Protection Officer will review it and decide whether any of the Personal Data does not need to be disclosed as there are exemptions which may apply;
- 5.1.1.8. once the College has decided what the College is going to provide to the individual, the College will respond providing copies of the Personal Data, which, if the request is made electronically, shall be provided in a commonly used electronic form; and
- 5.1.1.9. if the College fails to do this within one month of the date the College receives the request, the College will ensure that it has contacted the individual before the deadline to explain what the College has done so far and when the College will get back to them with their Personal Data.

5.2. **Right to rectification**

- 5.2.1. If the College receives a request from an individual to correct their Personal Data, the following procedure will be followed:
 - 5.2.1.1. the request must be forwarded to the Data Protection Officer as soon as they receive it;
 - 5.2.1.2. the Data Protection Officer will note the date the request was received, the deadline to respond (ordinarily one month from the date of receipt but an extension may be possible in certain circumstances as set out in paragraph 5.9), and send weekly chasers to all College Personnel involved in dealing with the request in order to track its progress;
 - 5.2.1.3. the College will then locate the Personal Data concerned and verify whether it is incorrect or incomplete and will correct it or complete it as soon as possible;
 - 5.2.1.4. the College will ascertain whether the College has disclosed the incorrect Personal Data to any third parties and, if so, the College will contact those third parties as soon as possible to tell them to correct the Personal Data;
 - 5.2.1.5. the Data Protection Officer will decide whether the College needs to keep a copy of the original Personal Data for evidence reasons or otherwise; and

5.2.1.6. the College will confirm to the individual in writing within one month of the date of their request that the College has complied with the request.

5.3. Right to erasure (right to be forgotten)

5.3.1. If the College Personnel receives a request from an individual to delete their Personal Data, the following procedure will be followed:

5.3.1.1. the College must forward or report the request to the Data Protection Officer as soon as they receive it;

5.3.1.2. the Data Protection Officer will note the date the request was received, the deadline to respond (ordinarily one month from the date of receipt but an extension may be possible in certain circumstances as set out in paragraph 5.9), and send weekly chasers to all College Personnel involved in dealing with the request in order to track its progress;

5.3.1.3. the Data Protection Officer will reach a decision as to whether the right to be forgotten applies;

5.3.1.4. if the right to be forgotten does apply, the Data Protection Officer will decide whether the College is required to keep any parts of the Personal Data for evidence reasons and, if so, this Personal Data will be excluded from the request;

5.3.1.5. the College will then securely delete all the Personal Data about that individual that the College has which is not excluded. This will include securely shredding all hard copy documents and ensuring that computer records are securely deleted from the College's information systems in line with the processes detailed in the College's Data Retention Policy;

5.3.1.6. the College will ascertain whether it has disclosed the deleted Personal Data to any third parties and, if so, the College will contact those third parties as soon as possible to tell them to delete the Personal Data; and

5.3.1.7. the College will confirm to the individual in writing within one month of the date of their request that the College has complied with the request.

5.4. Right to restrict processing

5.4.1. If the College receives a request from an individual to restrict the College's use of their Personal Data, the following procedure will be followed:

5.4.1.1. the College must forward or report the request to the Data Protection Officer as soon as they receive it;

5.4.1.2. the Data Protection Officer will note the date the request was received, the deadline to respond (ordinarily one month from the date of receipt but an extension may be possible in certain circumstances as set out in paragraph 5.9), and send weekly

chasers to all College staff involved in dealing with the request in order to track its progress;

- 5.4.1.3. the Data Protection Officer will reach a decision as to whether the right to restrict processing applies;
- 5.4.1.4. if the right to restrict processing does apply, the College will action the request as soon as possible and ensure that the College no longer uses the individual's Personal Data in the way they have objected to. This may include moving documents to folders where they can no longer be accessed, removing details from files and locking paper files away;
- 5.4.1.5. the College will ascertain whether the College has disclosed the Personal Data to any third parties and, if so, the College will contact those third parties as soon as possible to tell them to stop using the Personal Data in the restricted way; and
- 5.4.1.6. the College will confirm to the individual in writing within one month of the date of their request that the College has complied with the request.

5.5. **Right to data portability**

- 5.5.1. If the College receives a request from an individual to provide a copy of their Personal Data in a structured, commonly-used and machine-readable format, the following procedure will be followed:
 - 5.5.1.1. the College must forward or report the request to the Data Protection Officer as soon as they receive it;
 - 5.5.1.2. the Data Protection Officer will note the date the request was received, the deadline to respond (ordinarily one month from the date of receipt but an extension may be possible in certain circumstances as set out in paragraph 5.9), and send weekly chasers to all College Personnel involved in dealing with the request in order to track its progress;
 - 5.5.1.3. the Data Protection Officer will reach a decision as to whether the right to data portability applies and to which subset of the individual's Personal Data it applies; and
 - 5.5.1.4. if the right to data portability does apply, the College will action the request as soon as possible. This will include creating an electronic copy of the individual's Personal Data which can be transferred to another organisation if the individual asks the College to.

5.6. **Right to object**

- 5.6.1. If the College receives an objection from an individual to the College's processing of their Personal Data, the following procedure will be followed:
 - 5.6.1.1. the College must forward or report the request to the Data Protection Officer as soon as they receive it;

- 5.6.1.2. the Data Protection Officer will note the date the request was received, the deadline to respond (ordinarily one month from the date of receipt but an extension may be possible in certain circumstances as set out in paragraph 5.9), and send weekly chasers to all College Personnel involved in dealing with the request in order to track its progress;
- 5.6.1.3. the Data Protection Officer will reach a decision as to whether the right to object applies;
- 5.6.1.4. if the right to object does apply, the College will action the request as soon as possible. This may include suppressing the individual from the College's direct marketing lists, or stopping the processing of Personal Data that has been objected to; and
- 5.6.1.5. the College will write to the individual within one month of the date of their request to tell them either that the College has complied with, or intends to comply with, their request or that the College has not complied and the reasons why the College has not complied.

5.7. **Rights in relation to automated decision making**

- 5.7.1. If the College receives an objection from an individual to an automated decision that the College has made about the individual which produces legal effects concerning them or similarly significantly affects them, the following procedure will be followed:
 - 5.7.1.1. the College must forward or report the request to the Data Protection Officer as soon as they receive it;
 - 5.7.1.2. the Data Protection Officer will note the date the request was received, the deadline to respond (ordinarily one month from the date of receipt but an extension may be possible in certain circumstances as set out in paragraph 5.9), and send weekly chasers to all College Personnel involved in dealing with the request in order to track its progress;
 - 5.7.1.3. the Data Protection Officer will reach a decision as to whether the right to intervene in the automated decision-making applies;
 - 5.7.1.4. if the right to intervene does apply, the College will action the request as soon as possible. This will involve reviewing the automated decision-making process, reviewing the decision that was made, having a College Personnel consider whether the decision needs to be retaken and allowing the individual to give their view on the decision; and
 - 5.7.1.5. the College will write to the individual within one month of the date of their request to tell them what the outcome of the College's review is.

Automated decision making happens where the College makes a decision about an individual solely by automated means without any human involvement; and

Profiling happens where the College automatically uses Personal Data to evaluate certain things about an individual.

5.8. Are there any requests the College does not have to respond to?

5.8.1. If the request the College receives from an individual is unfounded or excessive then the College may either:

5.8.1.1. refuse to action the request or

5.8.1.2. charge a reasonable fee taking into consideration the College's administrative costs of providing the information or taking the action requested.

5.8.2. Any decisions in relation to not actioning the request or charging a fee shall be made by the Data Protection Officer.

5.9. Response Times

5.9.1. All requests set out above must be responded to within a month unless the request is complex in which case the period may be extended up to a further two months. Any decision in relation to whether the request is complex is to be made by the Data Protection Officer who shall inform the individual making the request of the extension. Any notification of the extension to the individual shall be made within the initial one month period and shall give reasons for the delay.

5.9.2. If the College is not going to action the request made by an individual, the Data Protection Officer shall communicate this to them within month of receipt of the request. The communication shall include details of the College's reasons for not actioning the request and the ability of the individual to make a complaint to the ICO.

5.10. Legal Advice

Specialist external legal advice may be taken on the above, but this shall be the decision of the Data Protection Officer.

Data Protection Act 2018 – Subject Access Request Form

The Data Protection Act 2018 provides you, the data subject, with a right to receive a copy of the data/information we hold about you or to authorise someone to act on your behalf. Please complete this form if you wish to see your data. You will also need to provide **proof of your identity**. Your request will be processed within 30 calendar days upon receipt of a fully completed form and proof of identity.

Proof of identity:

We require proof of your identity before we can disclose personal data. Proof of your identity should include a copy of two documents such as your birth certificate, passport, driving licence, official letter addressed to you at your address e.g. bank statement, recent utilities bill or council tax bill. The documents should include your name, date of birth and current address. If you have changed your name, please supply relevant documents evidencing the change.

Administration fee:

Boston College's policy is not to charge for Subject Access Requests.

Section 1

Please fill in your details (the data subject). If you are not the data subject and you are applying on behalf of someone else, please fill in the details of the data subject below and not your own.

Title: Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Miss <input type="checkbox"/> Other _____		
Surname / Family Name:		
First Name(s)/Forenames/Given Name:		
Date of Birth:		
Address:		
Postcode:		
Previous Addresses:		
Postcode:		
Daytime Telephone Number (s):		

I am enclosing the following copies as proof of identity:

Birth certificate ☐ Driving Licence ☐ Passport ☐ An official letter to my address ☐

If none of these are available, please contact the Data Protection Officer at Boston College for advice on dataprotection@boston.ac.uk

Personal Information:

If you only want to know what information is held in specific records, please indicate in the box below, marked Details.

Please tell us, if you know, in which capacity the information is being held, together with any names or dates you may have. If you do not know the name of the department, just tell us what you do know. If you do not know exact dates, please give the year(s) that you think may be relevant. The more information provided, the quicker the information will be returned to you.

Details:

Employment records ☐

If you are now, or have been employed by Boston College and are seeking personal information in relation to your employment, please provide details of your staff number/area you worked/dates of employment.

Section 2

Please complete this section of the form with your details if you are acting on behalf of someone else (i.e. the data subject).

If you are **NOT** the data subject, but an agent appointed on their behalf, you will need to provide evidence of your identity as well as that of the data subject and proof of your right to act on their behalf.

Title: Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Miss <input type="checkbox"/> Other _____
Surname / Family Name:
First Name(s)/Forenames/Given Name:
Date of Birth:
Address:
Postcode:
Daytime Telephone Number (s):

I am enclosing the following copies as proof of identity: Birth certificate <input type="checkbox"/> Driving Licence <input type="checkbox"/> Passport <input type="checkbox"/> An official letter to my address <input type="checkbox"/>
If none of these are available, please contact the Data Protection Officer at Boston College for advice on DataProtection@boston.ac.uk

What is your relationship to the data subject? (e.g. parent, carer, legal representative)
I am enclosing the following copy as proof of legal authorisation to act on behalf of the data subject: Letter of authority <input type="checkbox"/> Lasting or Enduring Power of Attorney <input type="checkbox"/> Evidence of parental responsibility <input type="checkbox"/> Other (<i>give details</i>):

Data Subject Declaration:

I certify that the information provided on this form is correct to the best of my knowledge and that I am the person to whom it relates. I understand that Boston College is obliged to confirm proof of identity/authority and it may be necessary to obtain further information in order to comply with this subject access request.

Name:
Signature:
Date:

OR

Authorised Person – Declaration (if applicable):

I confirm that I am legally authorised to act on behalf of the data subject. I understand that Boston College is obliged to confirm proof of identity/authority and it may be necessary to obtain further information in order to comply with this subject access request.

Name:
Signature:
Date:

Warning: a person who unlawfully obtains or attempts to obtain data is guilty of a criminal offence and is liable to prosecution

I wish to:

Receive the information in electronic format ☐ (some files may be too large to transmit electronically and we may have to supply in CD format)

Receive the information by post* ☐

View a copy of the information only ☐

☐

Collect the information in person ☐

Go through information with member of staff

*Please be aware that if you wish us to post the information to you, we will take every care to ensure that it is addressed correctly. However, we cannot be held liable if the information is lost in the post or incorrectly delivered or opened by someone else in your household. Loss or incorrect delivery may cause you embarrassment or harm if the information is 'sensitive'.

Please send your completed form and proof of identity to:

Data Protection Officer
Boston College
Skirbeck Road
Boston PE21 6JF

6. Data Subject Consent Withdrawal Form

I, *[data subject name]*, withdraw my consent to the processing of my personal data by Boston College. Boston College no longer has my consent to process my personal data for the purpose of *[specify legitimate reason of processing personal data]*, which was previously granted.

Signed by data subject:

Date:

Request actioned:

GDPR Owner / GDPR Owner

Date: