



YSJSU Subject Access Response - Guidance

1. Introduction

1.1 Subject access requests can occur at any time. For YSJSU, receiving an SAR, may result in many long hours and significant resources in order to properly respond. Any individual dissatisfied with the speed or content of YSJSU's response may complain internally or to the ICO. This SAR guidance is intended to make responding to SARs as straightforward as possible.

2. Recognising the SAR

2.1 A SAR is any request by an individual for their own personal data. Although it must be in writing, it can be sent to anyone within YSJSU, by any means and in any form. Legally, it does not need to mention the GDPR or Data Protection Act 2018. YSJSU does have SAR templates that can be sent to individuals, but this good practice rather than a necessity.

2.2 A SAR does not simply entitle an individual to a copy of their own personal data. They are also entitled to receive several other pieces of information about how their personal data is being processed (Article 15 GDPR), including the purpose of processing the data, the source of the data and who the data has or will be shared with.

2.3 As soon as a request is identified, ensure that any routine data deletion or destruction processes are suspended with respect to the personal data of that individual. In addition, it is now a criminal offence to delete, destroy, alter or conceal personal data to frustrate a SAR (Section 173 DPA 2018).

3. Identify the Individual

3.1 Before communicating with the individual, YSJSU must be satisfied with respect to their identity. The measures taken depend on what is reasonable in the circumstances. It may be reasonable to seek proof of identity (usually recent photographic ID and utility bill) from an unknown individual but not an employee with who you are in day to day contact.

3.2 A request may be made on behalf of an individual by a representative, for example, a solicitor. Seek reassurance that the individual has authorised the representative to make the request, correspond with YSJSU and receive the response on their behalf.

4. Act Swiftly and Clarify the SAR

4.1 Organisations have one month to respond from the receipt of the SAR. It is possible to extend this period by a further two months in complex cases, although the individual should be informed as soon as this becomes apparent.

4.2 Where the SAR is broad or unclear, the ICO strongly encourages organisations to contact the individual to clarify the personal data which they wish to receive. Although the individual is under no obligation to explain why they want the personal data or what they intend to do

with it, they may be able to narrow the parameters of their request. This could include refining the data range or categories of information sought. It is useful to confirm at this stage whether the individual wants their own communications to / from the organisation to be disclosed.

4.3 Opening up a line of communication with the individual provides immediate reassurance that YSJSU is taking its responsibilities seriously.

5. Identify the Personal Data for Disclosure

5.1 YSJSU will be expected to be able to conduct reasonable and proportionate searches of its hard copy or electronic filing systems in order to identify the personal data belonging to the individual. This may include student / employee files, Outlook accounts and data held by data processors. All forms of information may fall to be disclosed, including audio recordings or CCTV footage.

5.2 The obligation upon YSJSU is to disclose the information from the original document or record, but not necessarily the document or record itself. In many cases, providing the original document or record may be appropriate. In other cases, especially where there is a significant amount of mixed data, it may be more appropriate to provide extracts of the personal data, so long as it is in an intelligible form.

6. Identify any Data Exemptions

6.1 There may be good reasons why personal data should not be disclosed, reflected within the range of exemptions to disclosure within Article 15 GDPR and schedules 2 – 4 of the Data Protection Act 2018. For example, where disclosure would prejudice defined public functions or communications are subject legal professional privilege.

6.2 YSJSU is not required, and should not, disclose an individual's personal data if this would adversely affect the rights of other individuals. This issue frequently arises with respect to mixed data such as email communications and meeting notes which are the personal data of the individual, as well as the others in the email chain or at the meeting. In determining whether to disclose this mixed data, consideration must be given to whether the third parties have consented to its disclosure or whether it is otherwise reasonable to disclose it. Careful consideration needs to be given to the specific content and context of this material.

7. Securely Disclose the Data

7.1 If a SAR has been made electronically, it is not always best to provide the response electronically. It is good practice to check with the individual first, especially where sensitive or special category data is being disclosed.

8. Keep a Record of Decisions Made

8.1 YSJSU should keep an audit trail of the request, including the sources of information which was collated, the review undertaken, key decisions made concerning whether information amounted to personal data and whether exemptions applied, the response provided and disclosure made, as well as all communications with the individual and other third parties. This will be essential if the individual seeks an internal review of the response or complains to the ICO.



Subject Access Request

Use the Subject Access Request Form below if you want to find out if York St John Students' Union holds any personal information about you.

You will need to sign the form and send it to us along with two pieces of identification to prove who you are. Once we have received your request with the required identification, we will respond within 30 days.

York St John Students' Union

1. Details of the person requesting the information.

Full name
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Address
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Telephone number Email
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Student Reference/Staff Payroll Number (if applicable)
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2. Are you the Data Subject?

YES if you are the Data Subject please supply evidence of your identity i.e. library card, driving license, birth certificate (or photocopy) and, if necessary, a stamped addressed envelope for returning the document (please go to question 5).

NO are you acting on behalf of the Data Subject with their written authority? If so, that authority must be enclosed (please complete questions 3 and 4)

3. Details of the Data Subject (if different to 1.)

Full name
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Address

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Telephone number Email
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4. Please describe your relationship with the Data Subject that leads you to make this request for information on their behalf.

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5. Please specify below the exact details of the information you require and the probable location of the requested data*:

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***This section must be completed.** The more specific you are with your request the quicker YSJSU can supply your information to you. **General requests for all personal data will not be considered (please see note below),**

NB. The University is a separate legal body and any access requests relating to data held by them should be addressed to their Data Protection Officer.

Declaration

I, certify that the information given on this application form to YSJSU is true. I understand that it is necessary for the Union to confirm my/Data Subject's identity, and the period of 30 days in which we must respond to the request will not commence until we are satisfied upon these matters. It may also be necessary to obtain more detailed information in order to locate the correct information.

Signed Date

Please return the completed form to The Chief Executive, York St John Students' Union, Lord Mayor's Walk, York, YO31 7EX.

Documents which must accompany this application are:

- i evidence of identify
- ii evidence of the Data Subject's identity (if different from above)
- iii evidence of Data Subject's consent to disclose to a third party (if required as indicated above).
- iii stamped addressed envelope for return of proof of identity/authority documents, where appropriate

Note: Section 8 (2)a of the 1998 Data Protection Act places an obligation on the Union to supply the requested information unless; "*the supply of such copy is not possible or would involve disproportionate effort*".

Any general request to provide all information held by the Union is likely to be deemed unreasonable. The Data Protection Act, Section 7 (3) specifies that data controllers are not obliged to comply with such requests unless supplied with information to assist in the location of the data that the person seeks.