



Nottingham Trent
University

Governance and Legal Services

Information Rights Requests Policy

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1. Introduction

- a) The UK General Protection Regulation (“UK GDPR”) provides individuals with a range of statutory rights. This Policy sets out how Nottingham Trent University (“NTU”) will comply with those rights.
- b) This Policy sets out the minimum standards which must be complied with by NTU.
- c) This Policy should be read together with other relevant policies such as the [Data Protection Policy](#), [Subject Access Request Policy](#) and [Privacy Notices](#).
- d) NTU’s Data Protection Policy provides an explanation of what is meant by “Personal Data” and “Special Category Personal Data” and what “Processing” Personal Data means.

2. Scope and Definitions

This Policy applies to the entirety of NTU employees, students and where appropriate third parties working for, or on behalf of NTU. This applies to all data relating to identifiable individuals throughout NTU and beyond.

Controller	The person or organisation that determines when, why and how to process Personal Data
Data Subject	Individual who NTU holds Personal Data about.
Personal Data	Information which relates to a Data Subject and which is identifiable to them.
Process or Processing	any activity that involves the use of Personal Data. It includes obtaining, recording or holding the data, or carrying out any operation or set of operations on the data including organising, amending, retrieving, using, disclosing, erasing or destroying it. Processing also includes transmitting or transferring Personal Data to third parties
Regulatory Authority	Information Commissioners Office.

3. Regulatory Requirements

This Policy has been documented giving consideration to, and in compliance with the following regulatory requirements.

Regulatory Requirement	Status
Retained UK version of the General Data Protection Regulation ((EU) 2016/679) as defined in the Data Protection Act 2018 (UK GDPR)	UK Legislation
The Data Protection Act 2018	UK Legislation
Information Commissioner’s Office (ICO)	UK Independent Body and data protection regulatory / guidance

4. Responsibilities

3.1 University Executive Team (UET)

UET has overall responsibility to ensure NTU meets its legal and regulatory responsibilities under the UK GDPR, and to ensure compliance with this Policy.

3.2 Employees

It is the responsibility of managers to ensure that they provide sufficient and accurate data, and to ensure the information provided is within the timescales agreed.

It is the responsibility of all NTU employees to ensure that they have read and understood this Policy and raise any concerns with non-compliance with the Data Protection Officer (DPO).

3.3 Legal Services

This Policy is owned by Legal Services. The Legal Services Team has the right to escalate any issues of non-compliance with this Policy to the DPO who may in turn escalate to UET should that be appropriate. The DPO can be contacted by emailing DPO@ntu.ac.uk.

4. Legal Rights under the UK GDPR

Data Subjects (which means identified, or identifiable, living individuals to whom Personal Data relates) are provided with the following rights under data protection legislation:

- a) The right to be informed about the controller's Personal Data collection and processing activities;
- b) The right to access their own Personal Data;
- c) The right to rectify (i.e. correct) their Personal Data;
- d) The right to erase Personal Data, also known as "the right to be forgotten";
- e) The right to restrict data processing;
- f) The right to object to data processing;
- g) The right to receive a copy of their Personal Data or transfer their Personal Data to another controller; and
- h) The right to not be subject to solely automated decision-making under certain circumstances.

Further information about each of these rights, and the manner in which they can be exercised, follows below.

4.1 The right to be informed

Individuals generally have the right to be informed about the collection and use of their Personal Data, including:

- (i) the purpose(s) for which their Personal Data will be processed;
- (ii) the legal basis for the processing;
- (iii) the retention period(s) for that Personal Data;
- (iv) details of who the Personal Data will be shared with; and
- (v) their rights under the UK GDPR.

This "privacy information" must be provided in clear and plain language, in an easily accessible and free of charge manner, either at the time the personal information is collected from

individuals, or within a reasonable period (and no later than one calendar month) after data are obtained from other sources.

NTU provides this information through a range of privacy notices, which are available on the [website](#).

The DPO, working with relevant areas of NTU, will ensure that privacy notices are regularly reviewed and where necessary updated.

4.2 The right of access

Individuals have the right to access their Personal Data to allow them to find out what Personal Data NTU holds, how it is (or has been) used and why.

NTU's procedure for responding to rights of access is set out in its [Subject Access Request Policy and Subject Access Request Procedure](#). Individuals who wish to make a subject access request should refer to those procedures for further information.

4.3 The right to rectification

An individual has the right to have:

- a) inaccurate Personal Data corrected; and
- b) incomplete Personal Data, completed.

Requests for rectification should be made using the procedure set out at section 5.

On receipt of a request, NTU will consider whether the data is accurate and will rectify it if necessary.

NTU will also consider whether it is appropriate to inform third parties to whom the data have been disclosed of any rectification.

It may be appropriate to restrict processing of Personal Data (see section 4.5 below) while the request is under consideration.

4.4 The right to erasure

An individual has the right to have Personal Data erased in certain circumstances, as follows:

- a) the Personal Data are no longer necessary in relation to the purposes for which they were collected or Processes;
- b) the individual has withdrawn consent to Processing and there is no other legal ground for Processing;
- c) the Processing is undertaken on the basis of the legitimate interests of the Controller (i.e. NTU) and the individual objects to the processing, and there is no overriding legitimate grounds for the Processing;
- d) the Personal Data are processed for direct marketing purposes and the individual objects to that Processing;
- e) the Personal Data have been unlawfully Processed;
- f) the Personal Data needs to be erased to comply with a legal obligation; and/or
- g) the Personal Data have been collected in relation to the offer of information society services to a child.

Requests for rectification should be made using the procedures set out at section 5 below.

The right to erasure is not an absolute right and erasure of Personal Data will not always be required or appropriate. NTU must therefore assess, in the light of the Personal Data concerned, the legal bases upon which it is processed and the purposes for which it is processed.

NTU will also consider whether it is appropriate to inform third parties to whom data has been disclosed of any rectification.

4.5 The right to restrict processing

An individual has the right to request that the processing of their Personal Data is restricted (i.e. its use is limited) in the following circumstances;

- a) the individual contests the accuracy of their Personal Data;
- b) the processing is unlawful, but the individual has requested that the Personal Data is restricted, rather than erased;
- c) NTU no longer needs to retain the Personal Data, but the individual has requested that NTU retains it for the establishment, exercise or defence of legal claims; and/or
- d) The individual has objected to the processing (as described below under the right to object to processing), and NTU is considering whether or not they are compelling overriding grounds to continue processing it.

Where Personal Data is restricted, NTU can continue to hold it, but generally cannot use it for any other purposes. However, there are exceptions to this; for example, the individual consents to further processing; their data is required to be processed to establish, exercise or defend legal claims; processing is necessary for the protection of others, or for reasons of important public interest.

Requests should be made using the procedure set out at section 5 below.

The right to restriction is not an absolute right and restriction will not always be required or appropriate. NTU must therefore assess, in light of the Personal Data concerned, the legal bases upon which it is processed and the purposes for which it is processed.

NTU will also consider whether it is appropriate to inform third parties to whom the data has been disclosed of any restriction.

4.6 The right to object to processing

Individuals have the right to object to processing of their Personal Data in certain circumstances; for example:

- a) its use in direct marketing (including profiling). “Direct marketing” means the communication by any means of advertising or marketing materials which is directed to particular individuals);
- b) processing based upon the legal basis of the performance of public tasks or legitimate interests of the controller or a third party; or
- c) processing for research purposes.

Requests should be made using the procedure set out in section 5 below.

The right to object to processing of Personal Data for direct marketing is absolute. This means that NTU must not continue to process the Personal Data if it receives an objection on that basis.

However, it is not an absolute right on other grounds. This means that if NTU can establish, for example, that it has compelling legitimate grounds for continuing to process these Personal Data, which override the interests of the data subject, then NTU can continue to process these data for these purposes and reject the request.

It may be appropriate to consider erasure of Personal Data alongside any objections to processing.

4.7 The right to portability

A data subject has the right to receive their Personal Data sent to them directly, or to another controller, in a commonly used and machine-readable format, in some circumstances. This is known as the right to data “portability”.

Portability applies only in respect of Personal Data which:

- a) has been directly provided by the data subject to the controller (i.e. it does not apply to Personal Data created by NTU based on data provided by the data subject, or obtained from a source other than the data subject);
- b) is processed by NTU based on the individual’s consent or the performance of a contract with them; and
- c) is processed only by automated means (i.e. electronic processing and not manual processing/with human intervention). It does not include paper files.

Requests for portability should be made using the procedure set out at section 5 below.

If NTU concludes that it is a legally actionable request, NTU will offer a direct download opportunity for the data subject. This is supplied in a structured, commonly used and machine-readable format. If technically feasible and requested by the data subject, it will also transfer data to a third party controller.

It may be appropriate to consider deletion of Personal Data alongside a request for portability.

4.8 Automated decision-making and profiling

Individuals have the right to object to:

- a) being subject to a decision made by solely automated means (i.e. without human involvement) and which produces a legal or similarly significant effect on the individual; and
- b) profiling (i.e. automated processing to evaluate an individual).

Objections of this nature should be made using the procedure set out in section 5 below.

5. Procedure for Requests

5.1 Procedure for requests

To help Legal Services facilitate dealing with requests as expeditiously as possible, it requests all data subjects wishing to engage their rights follow this procedure;

- a) Where possible, make a request in writing using the form on the [website](#). Alternatively, you can make a request by email to DPO@ntu.ac.uk.
- b) The request should include documents confirming the identity of the data subject such as a driving licence, passport or birth certificate (NTU will accept staff/student ID card if it is presented in person). A copy of the original document is acceptable. If sufficient ID is not submitted with the original request, the Legal Services Team will request this identification, and the request will not be progressed until identification is confirmed.
- c) The request should provide sufficient detail about the right(s) which the data subject wishes to exercise.
- d) Any queries about requests should be directed to the DPO or Information Governance Manager at DPO@ntu.ac.uk.

5.2 Dealing with requests

Once NTU receives a request, the designated team within Legal Services will endeavour to issue a response within one month of receipt. If, however, the request is complex or numerous, an extension by a further two months could be made.

Should an extension be required, the data subject will be informed of the extension and the reasons as to why it is required, within one month of receipt of the request.

If a request is manifestly unfounded or excessive, particularly where it is repetitive, then the request can be refused or a reasonable fee may be charged.

Should a request be refused, the data subject will be informed of the reasons why it is refused and will be informed of their right to complain to the Information Commissioner's Office.