



**THE AGA KHAN UNIVERSITY**  
(International) in the United Kingdom  
Institute for the Study of Muslim Civilisations

**AKU-UK  
PROCEDURE FOR  
PROCESSING  
SUBJECT  
ACCESS  
REQUESTS**

**2022**

# AKU-UK Procedure for processing Subject Access Requests

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# AKU-UK Procedure for processing Subject Access Requests



## Document Approval

Name	Signature	Date
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# AKU-UK Procedure for processing Subject Access Requests

## 1. Introduction

This procedure provides a guide on the processing of Subject Access Requests (SAR's). It should be read along with the Subject Access Request Policy and the SAR Register. This procedure does not override the Subject Access Request Policy which must be adhered to.

The Data Subject referred to in the procedure is the person whose personal data is the subject of the request. The request could come directly from the Data Subject or from their representative.

A SAR is made by a data subject to exercise one or more of their following rights:

- The right of access
- The right of rectification
- The right to erasure
- The right to restrict processing
- The right to data portability
- The right to object
- The right to object to automated decision making and profiling.

There are limitations on these rights and not all of them are applicable to Aga Khan University (AKU) - for example AKU does not use automated decision making and profiling.

It is important that for each SAR received, the SAR Register is updated regardless of whether the request is valid or not. The SAR Register is used for ensuring that AKU meets its SAR obligations within the prescribed time limits, and for identifying excessive SAR's from the same individual.

In the procedure below the relevant section from the Subject Access Request Policy is shown in brackets:

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## Step 1 – Receipt of the SAR

AKU policy (Section 2.2), states that SAR's must be made in writing and sent to the AKU Data Protection Officer (DPO).

**Q** - Has the subject access request been received in writing?

**Yes** – Proceed to Step 2 – Necessary ID

**No** – The reason for refusal of the SAR is that all SAR's must be received in writing. Proceed to Step 11 – Refusal of the SAR

## Step 2 – Necessary ID

AKU requires the data subject must provide proof of identity and residence before the request is processed, this must be in the form of photographic ID, such as driver's license or passport, and a recent utility bill or bank statement as proof of address (section 3.1).

Anyone applying for a SAR on behalf of someone else must apply in writing together with written authorisation from the data subject, this must be signed by the data subject themselves. AKU requires that both the data subject and person making the request provide photographic ID and proof of address (section 3.2).

A Person appointed by the Courts must provide proof of the court order (section 3.3)

Solicitors acting on behalf of a Client or Insurance Company must provide the appropriate form of authority containing the signed consent of their client (section 3.4).

**Q** – Has the necessary ID been provided?

**Yes** – the necessary ID has been provided. Proceed to Step 3 – Unfounded or excessive SAR's

**No** – The SAR is to be refused. The reason for refusal of the SAR is that the necessary ID was not provided. Request the Data Subject to provide the necessary identification. Anyone applying on behalf of a data subject must also provide a signed authorization from the data subject. Proceed to Step 11 – Refusal of the SAR

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## Step 3 – Unfounded or excessive SAR's

AKU may refuse to action a SAR that is unfounded or is a repeat of a previous SAR (section 6).

**Q** - Is the SAR from the data subject manifestly unfounded or excessive, in particular because of their repetitive character?

**No** – Proceed to Step 4 – 3rd Parties

**Yes** – There are three options available but be mindful that AKU may have to demonstrate the manifestly unfounded or excessive character of the request if it is refused and the refusal is challenged by the Data Subject:

1. Process the SAR as normal. Proceed to Step 4 – Third parties.
2. Charge a reasonable fee (£10) taking into account the administrative costs of complying with the SAR. The SAR is refused. The reason for the refusal is that an administrative charge is required to process the SAR. Ask the Data Subject to resubmit the SAR with the appropriate payment. Proceed to Step 11 – Refusal of the SAR
3. Refuse to act on the request. – The SAR is refused. The reason for the refusal is that the request is unfounded, excessive or repetitive. Proceed to Step 11 – Refusal of the SAR

## Step 4 – Third parties

Responding to a Subject Access Request may involve providing information relating to another individual (section 4).

**Q** - Does responding to the SAR involve providing information relating to another individual?

**No** – Proceed to Step 5 – Business impact

**Yes** - Consider whether it is possible to comply with the request without revealing information that relates to and identifies a third-party individual.

**Q** – Is it possible to comply with the request without impacting on a third parties rights?

**Yes** – Proceed to Step 5 – Business impact

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**No** - The SAR is refused. The reason for the refusal is due to the impacts on a third persons rights. Proceed to Step 11 – Refusal of the SAR

## Step 5 – Business impact

It is possible for a SAR to have unintended consequences should it be actioned, for example when a data subject who is in a publicity photo withdraws consent for their image to be used. What are the implications regarding the printed publicity material which contains the data subjects' image?

While most SAR's will be straight forward and simple to comply with, they must be evaluated to determine if there are any unintended consequences which provide a legitimate reason for the AKU not to comply with the request.

**Q** - Will complying with the request have a business impact?

**No** – Proceed to Step 6 - Right to erasure ('right to be forgotten') request

**Yes** – Evaluate the business impact to determine if it provides a basis to refuse the SAR. If in doubt obtain specialist advice. Be aware of the one-month time limit on responding to a SAR. If this is insufficient then an extension can be made. See Step 10 – Comply with SAR for more details on how to make an extension.

**Q** – Does the business impact justify refusing the SAR?

**No** – Proceed to Step 6 - Right to erasure ('right to be forgotten') request

**Yes** - The SAR is refused. The reason for the refusal is due to the business impact. Proceed to Step 11 – Refusal of the SAR

## Step 6 – Right to erasure ('right to be forgotten') request

**Q** - Is the SAR a Right to erasure ('right to be forgotten') request?

**No** – Proceed to Step 7 – Request to restrict processing

Data subjects have the right to request erasure of their personal data although there are limitations on this right (section 10). The SAR can be refused if:

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- The purpose for which the personal data was originally collected or processed is still valid,
- Consent was not the lawful basis of processing
- Legitimate interest was the lawful basis for processing and there is overriding legitimate interest to continue this processing

**Q** – Are there any valid reasons to refuse the SAR?

**No** – Proceed to Step 10 - Comply with the SAR

**Yes** - The SAR is refused. The reason for the refusal is due to the business impact. Proceed to Step 11 – Refusal of the SAR

### Step 7 – Request to restrict processing

**Q** - Is the request to restrict processing?

**No** – go to Step 8 - Right of rectification

In some circumstances, data subjects may not be entitled to demand that AKU to erase their personal data but may be entitled to limit the purposes for which AKU can process the data (e.g. the exercise or defence of legal claims; protecting the rights of another person or entity; purposes that serve a substantial public interest; or such other purposes as the data subject may consent to).

Consult section 11 of the Subject Access Request Policy to determine if the SAR should be actioned.

**Q** – Are there any valid reasons to refuse the SAR?

**No** – In these circumstances AKU must refrain from using the data during the period for which the restriction lasts. Proceed to Step 10 - Comply with the SAR

**Yes** - The SAR is refused. Proceed to Step 11 – Refusal of the SAR



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## Step 8 - Right of rectification

**Q** - Is the request to rectify personal data held by AKU?

**No** – go to Step 9 – Data portability

Consult section 9 of the Subject Access Request Policy to determine if the SAR should be actioned.

**Q** – Are there any valid reasons to refuse the SAR?

**No** – Proceed to Step 10 - Comply with the SAR

**Yes** - The SAR is refused. The reason for the refusal is due the data being held by AKU is judged to be accurate. Proceed to Step 11 – Refusal of the SAR

## Step 9 - Data portability

Data subjects have the right to receive copies of the personal data that they have provided to AKU in a structured, commonly used and machine readable format (section 13).

Consult section 13 of the Subject Access Request Policy to determine if the SAR should be actioned.

**Q** – Are there any valid reasons to refuse the SAR?

**No** – Proceed to Step 10 - Comply with the SAR

**Yes** - The SAR is refused. The reason for the refusal is due to the requested data not meeting the portability criteria. Proceed to Step 11 – Refusal of the SAR

## Step 10 – Comply with the SAR

**Q** - Will complying with the request exceed the one-month timeline for responding to SAR's?

**Yes** - Within one month of the receipt of the SAR email or write to the person making the request explaining the reasons for extending the period required to comply. This extension period can be no longer than two further months. Update the SAR Register.

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Perform the required actions to comply with the SAR. Email or write to the person making the request within one month of the receipt of the SAR or before the end of any extension period, including any required information.

Update the SAR Register. END.

### **Step 11 – Refusal of the SAR**

Write or email the data subject within one month of the receipt of the SAR explaining the reasons for not taking action and on the possibility of lodging a complaint with the ICO and seeking a judicial remedy.

Update the SAR Register. END.