



THE AGA KHAN UNIVERSITY

(International) in the United Kingdom

Institute for the Study of Muslim Civilisations

**AKU-UK SUBJECT
ACCESS
REQUEST POLICY**

2022

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AKU-UK Subject Access Request Policy



Document Approval

Name	Signature	Date
AKU UK Senior Management		October 2022
AKU Global Chief Information Officer (CIO)		September 2022
AKU Global Legal Representative		September 2022
AKU Global Data Protection Officer (DPO)		September 2022

Version Control

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Version 1.0	Data Protection Team (DPT) as part of Global Data and Analytics Office (GDAO)	July 2020
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1. Introduction

The UK Data Protection Act 2018 (the Act) and the European General Data Protection Regulation (GDPR) gives European citizens (data subjects) specific rights to their personal data held by AKU. This policy explains how AKU aims to fulfil its legal obligations under these regulations.

The rights defined in the Act and GDPR are:

- 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 the AKU - for example AKU does not use automated decision making and profiling.

In exercising their rights data subjects can make requests to AKU and for the purposes of this policy these requests are known as “Subject Access Requests” (SAR’s).

2. Policy Statement

All records that contain personal data of individuals held and maintained by AKU will be subject to the Data Protection Act and the principles contained therein.

The Freedom of Information Act 2000 gives a general right of access to all types of information. However, access to personal information is exempt from disclosure under Section 40 of the Freedom of Information Act.

To prevent unauthorised disclosure to third parties all SAR’s must be made in writing and sent to the Data Protection Officer (DPO). The contact details for the DPO are:

Name: Umair Ismail

Title: Data Protection Officer

Tel: +44 (0)20 7380 3800

Email: DPO@aku.edu

3. Subject Access Requests

An application for a SAR must be made by either of the following:

The Data Subject

A data subject is entitled to make a request in writing to exercise their powers as defined under the Act. AKU requires the data subject to 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. This is to prevent unauthorised disclosure to third parties.

On Behalf of the Data Subject

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

A Person Appointed by the Courts

Where the data subject is incapable of managing their affairs, someone appointed to act on their behalf by a court of law may submit a subject access request. Proof of the court order must be given.

Solicitors acting on behalf of a Client or Insurance Companies

Where a solicitor or other legal professional requests access on behalf of a client they are representing, the appropriate form of authority containing the signed consent of their client must be obtained and evidenced. The request must be dealt with in the same way as if it had come direct from the Data subject.

4. Third Party Information

Responding to a subject access request may involve providing information relating to another individual (a 'third party individual'). For instance, if the requested information is a personnel file on an employee, it may contain information identifying managers or colleagues who have contributed to (or are discussed in) that file. This may lead to a conflict between the requesting employee's right of access and the third party's rights over their own personal information.

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AKU will consider whether it is possible to comply with the request without revealing information that relates to and identifies a third party individual. In doing so, we will not only take into account the information that is being considered for disclosure, but also any information which we reasonably believe the person making the request may have, or get hold of, that may identify the third party individual.

AKU has an obligation to provide information rather than documents, as a result we may delete names or edit documents if the third party information does not form part of the requested information. Where it is not possible to separate the third party information from the information AKU will consider withholding the information.

Under the Act if AKU cannot comply with a subject access request without disclosing information relating to another individual who can be identified from that information, we do not have to comply with the request unless:

- The third party has consented to the disclosure; or
- It is reasonable in all the circumstances to comply with the request without the consent of the third party individual.

Where appropriate AKU will aim to obtain the third party individual's consent. However, there is no obligation for AKU to get consent. There will be some circumstances where it will be reasonable to disclose without trying to get consent, for example, where the information concerned will be known to the requesting individual.

If the third party individual has consented, AKU will be obliged to comply with the subject access request and disclose all the relevant information, including that relating to the third party individual.

Another factor to be considered in assessing how reasonable a disclosure would be whether a duty of confidence exists for the third party information. This would arise where information which is not generally available to the public (that is, genuinely 'confidential' information) has been disclosed to you with the expectation that it will remain confidential. This expectation might result from the relationship between the parties. For instance, the employer/employee relationship would generally carry a duty of confidence in relation to information disclosed.

In cases where a duty of confidence does exist AKU retains the right to withhold the third party information.

5. Valid Requests

A valid subject access request is one that provides all the information AKU requires to locate the information requested by the Data subject and will contain sufficient information to verify the data subject and/or their representative's identity.

It is unlikely that the first contact from the data subject will provide all the relevant information, in which case the Data Protection Officer must write to the data subject requesting this. The data subjects have one month to provide the information requested. If they do not return all information within this timeframe the request will be withdrawn.

Once the Data Protection Officer has received all the information they need and sufficient information to verify the data subject's identity, AKU must comply with the time limits defined in section (7). The time taken for the data subjects to provide the necessary information will not be included within the statutory timeframe for response.

6. Unfounded or Excessive Requests

Where requests from a data subject are manifestly unfounded or excessive, in particular because of their repetitive character, AKU may either:

- a) Charge a reasonable fee (£10) taking into account the administrative costs of providing the information or communication or taking the action requested; or
- b) Refuse to act on the request.

The appropriate action will be determined by the DPO.

7. Time Limits

AKU has one month to respond to a subject access request. The time limit will start as soon as AKU receives the applicants and/or third-party representatives' proof of identification.

That period may be extended by two further months where necessary, taking into account the complexity and number of the subject access requests. Should an extension be necessary, AKU will inform the data subject of the extension within one month of receipt of the request, together with the reasons for the delay.

8. Receiving Information

For subject access requests, the information will be provided either electronically, in paper copy, or during a meeting with the data subject. In all cases the information will be understandable and easy to read. Information is generally provided in the formats described below. Photocopies of the records will be provided; the original records will not be released.

1.1 Electronic and Paper Copies of Records

Where the data subject makes the request, the information shall be provided by electronic means where possible, unless otherwise requested by the data subject. Where AKU has forwarded information in paper format we must use recorded or special delivery service.

1.2 Viewing Records

In some cases it may be appropriate for the individual to view their records instead of receiving copies. An appropriate representative of AKU will be in attendance when an individual views the records.

9. Data Rectification Requests

On receiving a request for rectification, AKU will take reasonable steps to satisfy that the personal data is accurate and to rectify the data if necessary. Arguments and evidence provided by the data subject will be taken into account. The time limits set out in section (7) will apply.

Where possible AKU will restrict the processing of the personal data in question whilst the request is being investigated, whether or not the data subject has exercised their right to restriction.

If the data is deemed to be inaccurate then it will be rectified as requested by the data subject. Where the personal data has been disclosed to recipients, AKU will take reasonable steps to contact each recipient and inform them of the rectification. If requested, AKU will also inform the data subject about these recipients.

Should the data held by AKU be judged to be accurate, AKU will inform the data subject that we are satisfied that the personal data is accurate and the data will not be amended.

They will be informed of the reasons for the decision and of their right to make a

complaint to the ICO and their option to seek to enforce their rights through a judicial remedy.

Where possible a note will be entered onto the appropriate system indicating that the data subject challenges the accuracy of the data and their reasons for doing so.

10. Data Erasure Requests

While data subjects have the right to request erasure of their personal data there are limitations on this right. The right can only be exercised if:

- The personal data is no longer necessary for the purpose for which it was originally collected or processed
- Consent was the lawful basis for holding the data, and the data subject withdraws their consent
- Legitimate interest was the lawful basis for processing, the individual objects to the Processing of their data, and there is no overriding legitimate interest to continue this processing
- The personal data was processed for direct marketing purposes and the individual objects to that processing

If the erasure request is valid and does not conflict with the above points the personal data will be erased. The time limits set out in section (7) will apply.

Where the personal data has been disclosed to recipients, AKU will take reasonable steps to contact each recipient and inform them of the erasure request. If requested, AKU will also inform the data subject about these recipients.

11. Restrict Processing Requests

Data subjects have the right to make a request to restrict the processing of their personal data in the following circumstances:

- The data subject contests the accuracy of their personal data
- The data has been unlawfully processed and the data subject opposes erasure and requests restriction instead
- AKU no longer need the personal data but the data subject needs the data to be retained in order to establish, exercise or defend a legal claim
- The data subject has objected to the processing their data and AKU are considering whether their legitimate grounds override those of the data subject

AKU will consider the request to restrict processing and the time limits set out in section (7) will apply. If the request is valid no further processing of the data subject's personal data will take place. Where the personal data has been disclosed to recipients, the AKU will take reasonable steps to contact each recipient and inform them of the restrict processing request. If requested, AKU will also inform the data subject about these recipients.

Where AKU rejects the request, we will inform the data subject about:

- The reasons AKU is not taking action;
- The data subjects right to make a complaint to the Information Commissioners Office (ICO)
- Their ability to seek to enforce this right through a judicial remedy

12. Object to Processing

Data subjects have the absolute right to object to the processing of their personal data if it is for direct marketing purposes. They also have the right to object to the processing of their personal data in certain other circumstances such as where the legal basis for processing is legitimate interest.

On receiving an objection to processing request, AKU will consider the reasons why they are objecting to the processing of their data. The time limits set out in section (7) will apply. If there are compelling legitimate grounds for the processing which override the interests, rights and freedoms of the data subject or the processing is for the establishment, exercise or defence of legal claims the request will be refused.

13. Data Portability Requests

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. They also have the right to request that AKU transmits this data directly to another controller. The time limits set out in section (7) will apply.

The right to data portability only applies when the lawful basis for processing the information is consent. Information is only within the scope of the right to data portability if it is personal data relating to the data subject that they have provided to AKU.

If the data portability request meets the above criteria and is valid, AKU will provide a copy of the in-scope personal data in accordance with the data portability request.