

## Data Subject Requests Policy

DP/02

<b>Date issued:</b>	August 2023
<b>Date reviewed:</b>	September 2025
<b>Author:</b>	Data Protection Officer
<b>Policy Owner:</b>	Company Secretary
<b>Next review date:</b>	September 2027

## **Advance HE Equality, Diversity, and Inclusion Statement**

Advance HE's charitable objects illustrate our clear commitment to advancing equality, diversity, and inclusion (EDI). Encouraging EDI in the workplace as a core organisational value, underpinning internal practice in order for people to feel welcome valued and supported.

At Advance HE, we are committed to creating an environment free of bullying, harassment, victimisation, and unlawful discrimination, promoting dignity, and a safe, inclusive, and respectful environment. We are committed to ensuring that all stakeholders are treated fairly and are not subject to discrimination on any grounds.

## CONTENTS

1	Purpose	4
2	Scope	4
3	Definitions	4
4	Data Subject Rights	5
5	Roles and Responsibilities	5
6	Data Subject Request Process	6
7	Data Subject Request Exemptions	7
8	Data Access Requests	8
9	Data Rectification Requests	8
10	Data Erasure Requests	8
11	Data Restriction Requests	10
12	Data Portability Requests	10
13	Data Objection Requests	11
14	Automated Decision-Making	11
15	Regional Variation	12
16	Additional Information	12

## APPENDICES

Appendix A: Data Subject Request Form	13
---------------------------------------	----

# Advance HE Data Subject Requests Policy

## 1 Purpose

- 1.1 Advance HE is committed to ensuring that the business activities which involves the use of personal data are in line with the UK Data Protection Act 2018 and the Data Use and Access Bill, known collectively as “UK Data Protection Legislation”.
- 1.2 As part of this commitment, Advance HE recognises that the individuals whose personal data they are processing have certain rights in which Advance HE will support and respect them exercising where appropriate.
- 1.3 It is Advance HE’s policy to ensure that requests by data subjects to exercise their rights in respect of their personal data are handled in accordance with applicable law.

## 2 Scope

- 2.1 This Policy:
  - 1) provides a framework for responding to requests from individuals who are exercising their rights.
  - 2) sets out the process that Advance HE will take to support in individuals exercising their rights.
  - 3) sets out the exceptions which Advance HE can exercise in response to a data subject request.
- 2.2 All colleagues must read, understand, and comply with this Policy should they receive a data subject request.

## 3 Definitions

Term	Definition
Personal Data	Information relating to an identifiable natural person who can be identified, directly or indirectly, in particular by reference to an identifier. This also includes any personal data which “relates to” an individual.
Data Subject	All living individuals about whom Advance HE holds personal data.
Colleagues	All persons working for Advance HE or on its behalf in any capacity, including employees at all levels, directors, officers, agency workers, seconded workers, volunteers, interns, agents, associates, contractors, external consultants, third-party representatives and business partners, sponsors, or any other person associated with Advance HE.
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.
Reasonable Interval	This relates to the timeframe a data subject makes another request and whether there has been any changes to the data in the request.
Relates To	This is data that identifies an individual, even where a name is not present, where the content is obviously relating or links to the individual.

Provided to the Controller	This relates to personal data that is collected as a result of Advance HE's observations on the data subject activities.
E-Commerce	Exchange of personal data over the internet.

## 4 Data Subject Rights

- 4.1 Data subject rights ensures that data subjects remain in control of their personal data when given to an organisation for processing, and to ensure that it is handled in a fair and lawful manner.
- 4.2 There are eight data subject rights under UK Data Protection Legislation, which are as follows:

Right	Definition
Access	Data subjects have the right to request for copies of the personal data that Advance HE hold on them.
Rectification	Data subjects have the right to request for rectification to any personal data that Advance HE holds which may be inaccurate.  Data subjects may also request for complete information if there are any personal data that Advance HE may have which is incomplete.
Erasure	Data subjects have the right to request for Advance HE to dispose of all personal information that is held on them.
Restriction of Processing	Data subjects can request for Advance HE to restrict the amount of processing done on their personal data.
Objection	Data subjects have the right to object to any further processing of their personal data.
Automated Decision Making	Data subjects have the right to not to be subject to a decision based solely on the automated processing of their personal data, if such decision produces legal effects concerning them or similarly significantly affects them.
Portability	Data subjects have the right to request for Advance HE to transfer their personal data to another organisation.

## 5 Roles and Responsibilities

- 5.1 The **Data Protection Officer** has the overall responsibility for reviewing and responding to data subject requests. They have the following responsibilities under this Policy:
- Review and investigate data subject requests.
  - Prepare sufficient responses to data subject requests.
  - Ensure proof of identity and authority is obtained for each data subject request.
  - Liaise with key departments to obtain the relevant information for data subject requests.
  - Maintain a data subject request log and report on trends.
- 5.2 All **colleagues** have the following responsibilities under this Policy:
- Forward any data subject request to the Data Protection Officer when received.
  - Support the Data Protection Officer in completing the data subject request.

- Maintain their databases to ensure they are up-to-date and in a presentable manner to allow for easy access and extraction of data.

## Procedures

### 6 Data Subject Request Process

- 6.1 Advance HE are required to adhere to data subject requests as far as what is deemed as reasonable and proportionate during the search, review and redaction phases of the request. Advance HE will ensure that it balances the proportionate effort with the benefit of the data subject and will provide clear reasoning where a request cannot be completed.
- 6.2 All data subject requests are to be submitted to the Data Protection Officer on [data.protection@advance-he.ac.uk](mailto:data.protection@advance-he.ac.uk).
- 6.2.1 Should a colleague receive a data subject request directly to their inbox, they should forward this on as soon as possible to the Data Protection inbox.
- 6.2.2 Colleagues may have the authority to conduct minor data subject requests however these departments are required to maintain records on the data subject requests received, date and the outcome.
- 6.2.3 However, colleagues should consider liaising with the Data Protection Officer on all data subject requests in case exemptions are applicable and must not implement exemptions without prior approval from the Data Protection Officer.
- 6.3 Data subject requests may be made by the data subject, or by someone on their behalf.
- 6.3.1 If the data subject request is made on behalf of a data subject, proof of authority is required to ensure that the individual making the request has the right to receive the data.
- 6.4 Data subjects will not be charged for making a data subject request, however administrative fees may apply in certain circumstances.
- 6.5 Advance HE aims to respond to any data subject requests within 30 working days. This time limit will commence from the point where all of the following information has been received:
  - Request, and any additional information in which Advance HE requests.
  - Authorisation of identification.
  - Payment of any applicable fees.
- 6.5.1 Advance HE reserves the right to extend the response deadline by 60 working days should the request be extensive and require longer processing.
- 6.6 When a data subject request is received, the Data Protection Officer will request for the data subject request form (appendix A) to be completed and request for identification of identity, if applicable. Identification requested may be one of the following:
  - Identification document, such as passport or driver's license.
  - Date of birth (if it is shown on the contact record)
  - Fellowship certificate PR number, date awarded and institution it was awarded at, and / or,
  - Current or previous Employment Relationships and job titles and work email addresses.

- 6.7 All communications made to the data subjects will be made in a clear, concise, intelligible, and easily accessible manner.
- 6.7.1 Advance HE asks individuals their preferred type of correspondence to ensure that all communications meet any accessibility requirements.

## 7 Data Subject Request Exemptions

- 7.1 Advance HE may be exempt from responding to certain data subject requests, should the following exemptions apply:
- National security.
  - Defence.
  - Public security.
  - The prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security.
  - Other important objectives of general national public interest, an important national economic or financial interest, including monetary, budgetary and taxation matters, public health, public archiving and social security.
  - The protection of legal privilege, judicial independence and judicial proceedings.
  - The prevention, investigation, detection, and prosecution of breaches of ethics for regulated professions.
  - A monitoring, inspection or regulatory function connected, even occasionally, to the exercise of official authority.
  - Research and statistical purposes to which providing access would prevent or seriously impair the achievement of the purposes, safeguards of data subjects, or if the processing will not use measures or decisions about a data subject.
  - Management information should the disclosure prejudice the conduct of the business or activity.
  - Confidential references about an individual.
  - Information relating to an outcome of academic, professional or other examinations.
  - The protection of the data subject or the rights and freedoms of others; or
  - The enforcement of civil law claims.
  - Disproportionate burden.
- 7.2 If the above exemptions do not apply, Advance HE may still refuse a request based on the following conditions:
- **Manifestly Unfounded:**
    - The data subject has no intention to exercise their right, for example they make the request and then withdraw.
    - The request has a malicious intent, for example being used to harass and has no real purpose.
  - **Manifestly Excessive:** Considering whether the request is unreasonable, and this should be proportionate with the resources needed to carry out the request. The following should be considered:
    - Nature of requested information.
    - Context of the request and the relationship with the data subject.
    - Whether refusal will cause damage to the data subject.
    - Available resources.

- Repetitive request and the reasonable interval have not elapsed.
- Overlaps with another current request.

7.3 If it is determined that a request is to be refused, the Data Protection Officer will notify the data subject with clear explanation on the reason for refusal, and their right to make a complaint to the ICO.

## **8 Data Access Requests**

8.1 When a data subject makes a data access request, the relevant identity checks have been conducted and it is deemed a reasonable request, Advance HE will conduct a search on its databases, systems, applications, and any other filing systems to gain confirmation that Advance HE is processing their personal data.

8.2 If personal data is being processed by Advance HE, the following will be communicated to the data subject:

- Purpose of processing.
- Categories of personal data being processed.
- Recipients of the personal data, including international transfers and the appropriate safeguards.
- Retention periods.
- Source of data (when not directly collected).
- Existence of automated decision-making using the data.
- Their additional rights, and their right to complain.

8.3 In addition to the above information, Advance HE will provide the data subject with a copy of the personal data processed in the requested correspondence type.

8.3.1 Before sharing the personal data of the data subject, the database will be reviewed, and any other data subject's personal data will be redacted. Under no circumstances will another data subject's data be shared with the requesting data subject, unless explicit consent has been received from each data subject.

## **9 Data Rectification Requests**

9.1 When a data subject makes a data rectification request, they are requesting that their personal data is corrected or completing their personal data information.

9.2 When a data subject makes a rectification request, the relevant identity checks have been conducted and it is deemed a reasonable request, Advance HE will identify all the databases which their personal data is stored and make the requested alterations.

9.3 The colleague handling the request will confirm with the data subject the rectification of their personal data and which database(s) have been rectified.

9.4 If the personal data has been shared with a third party, Advance HE will notify the third party of the rectification to the personal data.

## **10 Data Erasure Requests**

10.1 When a data subject makes a data erasure request, they are requesting for Advance HE to erase all, or part of, their personal data.

- 10.2 In addition to the manifestly excessive or manifestly unfounded exceptions, Advance HE can refuse erasure requests for the additional reasons as follow:
- The personal data is necessary for the purposes for which they were collected or otherwise processed.
  - Consent was given on the basis on which the personal data was processed and the data subject has not withdrawn their consent to the processing of their personal data.
  - There is legal basis for the processing.
  - The data subject has not objected to the processing of their personal data on the basis of:
    - A performance of a task carried out in the public interest or in the exercise of official authority vested in Advance HE.
    - On the basis of Advance HE's legitimate interests which override the data subject's interests or fundamental rights and freedoms, unless Advance HE either can show compelling legitimate grounds for the processing which override those interests, rights and freedoms.
    - Advance HE is processing the data for the establishment, exercise or defence of legal claims.
  - The data subject has not objected to the processing of their personal data for direct marketing purposes.
  - The personal data has been lawfully processed.
    - The personal data is not required to be erased for compliance with a legal obligation to which Advance HE are subject to; or,
    - The personal data has not been collected in relation to the offer of e-commerce or other online services.
    - Processing is necessary for the following reasons:
      - for exercising the right of freedom of expression and information.
      - for compliance with a legal obligation which requires processing by law and to which we are subject or for the performance of a task carried out in the public interest or in the exercise of official authority vested in us.
      - for reasons of public interest in the area of public health.
      - for archiving purposes in the public interest, scientific or historical research purposes, or statistical purposes in so far as the right to erasure is likely to render impossible or seriously impair the achievement of the objectives of that processing; or
      - for the establishment, exercise, or defence of legal claims.
- 10.2.1 If Advance HE has identified one of the above exemptions, the Data Protection Officer will notify the requesting data subject and provide clear justification on the reasoning.
- 10.3 If the request is deemed as a suitable request, and the relevant identity checks have been conducted, Advance HE will search all databases, systems, applications, and other filing systems where the personal data may be held and erasure all such data, including the data on back-up systems.
- 10.4 Where the personal data has been disclosed to a third-party or made public, Advance HE will take all reasonable steps to inform those who are processing the personal data that the data subject has requested erasure. This requirement is exempt if there is a disproportionate effort or impossible to inform those recipients.
- 10.5 The Data Protection Officer will confirm with the data subject when data erasure has taken place on Advance HE database. The confirmation will also notify the data subject of any third parties the personal data has been disclosed to.

## 11 Data Restriction Requests

- 11.1 Data subjects have the right, unless there is an exemption, to restrict the processing of their personal data if:
- The data subject contests the accuracy of the personal data, for a period to allow us to verify the accuracy of the personal data.
  - The processing is unlawful, and the data subject opposes the erasure of the personal data and requests the restriction of their use instead.
  - Advance HE no longer needs the personal data for the purposes we collected them, but they are required by the data subject for the establishment, exercise, or defence of legal claims; and,
  - The data subject has objected to the processing, pending verification of whether we have legitimate grounds to override the data subject's objection.
- 11.1.1 Should the request not meet these criteria, the Data Protection Officer will notify the requesting data subject and provide clear justification on the reasoning.
- 11.2 If Advance HE receives a data restriction request that meets the criteria, they will only be able to process the data restriction request for the following reasons:
- Based on processing that has the data subject's consent.
  - For the establishment, exercise, or defence of legal claims.
  - For the protection of the rights of another person; or
  - For reasons of important public interest.
- 11.3 Advance HE will communicate these restrictions to any third parties which the data has been disclosed to. This requirement is exempt if there is a disproportionate burden or impossible to inform those recipients.
- 11.4 Restrictions tend to come with a timeframe for the restriction, prior to lifting the restriction, the data subject will be informed of the intention of lifting of the restriction.

## 12 Data Portability Requests

- 12.1 Data subjects have the right to request that all personal data held by Advance HE is transmitted to themselves or to another organisation in a structured, commonly used, and machine-readable format.
- 12.2 Data subjects can request for portability based on the following criteria:
- The lawful basis for the processing of the personal data is consent or pursuant to a contract.
  - Advance processing of those data is automated.
- 12.3 If Advance HE receives a data portability request that meets the criteria, the relevant identity checks have been conducted and it is deemed a reasonable request, Advance HE search all databases, systems, applications, and other filing systems where the personal data may be held and collate the personal data into an acceptable format. Advance HE will ensure that the collection of data will include all personal data held, where reasonably practicable to obtain.
- 12.3.1 In addition to this, any pseudonymised data that can be clearly linked to the data subject is within to scope of sharing.

12.3.2 Advance HE is not required to share data that they have created based on the data the data subject has provided should it not be deemed as personal data.

12.4 If the database being shared contains details of another data subject, this data should be redacted and must not be shared with the data subject unless explicit consent has been obtained by all data subjects.

## 13 Data Objection Requests

13.1 Data subjects have the right to object to Advance HE processing their personal data, where the processing is on the basis of:

- Performance of a task carried out in the public interest.
- The exercise of official authority.
- Legitimate interests which override the data subject's interests or fundamental rights and freedoms.
- Scientific or historical research purposes, or statistical purposes, unless the processing is necessary for the performance of a task carried out for reasons of public interest.

13.2 However, Advance HE can refuse an objection request if:

- There are compelling legitimate grounds for the processing which override those interests, rights, and freedoms; or
- Processing the personal data for the establishment, exercise or defense of legal claims.

13.3 Where a data subject objection meets the criteria, Advance HE will cease the processing of that data. Although processing has ceased, it may not mean that the data is to be erased. If the data is required for another processing activity that has not been objected against, then the data is to be retained.

13.4 Where personal data is processed for direct marketing purposes, data subjects have the right to object at any time to the processing of their personal data for such marketing. Individuals can opt out of marketing communications in one of the following ways:

- Changing communications preferences on My Advance HE Portal.
- Clicking on the "unsubscribe" button at the bottom of marketing communications.
- Submitting enquiries request on the website.
- Emailing [data.protection@advance-he.ac.uk](mailto:data.protection@advance-he.ac.uk).

## 14 Automated Decision-Making

14.1 Data subjects have the right to not to be subject to a decision based solely on the automated processing of their personal data, if such decision produces legal effects concerning them or similarly significantly affects them.

14.2 Advance HE can refuse an automated decision-making request based on the following exceptions:

- Necessary for entering into, or the performance of, a contract between us and the data subject.
- Authorised by applicable law which lays down suitable measures to safeguard the data subject's rights, freedoms, and legitimate interests.
- Based on the data subject's explicit consent.

- 14.3 Advance HE shall implement suitable measures to safeguard the data subject's rights, freedoms, and legitimate interests, including the right to obtain human intervention, to express their point of view and to contest the decision.

## **15 Regional Variation**

- 15.1 Advance HE operates in various countries, whom have their own Data Protection legislation. However due to the processing of data taking place within the UK, Advance HE will ensure that all data subjects, no matter where they are from, is subject to the same data subject rights as per this Policy.
- 15.2 Advance HE, where appropriate, will also consider and identify any additional factors from in-country Data Protection legislation should there be data processed within that country.

## **16 Additional Information**

- 16.1 Advance HE reserves the right at any time to make any variations to and to amend this Policy and any other Associated Policy as it sees fit.
- 16.2 If any variation or amendment has taken place, a notification of the updated Policy shall be sent to all colleagues. It is the colleague's responsibility to ensure they adhere to the correct and current version.

## Appendix A: Data Subject Request Form

As a data subject of Advance HE, you have the right to exercise your data subject rights over the personal data that we store and use. These can be as follows:

Right	Definition
Access	Data subjects have the right to request for copies of the personal data that Advance HE hold on them.
Rectification	Data subjects have the right to request for rectification to any personal data that Advance HE holds which may be inaccurate.  Data subjects may also request for complete information if there are any personal data that Advance HE may have which is incomplete.
Erasure	Data subjects have the right to request for Advance HE to dispose of all personal information that is held on them.
Restriction of Processing	Data subjects can request for Advance HE to restrict the amount of processing done on their personal data.
Objection	Data subjects have the right to object to any further processing of their personal data.
Portability	Data subjects have the right to request for Advance HE to transfer their personal data to another organisation.

Advance HE aims to respond to all requests within one calendar month of receiving the request, however sometimes we may need longer, or we may need to charge a reasonable fee for admin costs. We will inform you if this is the case.

Please complete this form and email to the Data Protection Officer on [data.protection@advance-he.ac.uk](mailto:data.protection@advance-he.ac.uk).

Further information can be found in Advance HE's [Data Subject Access Request Policy](#).

### 1 Your Information

Please can you provide us with your contact details in order for us to respond and discuss your request, if necessary.

<b>Name</b>	
<b>Contact Number</b>	
<b>Email Address</b>	
<b>Address</b>	

Are you making this request on behalf of someone else?
Yes <input type="checkbox"/> No <input type="checkbox"/>

If no, please go to section 3.

## 2 Their Information

If you are making this request on behalf of someone else, please outline their contact details in case we are required to get in touch with them.

<b>Name</b>	
<b>Contact Number</b>	
<b>Email Address</b>	
<b>Address</b>	

Advance HE will require proof of your authority to act on their behalf, this can be in the form of written authorisation or the relevant power of attorney. Please provide this proof when submitting the form.

- Yes, I have proof of my authority to act on their behalf.
- No, I do not have proof of my authority to act on their behalf, however I will be able to provide this at a later date. I understand that Advance HE cannot take action on my request until this proof has been received.

## 3 Response Correspondence

Please identify the preferred method of responses you'd like to receive when we respond to your request.

Email  Post  Other: Please specify.

<b>Are any adjustments needed? (Larger font etc.)</b>

## 4 The Request

Please identify the data subject right that you will be exercising:

Access	<input type="checkbox"/>	Rectification	<input type="checkbox"/>	Restriction	<input type="checkbox"/>
Objection	<input type="checkbox"/>	Erasure	<input type="checkbox"/>	Portability	<input type="checkbox"/>

<b>Provide a brief description of your request and outline any specific data you require.</b>

<b>Please provide a date range of personal data, if applicable.</b>

<b>If known, please identify the services that was used which would have resulted in Advance HE collecting your data.</b>
E.g. Charters, Fellowship, Memberships, Consultancy.

Thank you, we will be in touch shortly. If you would like further information on how we process your personal data, please refer to Advance HE's [Privacy Policy](#).

## For Office Use Only

Has proof of identity been obtained?
Yes <input type="checkbox"/> No <input type="checkbox"/>

Confirmation that Advance HE is processing the data.
Yes <input type="checkbox"/> No <input type="checkbox"/>

If yes, complete the following	
Purpose of processing.	
Categories of personal data being processed.	
Recipients of the personal data, including international transfers and the appropriate safeguards.	
Retention periods.	
Source of data (when not directly collected).	
Existence of automated decision-making using the data.	

Are there any exemptions applicable?
Yes <input type="checkbox"/> No <input type="checkbox"/>

If yes, what are those?

<b>Team Contact Name</b>	
<b>Email Address</b>	
<b>Deadline for Request</b>	

List of information sent to individual	

<b>Date Completed</b>	
-----------------------	--

Additional Notes