

# GDPR – Subject Access Request Process and Procedure

## Purpose of the Procedure

This document provides guidance on how to process requests under GDPR. It gives a step-by-step sequence of what is required to be done to meet the different types of requests that data subjects can make. This allows the school to gain a better picture of the accuracy and consistency of the process.

## Background

General Data Protection Regulation lays down rules about the protection of natural persons in regard to the processing of personal data and the movement of personal data. This regulation protects the fundamental rights and freedom of natural persons and their rights to personal data security.

1. The right of access – providing copies of the information held about an individual
2. The right to rectification – correcting incorrect information
3. The right to erasure – deleting all or partial information about an individual; where consent has been withdrawn and there is no other legal grounds for the processing
4. The right to restrict processing – stopping further processing of an individual data; where consent has been withdrawn, no legal ground for further processing
5. The right to data portability – proving information in a machine-readable format and able to transmit such data to third party upon an individual request
6. The right to object – stopping the processing of an individual data for direct marketing, profiling and where there are no compelling legitimate grounds
7. Rights in relation to automated decision making and profiling - not to be subjected to a decision based solely on automated processing, including profiling of an individual.

## Who should use this procedure

This procedure should be used by all members of staff who have the authority to process Data Subject request. Info Rights Team will be the first point of contact, where below process will take place, followed by Divisional, Centre, Institution or Departmental staff member processing request; will conduct relevant searches for information, correct data where this is part of normal processes, contact relevance LSE staff as listed in **Appendix 2** etc. See below process flow 2 for step-by-step guide.

## Process Flow - There are three parts to this process:

1. **The Info Rights Team** – This is the point at which requests are received or redirected if received at a different part of the School, though email address [glpd.info.rights@lse.ac.uk](mailto:glpd.info.rights@lse.ac.uk) and who is to;
  - 1.1. Acknowledge receipt of the request (Automated, where possible)
  - 1.2. Confirm the request type i.e. right to rectification or erasure of personal data
  - 1.3. Confirm the authentication of the ID provided
  - 1.4. Log the request and create a folder in Outlook in accordance with Art. 30
  - 1.5. Confirm validity of the request and accept or refuse to process (inform Data Subject)
  - 1.6. Allocate to appropriate person/department/division/centre/institution that holds the information **within 3 days** of receiving the SAR
  - 1.7. Respond to any issues raised by staff (not shown on the process flow)
  - 1.8. Review information provided by staff (not shown on the process flow)

### Type of Rights

The right of access – Art. 15

The right to rectification – Art. 16

The right to erasure – Art. 17

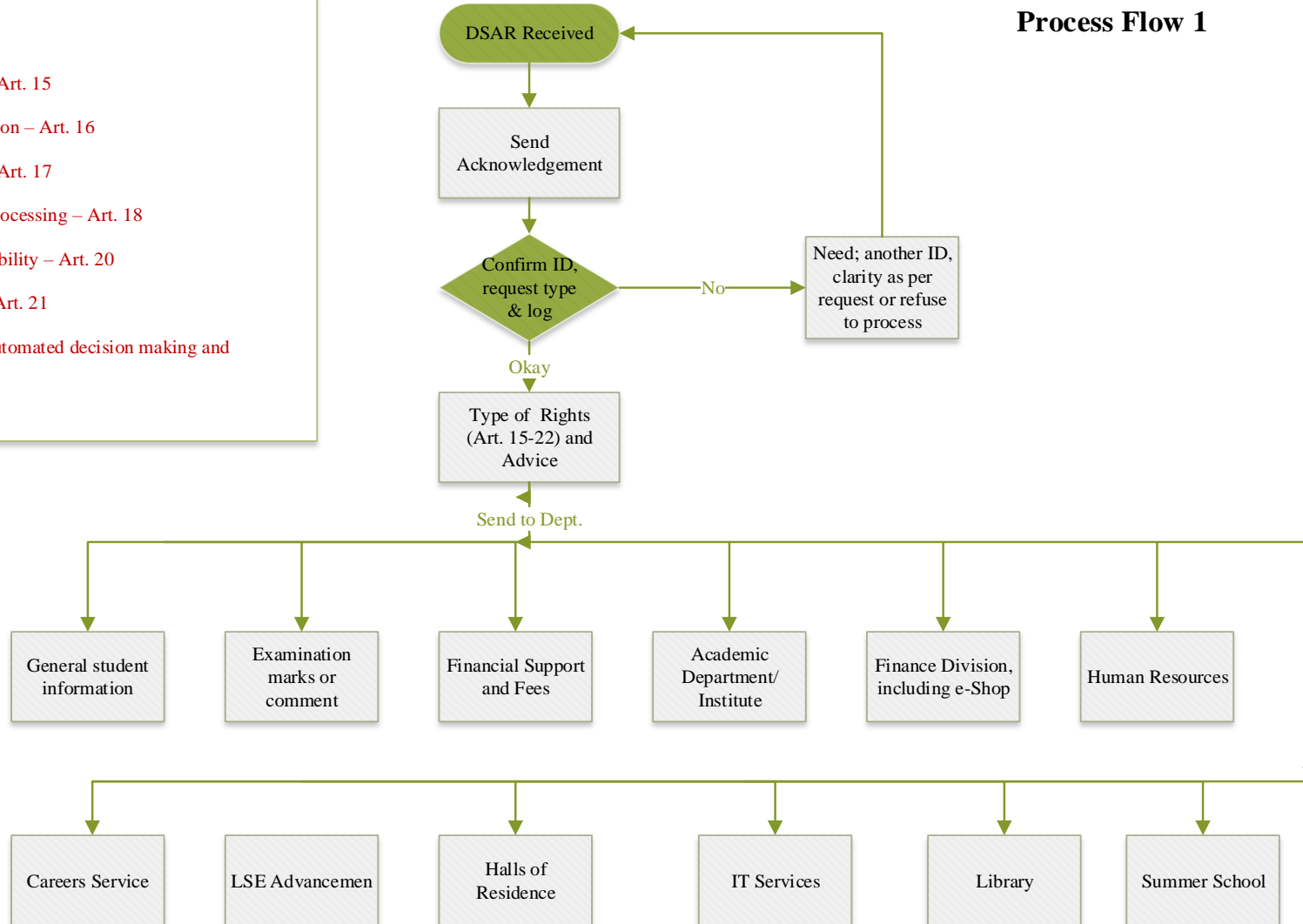
The right to restrict processing – Art. 18

The right to data portability – Art. 20

The right to object – Art. 21

Rights in relation to automated decision making and profiling. Art. 22

### Process Flow 1

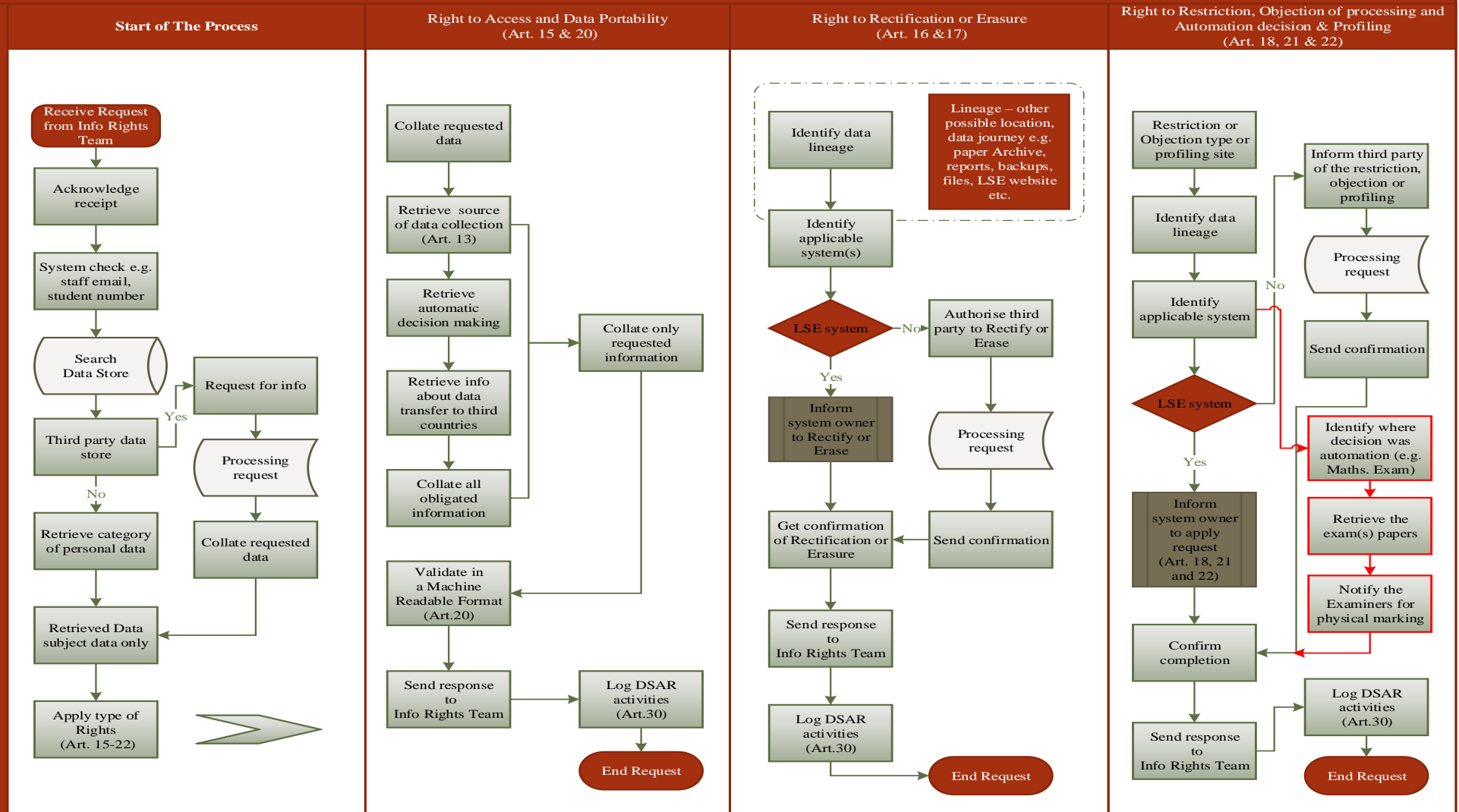


2. **Divisional, Centre, Institution or Departmental Level** – This is where the information relating to the request is gathered. Staff should respond to the Info Rights team with either the information, confirming they do not hold the information and/or pointing out where redactions or exemptions may be needed **within 21 days** of receiving request from the team. The action below are guides to follow and for certain request, information may be sitting on more than one data store.
  - 2.1. Acknowledge receipt of subject access request
  - 2.2. System check for staff name or LSE email address or student number e.g. SITS for student and HR for staff
  - 2.3. Conduct searches. Below are the likely Data Stores, however, this is not inclusive and any store where documents, emails and other information containing personal data will be potentially searchable, including personal email and cloud storage accounts where School related business information is stored. Use of non-School stores does not mean that personal data is not recoverable, what matters is that the School is data controller for the information which it will be for any personal data processed on behalf of the School.
    - \* Cloud – Barclaycard, Doodlepoll, EvaSys, Issue Trak, MailChimp, Moodle, Office 365, OneDrive, Qualtrics, QuickBooks, Salesforce, Sugar Sync cloud storage, SurveyMonkey, VN (bytemark.co.uk), CMG Cloud and Others cloud
    - \* Drive – C, P, H, J, K, O, R, S, X, D, USB pen drive, ICEF drive and Google Drive
    - \* Electronic storage offsite, PaaS platform (heroku.com)
    - \* Physical storage – Department noticeboards, staff and student common room
    - \* SharePoint, Dropbox, Google server (TLC), Guestline data centre,
    - \* LSE archive in Wincanton
    - \* LSE for You
    - \* LSE hosted database
    - \* LSE Slough Data Centre
    - \* IMT Oracle Table
    - \* Training and development system
    - \* ThinkPad x250 (internal ssd)
    - \* SONA system, E REC system
    - \* School listserv, Resource Link, Poppulo, Nextcloud (Secure server at Bielefeld Uni)
    - \* CMS, Aptos, Contensis, WPN
    - \* Diversity Travel
    - \* Economics server, Unit-e servers
    - \* Elsevier Electronic Editor System (EES)
    - \* Email, Engage ATS, Eventbrite, Evernote
  - 2.4. Raise any issues with Info Rights team (not shown on the process flow chart). See **Appendix 3** for usual issues that arise.
  - 2.5. For certain requests some information needs to be provided to data subject, see **Appendix 1** for more information and the requirements
  - 2.6. Provide information to the Info Rights team
  - 2.7. Below flow chart describes the full process to follow, Right to Erasure requires Info Rights team input and authorisation for deletion before an individual data can be forgotten or erased.
  - 2.8. Automation decision and profiling as sectioned out in Red on the flow chart requires physical action that may involve another member of staff or external body. Therefore, it is advisable to include the respond by-date to avoid any delay.

**Note:** Process Flow 2; processes will start from the first row and leads to 2, 3 and 4 depending on the type of request you are processing.

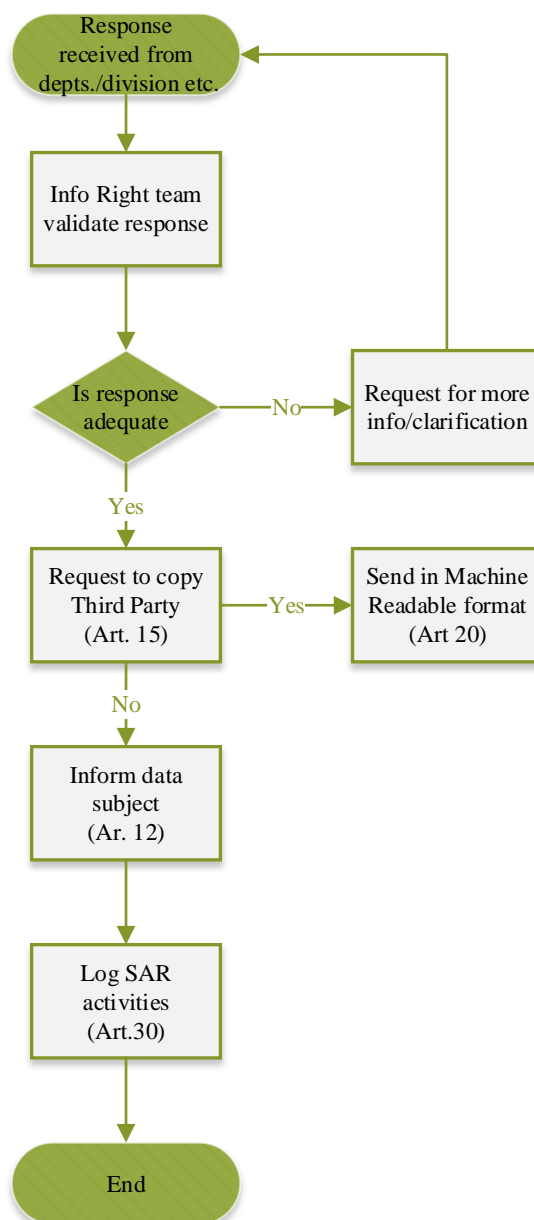
## Process Flow 2

Flow 2 - Departmental / Centre / Institution / Divisional Level



3. **Responding to SAR** – Info Rights team will be responsible for sending correspondence to data subject in a structured, commonly used and machine-readable format, will redact the data as required and transmit those data to another controller/third party where it has been indicated by data subject without delay; **within 2 days** of receiving final report.

### Process Flow 3



## Deviations

Any deviations from this Procedure must be documented and approved by the office of School Secretary, Information Governance Management Board or the Data Protection Officer (Rachael Maguire).

## Timescales

This process must be completed **a calendar month** of receiving the request. For any delay, please communicate to the data subject using via email through the Info Rights team. If more time is needed to respond to complex requests, an extension of another two months is permissible, provided this is communicated to the data subject in a timely manner within the first month. Where it has been agreed not to action the request, data subject must be inform of this decision and advice on the right to complain to the supervisory authority [ICO](#) and to a judicial remedy.

The day of receipt includes when the School has received proof of ID.

### Example 1

An organisation receives a request on 3 September. The time limit starts from the next day, 4 September. This gives the organisation until 4 October to comply with the request. However, if the end date falls on a Saturday, Sunday or bank holiday, the calendar month ends on the next working day.

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### Example 2

An organisation receives a request on 24 November. The time limit starts from the next day, 25 November. The corresponding calendar date is 25 December, but 25 December and 26 December are bank holidays. So the organisation would therefore have until the next working day, 27 December if that was a week day.

## What is a calendar month?

### Example 3

An organisation receives a request on 30<sup>th</sup> March. The time limit starts from the next day, 31<sup>st</sup> March. As there is no equivalent date in April, the organisation has until 30<sup>th</sup> April to comply with the request.

However, if 30<sup>th</sup> April falls on a weekend, or is a public holiday, the calendar month ends the next working day.

A calendar month starts on the day after the organisation receives the request, even if that day is a weekend or public holiday. It ends on the corresponding calendar date of the next month ([ICO, 2018](#)).

Also, if the corresponding calendar date does not exist because the following month has fewer days, it is the last day of the month.

## Third party/Processor

LSE as a data controller, sometime uses applications and systems not own by the School and sometimes, contract out data processing activities to a third party who is known as the Processor. This processor must assist LSE in meeting its GDPR obligations in relation to subject access request.

LSE will request for that individual data or request an action to be taken by the processor based on the type of the rights data subject is making. E.g. Deletion or Rectification; once authorised, data stored on the third-party system concerning that individual must also be deleted or corrected as soon



as possible within reasonable time (specified by LSE). Where request has been made to a processor, it is advisable to include respond by-date and send a reminder letter one week before the due date to avoid any delay.

## Appendix 1: Information and Requirement

General Data Protection Regulation - This Regulation applies to the processing of personal data wholly or partly by automated means and to the processing other than by automated means of personal data which form part of a filing system or are intended to form part of a filing system. It also lays down rules relating to the protection of natural persons with regard to the processing of personal data and rules relating to the free movement of personal data. The free movement of personal data within the Union shall be neither restricted nor prohibited for reasons connected with the protection of natural persons with regard to the processing of personal data.

1. The controller (LSE) shall not refuse to act on the request of the data subject for exercising his or her rights under **Article 15 to 22** unless the controller demonstrates that it is not in a position to identify the data subject (**Article 11** – processing which does not require identification).
2. The information shall be provided in writing, or by other means, including, where appropriate, by electronic means. When requested by the data subject, the information may be provided orally, provided that the identity of the data subject is proven by other means.
3. Information provided under **Articles 13 and 14** and any communication and any actions taken under **Articles 15 to 22** and **34** shall be provided free of charge. Where requests are manifestly unfounded or excessive, in particular because of their repetitive character, LSE may either;
  - 3.1. charge a reasonable fee taking into account the administrative costs of providing the information or communication or taking the action requested; or
  - 3.2. refuse to act on the request where administrative cost is found to be very high, LSE must tell the data subject why without undue delay, within one month and that they have the right to complain to the supervisory authority and to a judicial remedy.
4. The data subject shall have the right to obtain information from the controller about how their personal data is being processed and where it will be processed (**Article 15**); and the following need to be included;
  - 4.1. the purposes of the processing;
  - 4.2. the categories of personal data concerned;
  - 4.3. the recipients or categories of recipients that whom personal data has been or will be shared with, especially if the recipients reside in third countries or an international organisation; and
  - 4.4. the retention period of which the personal data will be stored
5. The existence of the right to rectification or erasure of personal data (**Art. 16 and 17**) or restriction of processing (**Art. 18**) or to object to such processing (**Art. 21**).
  - 5.1. In cases when the personal data are not collected directly from the data subject, any available information as to their source as to be provided.
  - 5.2. The existence of automated decision-making including profiling (**Article 22**)
  - 5.3. The right to lodge a complaint with a supervisory authority ([ICO](#))
6. If personal data are transferred to a third country or to an international organisation, the data subject shall have the right to be informed of the appropriate precautions (**Art. 46**) concerning the transfer.
7. The controller shall provide a copy of the personal data that is undergoing processing where applicable

## Appendix 2: Applicable Contact and Why

Contact	Why	Exceptions
ARD Systems: <a href="mailto:ard.systems@lse.ac.uk">ard.systems@lse.ac.uk</a>	For a copy of the SITS record	
Student Services Centre: <a href="mailto:ssc.registration@lse.ac.uk">ssc.registration@lse.ac.uk</a>	For a copy of the green student file (ask for scanned)	
Head of Fees Office	For fees records	
Head of Financial Support Office	For financial support records	
HR Systems <a href="mailto:hr.systems@lse.ac.uk">hr.systems@lse.ac.uk</a>	For all HR related information, they will co-ordinate the HR response.	HR Partners can provide detail on staff cases and who to contact in business units if necessary.
LSE Careers System Manager	For Careers Service records	
PAGE System Manager	For Advancement records, including alumni records	
DTS Departmental Manager	For any DTS related records. He will co-ordinate the DTS response	
Director of Library Services	For any Library related records. She will co-ordinate the Library response	
Departmental, Centre, Institute managers:	Wider requests involving students, all requests involving staff, alumni, visitors	Alison Grant is the Law contact: a.grant3@lse.ac.uk
Marcus Cerny: M.W.Cerny@lse.ac.uk	For PhD related records	May also be held with departments.
Department Managers or where available programme email addresses e.g. ih.ug.admin@lse.ac.uk	For examination marks, comments and exam board minutes	Geography students moving from 1st year to 2nd and 2nd to 3rd should be encouraged to wait until MT of the next academic year as they will discuss their marks and comments with their tutor.
Residences System Manager	For any residences related requests. Contact the relevant hall	
	For any Summer School related requests.	
Any other: contact the	For requests which mention	If a staff member mentioned

person/people mentioned directly.	specific individuals as likely to hold the information.	on the request is no longer with the School, note this for the response.
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Any requests for LSE Students' Union related information, any pensions related information and any trade union related information should be directed to those organisations as they are separate data controllers to the School.

## Appendix 3: Issues that can arise with a subject access request

### How do I find the information requested?

Generally, people will provide or can be asked for variations of their name, staff ID numbers, student ID numbers, candidate numbers etc. If a specific time period is important, they will need to say what it is. If you have kept a folder relating to that individual with everything in it, you can provide that folder. Otherwise, do a search by their name or other ID wherever you think information could be stored (see the list in 2.3). If you are fairly certain there won't be any information in them in a particular storage area, you do not have to search their initially, but you might have to if there is a complaint and we have to show the Information Commissioner's Office what searches we conducted.

### What if I don't hold any information?

Just say so. It is best to conduct a search if you are unsure, but if you are fully aware you have never dealt with that person, you don't have to. Again, we may require you to conduct a search if there is a complaint.

### How do I get the information to the Info Rights team?

Email is best (internal email is a secure method). However, sometimes due to the amount of material you may need to provide can't be sent via email. You can either provide it via File-Drop. You will need to send to a personal email address for File-Drop, not the [Glpd.Info.Rights@lse.ac.uk](mailto:Glpd.Info.Rights@lse.ac.uk) email address.

### What if the information is in paper format?

If we are in the office, you can either scan it or send it over to us for copying/scanning. If we are working from home and unable due to lockdown conditions to access the paper file, we will let the data subject know as soon as possible.

### What if the information covers more than one person?

Let the Information Rights team know. They can then redact (remove or black out) the information that relates to the third party. We shouldn't provide another person's personal data as part of someone else's request, though we will make an exception for names and email addresses of staff in the course of their work.

### What if I don't want to release the information to the person requesting it?

There are some exemptions for subject access. For example, legal professional privilege covers any communications with the School's solicitors. There are exemptions for negotiations, management information and examination scripts. However, the presumption in data protection is that people can access personal data relating to themselves, so we should only use exemptions when we have to.

### The person making the request has been harassing us for ages and this is part of a campaign to interfere with our work. Do we have to comply with the request?

Under the old data protection regime yes. Under the GDPR however, there is an ability to refuse a request based on it being manifestly unfounded or excessive. This has been introduced in particular to manage multiple requests for the same information or where the intent is not to gain access to information but to use the subject access process as a punishment. It is useful to respond to initial requests as fully as possible, but for multiple requests or malicious requests, we can possibly refuse to respond on this basis.

## Review schedule

Review interval	Next review due by	Next review start
2 years	31/1/2023	1/1/2023

## Version history

Version	Date	Approved by	Notes
1	July 2018	Legal Team	
2	29/01/2021	IGMB	Updates on contact details; removal of named individuals from Appendix 2

## Links

Reference	Link
Rights under GDPR	<a href="#">Information-Rights-and-Management</a>
Privacy Policy	<a href="#">Privacy Data Protection</a>
Retention Schedule	<a href="#">School Retention Schedule</a>
Data protection form also known as Subject Access Request Form (SAR)	<a href="#">Data Protection Form</a>
Information Commissioner's Office (ICO)	<a href="#">ICO</a>

## Contacts

Position	Name	Email	Notes
Data Protection Officer	Rachael Maguire	<a href="mailto:R.E.Maguire@lse.ac.uk">R.E.Maguire@lse.ac.uk</a>	Reviewer

## Communications and Training

Will this document be publicised through Internal Communications?	TBC
Will training needs arise from this policy	TBC
If Yes, please give details	