The Right of Access (Subject Access) – Guidance for the Requester

What is the Right of Access?

Under [Article 15 of the UK General Data Protection Regulation (UK GDPR)](https://gdpr-info.eu/art-15-gdpr/), the Right of Access, better known as Subject Access, is a fundamental right which allows you to understand how and why Cardiff Metropolitan University (the University) is using your data, and to make sure it is doing so lawfully.

What are you entitled to under the Right of Access?

Under the Right of Access, you are entitled to:

* Confirmation from the University that your personal data (any information that identifies you, such as your name and address) is being processed (for example, collected, stored, and altered).
* Obtain a copy of all the personal data that the University holds on you.
* Other supplementary information.

What is supplementary information?

Supplementary information generally includes the following:

* The University’s purposes for processing.
* The categories of personal the University is processing, i.e., is the data sensitive? Is it health data for example, or data which reveals information about one’s sex life and/or sexual orientation?
* The recipients the University may disclose your personal data to (for example, people in third countries or international organisations).
* How long the University retains your personal data. If this is not possible, the criteria for determining how long the University will store it.
* [Your right to request rectification, erasure, or restriction, or to object to processing](https://ico.org.uk/global/privacy-notice/your-data-protection-rights/).
* Your right to lodge a [complaint with the Information Commissioner’s Office (ICO)](https://ico.org.uk/make-a-complaint/data-protection-complaints/what-to-expect/).
* Information about the source of the data; if the University did not obtain it directly from you.
* Whether or not the University uses [automated decision-making (including profiling)](https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/rights-related-to-automated-decision-making-including-profiling/) and information about the logic involved, as well as the significance and envisaged consequences of the processing for you.
* The safeguards the University provides if your personal data has or will be [transferred to a third country or international organisation](https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/international-transfers-after-uk-exit/).

Are you entitled to other people’s personal data?

No, you are only entitled to your own personal data. However, the University is permitted to disclose your personal data which subsequently identifies a third party, but only if:

* The third party has provided consent for the data to be disclosed.
* The University deems it reasonable to comply with your request without the consent of the third party because the University has decided it is appropriate to do so by balancing your rights with the rights of the third party.

How do you make a request under the Right of Access?

There are no formal requirements for you to make a valid Subject Access Request (SAR). You are entitled to make the request verbally or in writing (including via social media channels). Please note: To avoid error and/or deception, the University is entitled to ask you for identification when necessary.

Cardiff Metropolitan University prefers that SARs are directed to dataprotection@cardiffmet.ac.uk, however, you are perfectly entitled to address your request to any part of the University, or to a specific individual. You do not have to provide your reason for making the request.

Your request does not have to include the phrases 'Subject Access Request', ‘Right of Access’ or ‘Article 15 of the UK GDPR’. It just needs to be clear that you are asking for your own personal data. Your request is even valid if you incorrectly refer to other legislation, such as the [Freedom of Information Act 2000 (FOIA)](https://ico.org.uk/for-organisations/guide-to-freedom-of-information/what-is-the-foi-act/) or the [Freedom of Information (Scotland) Act 2002 (FOISA)](https://www.legislation.gov.uk/asp/2002/13/contents).

Can an individual make a SAR on your behalf?

Yes, you may prefer a third party (e.g., a relative, friend or solicitor) to make a SAR on your behalf. The UK GDPR does not prevent this; however, the University needs to be satisfied that the third party making the request is entitled to act on your behalf. It is the third party’s responsibility to provide the University with evidence of this. For example, by providing a written authority, which you have signed, stating that you give the third-party permission to make a SAR on your behalf.

How long does the University have to comply with your request?

The University must comply with your request without undue delay and at the latest within one month of receipt of your request or within one month of receipt of:

* Any information requested to confirm your identity.

The time limit is calculated from the day your request is received (whether it is a working day or not) until the corresponding calendar date in the next month. If this is not possible because the following month is shorter (and there is no corresponding calendar date), the date for response is the last day of the following month. If the corresponding date falls on a weekend or a public holiday, the University has until the next working day to respond. This means that the exact number of days the University has to comply with your request varies, depending on the month in which you make the request.

If your request is complex, or if you have made several requests, the University may be permitted to extend the deadline by two months.

In what format should the University provide the information to you?

If you submitted the SAR electronically (e.g., by email or via social media), the University must provide a copy in a commonly used electronic format, for example, Adobe Acrobat/PDF. The University may choose the format unless you make a reasonable request for the University to provide it in another commonly used format, for example, Microsoft Word.

If you submitted the SAR by other means (e.g., by letter or verbally), the University can provide a copy in any commonly used format (electronic or otherwise), unless you make a reasonable request for the University to provide it in another commonly used format. However, if the information is sensitive, the University will ensure that it transfers it to you using an appropriately secure method.

Can the University refuse to comply with your request?

Yes, the University can refuse to comply with your request if an exemption applies. If an exemption does apply to all, or part of your request, the University will write to you with an explanation of the exemption(s), together with why it/they apply/applies to your request.

One of the more common exemptions that occurs as part of SARs is the ‘Third Party Personal Information’ exemption under [Schedule 2, Part 3 of the UK Data Protection Act (2018)](https://www.legislation.gov.uk/ukpga/2018/12/schedule/2/enacted). Third party personal information includes any information which relates to individual(s) separate to yourself, and which has not been given consent for disclosure from the third party/parties concerned. In instances such as this, information is redacted to protect the identity and rights of the third party/parties.

For more information about exemptions please contact dataprotection@cardiffmet.ac.uk or see: [ICO Exemptions](https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/right-of-access/what-other-exemptions-are-there/).

Further information

Right of Access is one of eight Individual Rights provided to you by the UK GDPR. For more information about these Rights please see [Individual Rights](Individual%20Rights). If you require further advice/assistance after reading the ICOs’ website, please contact dataprotection@cardiffmet.ac.uk.

If you have any questions at all about the information provided in this guidance, please contact dataprotection@cardiffmet.ac.uk.