

# Subject Access Request Procedure

A guide to accessing personal information held by Birmingham City University.

## 1. Subject Access Requests (SAR)

Under the data protection law (UK General Data Protection Regulation (GDPR)), individuals have the right to access their [personal data](#). This is commonly referred to as a Subject Access Request, or a SAR, and allows individuals to obtain a copy of the personal information held on them by the University. The person who the personal data relates to is called a data subject.

Please note this process only covers requests for a data subject's own personal data unless someone is making a request on the behalf of the data subject. For more information about this please read the section [Can I access personal information on someone else's behalf?](#)

Requests for other information held by the University should be directed as a request under the Freedom of Information Act 2000. Please find more information on the [Freedom of Information webpage on the BCU website](#).

Further information:

[ICO page for individuals considering submitting a SAR](#)  
[ICO page for organisation processing SARs](#)

## 2. How do I submit a SAR to Birmingham City University (BCU)?

Current students and current members of staff should access their personal data by the systems available to them and only submit a SAR for their personal data that they cannot already access. If they submit a SAR for their personal data that they can already access, they will be directed to a self-access solution. Examples of systems where students can access their own personal data are MySRS, Moodle, Mahara, Turnitin, OneDrive, SharePoint, Outlook and Teams.

A SAR does not need to be made in writing, but it is helpful if it is. A SAR can be made verbally to the Legal Services team by a member of staff via Microsoft Teams. This will then be written up by the team processing the SAR and sent to / read back to the requester to ensure it is an accurate record of the request.

BCU recommends that a requester uses the [ICO's online form to submit their SAR](#), using the email address SAR@bcu.ac.uk.

Whether using the ICO form, or their own method, such as an email, the request should include the full name of the data subject (the person the personal data relates to) and a description of the personal information they wish to receive. Clearly identifying the personal information wanted through the SAR will greatly aid the search process. Any additional information provided, such as the date range that the information may be within or the authors/recipients of any emails requested, may assist the University in locating the requested data. Therefore, this may allow BCU to fulfil the request quicker.

Where a request is considered too vague to be processed, BCU will ask the requester to provide clarification.

The data subject may also be asked to prove who they are – to stop other people accessing their data without their knowledge. The type of proof BCU accepts is:

A copy of Photographic ID such as passport, driving licence or Student ID (posting originals is not required, but SAR staff can make a copy if the original is presented in person); or

A combination of personal details held on MySRS that would be unlikely to be known by anyone else.

Written requests may be received via post or email. BCU recommends that a requester uses the [ICO's online form to submit their SAR](#) using the email address SAR@bcu.ac.uk. Or requests can be sent directly via email to [SAR@bcu.ac.uk](mailto:SAR@bcu.ac.uk)

SARs can be submitted by post to:

**Information Management Team  
Birmingham City University  
Joseph Priestley Building  
Cardigan Street  
Birmingham  
B4 7BD**

To find out how BCU protects and processes your personal data in relation to your Subject Access Request please read the [Privacy Notice for Data Subject Rights Requests](#).

### **3. Can I access personal information on someone else's behalf?**

Individuals can ask a third party to make a SAR on their behalf. Most often this is a solicitor, but it could be someone else such as a friend or a relative.

Before BCU proceeds with these requests, it will carry out checks in order to be satisfied that:

1. all third parties are who they claim to be
2. all third parties have the authority to be making the request on behalf of the data subject
3. that the data subject is who the request claims that they are
4. where they have 'capacity' under the [Mental Capacity Act 2005](#), the data subject has given their uncoerced consent for the SAR to be submitted by the third party on their behalf. BCU may choose to directly contact the data subject to check their consent is genuine and to carry out an ID check. It is noted that a 'lack of capacity' can be partial, and a data subject might be able to verify their uncoerced consent, whilst not having capacity for other aspects of life. BCU should seek appropriate clarification about the data subject's capacity and make a reasonable judgement as whether this check should be made directly with the data subject.

Any third parties have responsibility to provide the evidence about themselves, which could be, for example, evidence of written authority to make the request, or of a power of attorney. Reasonable checks should be made of this evidence. If there is no evidence that a third party is authorised to act on behalf of an individual, BCU is not required to comply with the SAR. However, BCU should still respond to them explaining this.

There may be more than one third party, for example, if a solicitor is acting on behalf of a client, and the client is using someone with legal authority to act on their behalf. The solicitor is responsible for providing written confirmation that they have carried out an appropriate ID check of the person claiming legal authority and written confirmation that that person does

have legal authority to act on behalf of the client. BCU should still complete point 4 above (check consent directly with the data subject).

If a person does not have the mental capacity to manage their own affairs and someone is their 'attorney', for example they have a Lasting Power of Attorney with authority to manage their property and affairs, that person will have the right to access information about the person they represent to help them to carry out their role. The same applies to a person appointed to make decisions about such matters: in England and Wales by the Court of Protection, in Scotland, by the Sheriff Court and in Northern Ireland, by the High Court (Office of Care and Protection). Please note, the data protection laws only apply to personal information about a living individual.

#### **4. When will I receive the information that I've requested?**

SARs are processed in a timely manner. BCU's response will be provided as soon as possible and within one calendar month of the SAR, unless a legal extension is applied. If the SAR is complex or the requester has submitted numerous SARs within a short period of time, BCU has the right to extend the period of compliance by a further two months. If this is the case, BCU will inform the requester within one month of receiving the request and explain why the extension is necessary. The time limit for BCU's compliance starts the same day that the request is received or the day that BCU receives a satisfactory ID check and enough information from the data subject about the request to be able to start processing the request. BCU will keep the requester informed as to when the starting point and deadline is for the request.

If an organisation reasonably needs more information to help them find the personal data or identify the SAR data subject, they have to ask the requester for the information they need. They can then wait until they have all the necessary information before dealing with the request. In the rare event that a fee is charged, the University can wait until this fee is paid before proceeding with the request.

#### **5. What personal data is disclosable through at SAR?**

- All records held by the University for which the University is the data controller or data processor might contain personal data that would be disclosable in a SAR. In general this means personal data held by staff in their capacity as University employees is classed as potentially disclosable personal data.
- This includes, but is not limited to, all correspondence such as held in Outlook, Teams etc.

#### **6. What personal data is exempt from disclosure through a SAR?**

Some personal data is exempt from disclosure, in accordance with the data protection laws.

[ICO Page about the Exemptions to the Right of Access](#)

The exemptions are set out in Schedules 2 and 3 of the Data Protection Act 2018 and explained on the aforementioned ICO page. They are as follows:

- Crime and taxation: general
- Crime and taxation: risk assessment
- Legal professional privilege (inc. correspondence with solicitors)
- Functions designed to protect the public

- Regulatory functions relating to legal services, the health service and children's services
- Other regulatory functions
- Judicial appointments, independence and proceedings
- Journalism, academia, art and literature
- Research and statistics
- Archiving in the public interest
- Health, education and social work data
- Child abuse data
- Management information
- Negotiations with the requester
- Confidential references
- Exam scripts and exam marks
- Other exemptions.

Redactions will be applied to any third-party data in our response in order to protect the rights of third parties as the right of access only applies to a data subject's own personal data. The anonymity of other individuals or other information which is not considered to be the SAR data subject's personal data may be protected, as appropriate, by redaction or omission in accordance with the law. Personal data that has already been deleted in accordance with our data retention policies will not be able to be retrieved.

BCU will follow ICO guidance for all area of processing a SAR, including the format that the SAR content is provided in. [How should we supply information to the requester? | ICO](#)

## 7. Can the University charge or even reject a SAR?

The exercise of this right is free of charge. However, if the request to access personal data is unfounded or excessive, the University is able to charge a reasonable fee for the administrative cost the university must incur to comply with the request or if an individual requests further copies of their data.

This is particularly relevant if the request is repetitive and without reasonable justification.

An organisation can refuse to comply with manifestly unfounded and manifestly excessive SARs. If an organisation refuses to comply with a request, it must inform the requester of the reasons why, their right to make a complaint to the ICO or another supervisory authority; and their ability to seek to enforce this right through the courts.

In rare cases, the University might refuse to respond to request at all. Before the refusal to communicate further, there will always be an explanation for the decision along with advice to contact The Information Commissioner (supervisory authority) in case of dissatisfaction.

For further advice and guidance on Subject Access Requests at BCU, please contact:

Email: [SAR@bcu.ac.uk](mailto:SAR@bcu.ac.uk)

## 8. What should I do if I am dissatisfied with the response I've received from my SAR?

If you are dissatisfied with the handling of your request, please email [Informationmanagement@bcu.ac.uk](mailto:Informationmanagement@bcu.ac.uk). Please provide details of your concerns and the BCU matter reference number and a response will be provided as soon as possible.

If having received a response to your concerns and you remain dissatisfied, you can apply complain directly to the Information Commissioner. Please see <https://ico.org.uk/make-a-complaint/> for details of their procedure. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Please note the Information Commissioner may only consider your request once you have exhausted the University's internal complaint process.

If you are a member of staff and you receive an email (or equivalent) from a SAR requester expressing dissatisfaction with a SAR response they have received from BCU, please forward that to [informationmanagement@bcu.ac.uk](mailto:informationmanagement@bcu.ac.uk) If the complaint was verbal please write it down and send it to [informationmanagement@bcu.ac.uk](mailto:informationmanagement@bcu.ac.uk).