Subject Access Request Procedure

A guide to requesting access to personal information held by Birmingham City University.

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1. Subject Access Requests (SAR)

Under data protection law (UK General Data Protection Regulation (GDPR), individuals have the right to access their personal data unless an exemption applies. This is commonly referred to as a Subject Access Request, or a SAR, and allows individuals to request 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. Data protection law (the Data Use and Access Act 2025) makes it clear that an organisation only has to make reasonable and proportionate searches when someone asks for access to their personal information.

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:

Information Commission (IC) page for individuals considering submitting a SAR
Information Commission (IC) page for organisation processing SARs
Can I use AI to help me with the SAR?

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 Information Commission's online form to submit their SAR, using the email address SAR@bcu.ac.uk.

Whether using the Information Commission(IC)'s 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.

Data protection law (the Data Use and Access Act 2025) makes it clear that an organisation only has to make reasonable and proportionate searches when someone asks for access to their personal information. Where a request is considered too vague, or too wide ranging in timeframe or scope to be able to be processed by reasonable and proportionate searches, BCU will ask the requester to provide clarification / a more focussed request. Where BCU assesses the request to extend beyond reasonable and proportionate searches and the requester does not appropriately amend their request BCU may refuse the request. Please read the answer to 'Can I use AI to help me with the SAR?' for advice if you intend to use AI to assist with your request.

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 IC'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

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.

IC 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 IC 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 IC 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?

7. Can I get my award certificate or transcript through a SAR?

The data protection laws applying to Subject Access Requests relates to accessing / being provided with a copy of personal data rather than specific documents. Requests for digital or paper certificates or transcripts are a 'business as usual request' and the Information Management team doesn't have the ability or permission to issue these documents. Through a SAR a person may, if available, receive their personal data i.e. a description of their award, for example a BA English Literature (2:1) and a list of their results, but it will not be formatted

as an official certificate or transcript. For more information about Certificates and Transcripts please use the following links:

Certificates and transcripts
Award certificates and transcripts
Certificates, transcripts and verifications FAQs – including contact details for relevant teams
Replacement certificates
Replacement transcripts

8. 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.

As stated in section 2 (How do I submit a SAR to BCU?) data protection law (the Data Use and Access Act 2025) makes it clear that an organisation only has to make reasonable and proportionate searches when someone asks for access to their personal information. Where BCU assesses the request to extend beyond reasonable and proportionate searches and the requester does not appropriately amend their request BCU may refuse the request.

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 IC 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 Commission (supervisory authority) in case of dissatisfaction.

9. 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 follow BCU's Data Protection Complaints Procedure.

If you are dissatisfied with the handling of your complaint you can complain to the IC. Please note the Information Commission 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 If the complaint was verbal please write it down and send it to informationmanagement@bcu.ac.uk.

10. Can I use AI to help me with the SAR?

AI tools can be helpful, but they may generate very broad or complex requests (for example, requesting "all data held across all systems"). Overly broad requests can:

- Make it more difficult to identify the information you are seeking
- Lead to delays while clarification is sought
- Increase the risk that relevant information is harder to locate efficiently

- Give you false expectations of what you are legally entitled to receive through a SAR.

ICO advice is that people avoid inputting personal information (particularly sensitive information) into AI tools as AI systems can retain and reuse information for training purposes or disclose it in inappropriate contexts. So if you are going to use an AI tool, we suggest you use it to create a draft SAR and add your personal data into your request later, once you are writing outside of the AI tool.

Before you submit your request for personal data, please check that you:

- **Clearly describe the information you genuinely wish to receive and make sure it is personal data i.e. about you.**

This is because AI tools sometimes generate broad or excessive wording that goes beyond the information you actually want or need. Keep your request clear, specific, and relevant. Examples of this include 'metadata' which is a term frequently included in AI generated SARs. Whilst it's possible metadata might be personal data (for example records of when you accessed a file or were logged onto a system) it is not often personal data. Other examples of content that is not in scope of a SAR but are often generated by AI requests are the organisation's SAR search parameters, detailed explanation about the exemptions that may apply or information that's not your personal information such as details of university processes.

- **Check there are no obvious factual inaccuracies.**

This is because AI can misrepresent legislation or misstate what organisations do. Please review the text of your request carefully and don't assume AI is right. If it has referred to something you don't understand, check what it is.

- **Ensure any personal details included are accurate and up to date.**

This will support us with verifying your identity and processing your request in a timely manner.

- **Include relevant dates, departments, or contexts (e.g. employment, academic records).**

This information is helpful so we can direct our searches to the appropriate individuals. Providing us with this information will allow us to conduct a more thorough search of information that is held.

- **Check the final wording to ensure it is clear, concise and focused.**

Short, straightforward requests are easier for us to process resulting in a timely and accurate response.

- **Ensure the tone is appropriate.**

AI-generated content can sometimes sound abrupt, or otherwise inappropriate. Please check the tone before sending.

- **Check it covers the key information as outlined in the ICO's SAR online form**

BCU recommends you use the ICO's SAR online form to formulate and submit your request.

Why does this matter?

AI generated requests often create false expectations for the requester of what they are entitled to receive, which leads to frustration and disappointment for the requester. AI generated requests often require additional clarification because of inaccuracies or unnecessary complexity. This creates delays for both requesters and our teams.

We recommend you also follow the ICO's Guidance on using AI to help write your data protection request.

11. Where can I get further guidance?

You can find more guidance on the Information Commissioner's Office website.

Getting copies of your information (SAR) | ICO

Make a subject access request | ICO

If those websites do not provide the specific guidance you need, please contact SAR@bcu.ac.uk. If you are unable to email, you can phone 0121 202 4597.