

Subject Access Request Procedure

Owner: *Director of Governance, Legal & Strategic Projects*

Approved by: *VCET*

Approval date: *August 2026*

Review date: *August 2026*

Next review due date: *3 years or as required*

Version: *2.0*

Policy reference number *Gov 01a*

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Policy version tracking

Version Number	Date	Revision Description	Editor	Status
1.0	Aug 2022	New procedure document		Approved, published
2.0	Aug 2026	Updated to reflect ICO guidance		

1. Scope, purpose and users

Data protection legislation gives individuals (data subjects) a number of rights including the right to access the personal data an organisation holds on them. This procedure sets out the key features regarding handling or responding to requests for access to personal data made by data subjects, their representatives or other interested parties. This procedure will enable Regent's University London to comply with legal obligations, provide better customer care, improve transparency, enable individuals to verify that information held about them is accurate, and increase the level of trust by being open with individuals about the information that is held about them. Regent's retains the right to change this procedure at any time.

2. Reference documents

- UK General Data Protection Regulation (UK GDPR)
- Data Protection Policy
- The Data Protection Act 2018
- Subject Access Request Form

3. Data Subject Access Request

A Data Subject Access Request (DSAR) is any request made by an individual or an individual's legal representative for information held by Regent's about that individual. The Data Protection Act provides the right for data subjects to see or view their own personal data as well as to request copies of the data. Entitlement under Article 15(1) of the UK GDPR is to receive access to information in so far as it constitutes the requestor's 'personal data' of which Regent's is the controller, having conducted a reasonable and proportionate search. The requestor is not entitled to receive information regarding Regent's or its employees or management, unless it constitutes the requestor's personal data. Regent's is entitled to withhold certain information from the response to a DSAR where one or more exemptions under the Data Protection Act 2018 apply.

To assist Regent's to follow statutory legislation, a Data Subject Access Request may be made verbally or in writing, including by email, letter, social media, web form or any other communication channel. Individuals are not required to use the University's Subject Access Request Form, although use of the form is encouraged to assist with identification and scoping.

To help Regent's process such a request an application form is available on the website or from the Data Protection Officer (DPO) by emailing privacy@regents.ac.uk. This form will provide Regent's with the information needed to deal with the request and should be sent by email to the DPO at privacy@regents.ac.uk.

4. Data that can be requested

The right of access gives individuals the right to obtain a copy of their personal data. Personal data may be held within structured records as well as electronic communications, collaboration platforms, cloud storage services, recordings, security systems and AI-enabled technologies. Personal data may also be contained within Artificial Intelligence systems, automated decision-making tools, chatbots, virtual assistants, generative AI platforms, meeting transcripts, recordings, and other emerging technologies used by the University. Where such systems contain personal data falling within the scope of a request, the University will consider these sources when undertaking reasonable and proportionate searches.

The rights to data subject access include the following:

Regent's must provide a response to data subjects requesting access to their data within one month of receipt of the Data Subject Access Request, starting from the day after the request is received by the DPO, or the day on which proof of identification is received and verified. If Regent's process a large amount of information about an individual, it may need to ask the data subject to provide additional information to help clarify their request. If requests are complex or numerous, there may be an extension of up to two months and the individual will be informed and reasons given within a month of the request.

Regent's will consider if an external company may be required to support the scoping, forensics and review of data and at what administrative cost. The University will undertake reasonable and proportionate searches to locate personal data covered by the request. Search activity will be determined according to the scope of the request, the systems involved, the likely location of data and the balance between the privacy rights of the requestor and the burden of retrieval.

Requests are more likely to be successful where they are specific and targeted at particular information and so the application form can assist in narrowing the scope of a search. Such factors include identifying the likely holder of the information (e.g., by making reference to a specific function of the University), the time period in which the information was generated or processed (the narrower the time frame, the more likely a request is to succeed) and being specific about the nature of the data sought (e.g., a copy of a particular form or email records from within a particular employee of the University).

5. DSAR process

5.1. Request

Upon receipt of a DSAR, the DPO will acknowledge the request (unless lawyers have been instructed to engage with the requestor). The requestor will be asked to complete a Data Subject Access Request Form to better enable Regent's to locate the relevant information and to complete identity verification if not a current student or employee.

The DPO needs to check the identity of anyone making a DSAR to ensure information is only given to the person who is entitled to it. If the identity of a DSAR requestor has not already been provided (e.g., from a university email address), the DPO will ask the requestor to provide two forms of identification, one of which must be a photo identity and the other confirmation of address. If the requestor is not the data subject, written confirmation that the requestor is authorised to act on behalf of the data subject is required. Regent's will take reasonable steps to verify the requestor's identity.

5.2. Information for Data Subject Access Request

Upon receipt of the required documents by the DPO, and with all relevant information in support of the DSAR, the DPO will check if reasonably satisfied with the information presented. If satisfied, the DPO will notify the requestor within one month that their DSAR will be responded to within the statutory timeframe. The requestor will be informed by the DPO in writing if there will be any deviation from the statutory timeframe due to other intervening events or amount of data.

5.3. Review of Information

The DPO will contact and ask the relevant team(s) for the required information as requested in the DSAR. This may also involve an initial meeting with the relevant team to go through the request, if

required. The team which holds the information must return the required information by the deadline imposed by the DPO (with redactions, if necessary) and/or a further meeting is arranged with the team to review the information. The DPO will determine whether there is any information which may be subject to an exemption and/or if consent is required to be provided from a third party. Where requested information contains personal data relating to another identifiable individual, the University will assess whether disclosure is reasonable. This assessment may include:

- duty of confidentiality;
- expectations of privacy;
- potential harm arising from disclosure;
- relationship between parties;
- feasibility of obtaining consent;
- public interest considerations.

The DPO must ensure that the information is reviewed/received by the imposed deadline to ensure the statutory timeframe is not breached.

5.4. Response to Access Requests

The DPO (or lawyers acting on behalf of Regent's) will provide the finalised response together with the information retrieved from the team(s) and/or a statement that Regent's does not hold the information requested, or that an exemption applies. The DPO (or lawyers) will ensure that a written response will be sent back to the requestor. This will usually be via email.

5.5. Archiving

After the response has been sent to the requestor, the DSAR will be considered closed and archived by the DPO.

6. Exemptions

An individual does not have the right to access information recorded about someone else, unless they are an authorised representative, or have parental responsibility and the explicit permission of their child. Regent's is not required to respond to requests for information unless it is provided with sufficient details to enable the location of the information to be identified, and to satisfy itself as to the identity of the data subject making the request. In principle, Regent's will not normally disclose the following types of information in response to a Data Subject Access Request:

- Protection of other people – A requestor may ask for information which relates to other individuals. However, the protection of rights of others exemption permits Regent's to withhold personal data of other individuals. In applying this exemption, Regent's may redact the relevant emails, or where this is not possible, withhold certain documents, to ensure the rights of other individuals are not infringed. This will be done in line with the applicable Information Commissioner's Office (ICO) guidance. Access to such data will not be granted, unless the individuals involved consent to the disclosure of their data.

- Repeat requests – Where a similar or identical request in relation to the same data subject has previously been complied with, within a reasonable time period, and where there is no significant change in personal data held in relation to that data subject, Regent's will not normally provide a further copy of the same data.
- Publicly available information – Regent's is not required to provide copies of documents which are already in the public domain.
- Opinions given in confidence or protected by copyright law – Regent's does not have to disclose personal data held in relation to a data subject that is in the form of an opinion given in confidence or protected by copyright law.
- Privileged documents – Any privileged information held by Regent's need not be disclosed in response to a DSAR. In general, privileged information includes any document which is confidential (e.g., a direct communication between a client and their solicitor) and is created for the purpose of obtaining or giving legal advice.

Further information on the exemptions is available from the ICO website, www.ico.org.uk.

7. Data Subject Access Request refusals

There are situations where individuals do not have a right to see information relating to them. For instance:

- If the request is 'manifestly unfounded or excessive' in which case Regent's must explain why they arrived at this decision.
- If the information is kept only for the purpose of statistics or research, and where the results of the statistical work or research are not made available in a form that identifies any of the individuals involved.
- Requests made for other non-data protection purposes can be rejected.

The decision to refuse a SAR can only be made by the DPO (or lawyers acting on behalf of Regent's). Further information on Subject Access Requests is available from the ICO website, www.ico.org.uk.

8. Complaints & Review

If an individual is dissatisfied with the handling of their Subject Access Request, they may request an internal review within 40 working days of the response. Reviews will be undertaken by a senior member of staff not directly involved in the original response where practicable. Individuals may also complain to the Information Commissioner's Office (ICO).

