

## **Code of practice 3 - access to personal data by subjects**

### **1. Introduction**

1.1 This Code of Practice, drawn up in association with the College's Data Protection Policy, relates to the access by individuals to data relating to themselves. The Code provides procedures for past and present staff and students of the College and other third parties (Data Subjects) to access the personal data held on them in College systems in whatever medium that data is held, and for dealing with requests for such subject access.

### **2. Access to personal information**

2.1 The College respects the right of individuals to check the accuracy of any personal data that is being kept about them, either on computer or in a relevant filing system, as defined in the DPA98.

2.2 Exceptions to 2.1 are:

- where disclosure would simultaneously disclose data about another person (unless that person consents to the disclosure);
- third party references and examination marks (see paragraphs 3 and 4 below for further information)

2.3 Any Data Subject wishing to gain access to personal data held about them may do so by the submission of a request in writing to the Data Protection Officer together with the payment of a fee, as required under DPA98, on each occasion that access is requested. The College aims to comply with requests for access to personal data as quickly as possible, but will ensure that it is provided within 40 days of receipt of the application form and fee, unless there is good reason for delay. In such cases, the reason for delay will be explained in writing to the Data Subject making the request.

2.4 A copy of the standard request form for "Access to Personal Information" is available on our [website](#) from the Central Secretariat, the CAU Data Protection Co-ordinator or from the Registry (in the case of students) or Personnel (in the case of staff and other Data Subjects).

### **3. Confidential references**

3.1 References Issued by or on Behalf of the College

Confidential references issued by the College or an individual member of it in the performance of College duties are exempt from subject access where these references relate to:

- education , training or employment of the Data Subject;
- appointment of the Data Subject to any office;
- provision by the Data Subject of any service.

3.2 References Received by the College

3.2.1 Confidential references received by the College are not exempt from the right of access by the subject to whom they refer, but consideration must be given by those receiving a request for access to any potential breach of confidence of a referee by such a disclosure. Information contained in a reference need not be provided if the release of this information would identify a referee unless:

- the identity of the referee can be protected by anonymising the information;
- the referee has given his/her consent;
- it is reasonable in all the circumstances to release the information without consent having been given.

In cases where a confidential reference discloses the identity of an organisation, but not an identifiable individual, as referee, disclosure will not breach data privacy rights.

3.2.2 Where, in response to a Subject Access Request, the College declines to disclose a reference received in confidence from a referee, it will supply clear reasons in writing for doing so. Members of the College may not refuse to disclose references received in confidence from referees without providing, in writing, the reasons for the refusal.

#### **4. Examinations**

4.1 In accordance with DPA98, information recorded on their scripts by students during an examination are exempt from subject access. However, students are entitled to information about their marks for both coursework and examinations. In accordance with the Act, this will be made available either 5 months from the day on which the Data Protection Officer received the request and any fee which may apply, or 40 days from the announcement of the examination results. The College, however, reserves the right to withhold certificates, accreditation or references in the event that the full course fees, or outstanding debts to the College, have not been paid, or all books and equipment returned to the College.

4.2 A Data Subject has a right to request a copy or summary "in an intelligible form" of any comments made on an examination script by an examiner, within the same periods as laid down for access to examination marks and subject to the same fee.

4.3 A Data Subject has a right of access to those parts of Minutes of Examination Boards or special circumstance committees which contain discussion about themselves where they are named or referred to by identifiers from which the candidate may be identified, unless the data cannot be disclosed without additionally disclosing personal data about a third party.