



Academic Registry

Individual Rights Policy

Individual Rights Policy

Under the terms of the General Data Protection Regulation and the Data Protection Act 2018, the University will ensure that it enables and responds to the following individual rights being exercised.

The purpose of this policy is to set out how the University will uphold the rights of data subjects under the General Data Protection Regulation and the Data Protection Act 2018 when processing personal data during the course of its business.

1. The right to be informed

Individuals will be informed about the data the University processes about them by Privacy Notices that will be made available to them when their personal data is collected, or within one month of collection where the data is provided via another source. The University's Privacy notices can be accessed at www.abertay.ac.uk/legal.

2. The right of access

Individuals have the right to request access to their personal data, either verbally or in writing. The University will confirm the identity of the requester, clarify the request with the individual and confirm by email the detail of the request. The University will respond to the request without undue delay and normally within one month of the detail of the request being confirmed, and normally no fee will be charged. Where a request is complex, or where the University has received a number of requests from the same individual, the time to respond fully may be extended by up to two months.

In responding to a request to access personal data, any information from which another individual could be identified will not normally be disclosed unless that individual's consent has been obtained.

If the University considers that a request is manifestly unfounded or excessive, a reasonable fee may be charged to deal with the request, or the request may not be dealt with. In either instance a justification will be provided to the individual.

3. The right to rectification

Individuals have the right to have inaccurate personal data rectified, or completed if it is incomplete. A request for rectification can be made verbally or in writing. The University will confirm the identity of the requester, clarify the request with the individual and confirm by email the detail of the request. The University will take reasonable steps to ensure the data is accurate, will rectify any inaccuracy, and will respond to the request within one month. Normally no fee will be charged.

Matters of opinion are by their nature subjective, and so cannot necessarily be proven to be accurate or inaccurate. As a result, matters of opinion will not normally be rectified, but it will be clearly recorded that the record was a matter of opinion.

If the University considers that a request is manifestly unfounded or excessive, a reasonable fee may be charged to deal with the request, or the request may not be dealt with. In either instance a justification will be provided to the individual.

4. The right to erasure

In some circumstances, individuals have the right to have their personal data erased (also known as the right to be forgotten).

Individuals have the right to have their personal data erased where:

- the personal data is no longer necessary for the purpose for which it was originally collected or processed;
- consent was the lawful basis for holding the data, and the individual withdraws their consent;
- legitimate interests were the basis for processing, the individual objects to the processing of their data, and there is no overriding legitimate interest to continue this processing;
- the personal data is processed for direct marketing purposes and the individual objects to that processing;
- the personal data has been processed unlawfully;
- erasure is required to comply with a legal obligation; or
- the personal data has been processed to offer information society services to a child.

The right to erasure does not apply where the processing is necessary for one of the following reasons:

- to exercise the right of freedom of expression and information;
- to comply with a legal obligation;
- for the performance of a task carried out in the public interest or in the exercise of official authority;
- for archiving purposes in the public interest, scientific research historical research or statistical purposes where erasure is likely to render impossible or seriously impair the achievement of that processing; or
- for the establishment, exercise or defence of legal claims.

A request for erasure can be made verbally or in writing. The University will confirm the identity of the requester, clarify the request with the individual and confirm by email the detail of the request. The University will determine whether the request meets the criteria outlined above, and will respond to the request within one month to confirm that the data has been erased, or to explain why it cannot be erased. Normally no fee will be charged.

If the University considers that a request is manifestly unfounded or excessive, a reasonable fee may be charged to deal with the request, or the request may not be dealt with. In either instance a justification will be provided to the individual.

5. The right to restrict processing

In some circumstances, individuals have the right to request the restriction or suppression of their personal data.

Individuals have the right to request that processing of their data be restricted in the following circumstances:

- where they have contested the accuracy of the data, and the accuracy is being verified;
- where the data has been unlawfully processed and the individual requests restriction rather than erasure;
- where the data is no longer required for its original purpose but the individual wishes it to be retained in order to establish, exercise or defend a legal claim; or
- where an individual has objected to the processing of their data and the legitimate grounds for processing are still being considered.

A request to restrict processing can be made verbally or in writing. The University will confirm the identity of the requester, clarify the request with the individual and confirm by email the detail of the request. The University will determine whether the request meets the criteria outlined above, and will respond to the request within one month to confirm that processing of the data has been restricted or to explain why it cannot be restricted. Where processing is restricted, the University will confirm the period of restriction if applicable. Normally no fee will be charged.

If the University considers that a request is manifestly unfounded or excessive, a reasonable fee may be charged to deal with the request, or the request may not be dealt with. In either instance a justification will be provided to the individual.

6. The right to data portability

In some circumstances, individuals have the right to obtain and reuse their personal data for their own purposes across different services, allowing them to move, copy or transfer personal data from one IT environment to another in a safe and secure way.

Data portability applies only where:

- the lawful basis for processing the data is either consent or the performance of a contract; and
- where the processing is automated (so for example, it excludes paper records); and
- where the data has been provided by the individual or is data resulting from the individual's activities.

A data portability request can be made verbally or in writing. The University will confirm the identity of the requester, clarify the request with the individual and confirm by email the detail of the request. The University will determine whether the request meets the criteria outlined above, and will respond to the request within one month to provide the data to the individual, or to another data controller as requested, or to explain why the data cannot be provided. Where data is provided, it will be in a structured, commonly used, machine-readable format. Normally no fee will be charged.

If the University considers that a request is manifestly unfounded or excessive, a reasonable fee may be charged to deal with the request, or the request may not be dealt with. In either instance a justification will be provided to the individual.

7. The right to object

In some circumstances, individuals have the right to object to the processing of their data.

- Where the personal data is used for direct marketing purposes, the right to object is absolute, and such requests will not be refused.
- Where the legal justification for processing is public task or legitimate interests, the right to object is not absolute, and processing may be continued where compelling legitimate grounds for processing can be demonstrated, or where the processing is for the establishment, exercise or defence of legal claims.

An objection to data processing can be made verbally or in writing. The University will confirm the identity of the requester, clarify the request with the individual and confirm by email the detail of the request. The University will determine whether the request meets the criteria outlined above, and will respond to the request within one month to confirm that processing has been ceased, or to explain why processing will not be ceased. Normally no fee will be charged.

If the University considers that a request is manifestly unfounded or excessive, a reasonable fee may be charged to deal with the request, or the request may not be dealt with. In either instance a justification will be provided to the individual.