

## Data Access Procedure

### 1. Introduction

Article 15 of the [General Data Protection Regulation](#) (“**GDPR**”) gives individuals (‘Data Subjects’) the right to request access to, or copies of, their Personal Data, that the National Film and Television School (‘NFTS’ or ‘the School’) holds as a Controller, or any Processor acting on behalf of the NFTS. These requests are called ‘Access Requests’.

The purpose of this Procedure is to enable School staff to respond efficiently and effectively to any such requests and to:

- (a) to enable School staff to identify Access Requests;
- (b) to help ensure that the School responds to Access Requests in accordance with the requirements of the GDPR;
- (c) to help ensure that the School responds to Access Requests within the deadline of one month;
- (d) to help ensure that, in responding to Access Requests, the School does not inadvertently disclose:
  - (i) the Personal Data of any third parties; or
  - (ii) any School confidential information, without appropriate authorisation from the School’s Data Protection Officer (‘DPO’) or the School’s Director.

Data Subjects may also have additional rights (such as the right to object to the processing of their Personal Data, or the right to request that inaccurate Personal Data about them are corrected). If a member of staff receives a request of this type, they should notify the School’s Data Protection Officer immediately.

### 2. Identifying Access requests

Access Requests can be made in any format (e.g., email, letter, phone call). An Access Request may be received from the Data Subject directly, or from a person acting on the Data Subject’s behalf. Note that an Access Request only entitles the Data Subject to his or her own Personal Data.

The Data Subject is not required to mention Article 15 of the GDPR, or to use formal terms such as “Access Request”, “Data Subject” or “Personal Data”. Any request for information made by (or on behalf of) a Data Subject, regarding information about himself or herself, constitutes a valid Access Request and should be treated in accordance with this Data Access Procedure.

Any request received by a member of School staff for access to personal data should be passed on to the School’s Data Protection Officer immediately.

### **3. Information to which the Data Subject is entitled**

The Data Subject is entitled to request the following information:

- (a) the purposes for which his or her Personal Data are processed (which means anything done with the data such as collection, recording, storage or use);
- (b) the categories of Personal Data being processed;
- (c) the recipients to whom the Personal Data have been or will be disclosed;
- (d) where possible, the period for which the Personal Data will be stored, or, if not possible, the criteria used to determine that period;
- (e) where the Personal Data have not been collected directly from the Data Subject, any available information as to the source from which the School collected those data;
- (f) a copy of, or access to, his or her Personal Data.

This information must be provided in an intelligible form (i.e., its meaning must be reasonably obvious to the Data Subject what the information means, so internal codes or acronyms should be explained in simple terms).

Additionally, the Data Subject has the following rights:

- (a) the right to request the rectification or erasure of Personal Data or restriction of processing of his or her Personal Data;
- (b) the right to object to the Processing of his or her data;
- (c) the right to lodge a complaint with the Information Commissioner’s Office; and
- (d) the right to be informed of the safeguards protecting any of his or her Personal Data that have been transferred out of the EEA.

#### **4. Narrowing the scope of the Access Request**

When an Access Request would require the School to review a large volume of information to produce the Disclosable Data, the DPO on behalf of the School should contact the Data Subject promptly to ask whether the Data Subject is willing to specify the information or Processing activities in which the Data Subject is interested. If the Data Subject refuses to do so, their original Access Request will stand (unless it is manifestly unfounded or excessive – see below).

#### **5. The one-month time limit**

When an Access Request is received, the School must act promptly. Under the GDPR, the School must respond to all Access Requests within **one month** of the date on which the Access Request is received. Failure to either: (a) provide the Disclosable Data to the Data Subject; or (b) respond to the Data Subject confirming that no Disclosable Data are processed by or on behalf of the School within that time limit may trigger an investigation by the Information Commissioner's Office. As such, it is imperative that the School's Data Protection Officer is notified of any Access Request immediately so that they can begin to co-ordinate a response.

#### **6. Responding to an Access Request**

##### **6.1 Acknowledging the Access Request**

Upon receipt of an Access Request, the School must prepare a response to the Data Subject, acknowledging receipt of the Access Request and specifying the date on which the one-month deadline expires.

##### **6.2 Excessive Access Requests**

The School is not obliged to respond to Access Requests that are manifestly unfounded or excessive. In the event that an Access Request appears excessive (e.g. it repeats all or substantially all of another request received from the same Data Subject within the past 12 months, and the data collected by the School has not substantially changed) the School may refuse to respond or may decide to impose a reasonable fee on the Data Subject, based on the School's reasonable costs of responding to the request.

##### **6.3 Proof of identity or authority**

It is important to ensure that the School does not disclose Personal Data to the wrong person. If there is any doubt as to the identity of the person making the Access Request (for example, if the School suspects that the person making the Access Request is not the Data Subject and is not authorised by the Data Subject to act on

his or her behalf) then the School may request proof of identity, before it responds to the Access Request. If the Access Request is made by a person acting on behalf of the Data Subject (e.g., a parent or guardian, or a lawyer) then the School may also request that such representative provide proof of their authority to make the Access Request on the Data Subject's behalf.

#### **6.4 Identifying and locating the Disclosable Data**

The School must perform a thorough search for Disclosable Data. Disclosable Data may be held across multiple School systems, locations and departments, and may be found in almost any type of document (e.g. spreadsheets, databases, correspondence, emails, file notes). The School must ensure that the search for the Disclosable Data covers all such systems, departments, locations and document types. To the extent that any of the Disclosable Data may be held by a Processor acting on the School's behalf, the Processor's systems should also be searched.

#### **6.5 Requirements to Disclose Data**

The School is only required to disclose Personal Data that existed as at the date of the relevant Access Request. There is no obligation to search for new Personal Data created or obtained after that date, or create additional data. If the Data Subject wants to obtain subsequent Personal Data, he/she would have to submit a second Access Request for the relevant period. Keeping emails and written notes to a minimum about the Data Subject (from receipt of his/her first request) will help reduce the searches and work involved in responding to any subsequent Access Request.

#### **6.6 Reviewing and Redacting Search Results**

Once the searches are complete the search results must be reviewed, to identify the information that constitutes Disclosable Data. The following categories of information do not need to be disclosed:

- (a) Any information that is not the Personal Data of the Data Subject does not need to be provided. For example, if a 3-page email contains a single sentence referencing the Data Subject, it is not necessary to disclose the content of the entire email (and indeed to do so could well reveal Personal Data about third parties or confidential information about the School). An explanation of the Data Subject's Personal Data, and the context in which the Personal Data were mentioned, would be sufficient.
- (b) Information that is the Personal Data of other individuals (see paragraph 6.7 below).
- (c) Information that is subject to an exemption (see paragraph 6.9 below).

- (d) Information that is protected by trade secrets or intellectual property rights

## **6.7 The Personal Data of other individuals**

If the search results include the Personal Data of other individuals, that Personal Data cannot normally be disclosed, and should be redacted or deleted from any materials disclosed to the Data Subject. The only cases in which the Personal Data of other individuals may be disclosed are:

- (a) where the other individual to whom the Personal Data relates has consented to/agreed to the disclosure; or
- (b) where the individual to whom the Personal Data relates has not consented, but it is reasonable in the circumstances to disclose the Personal Data in response to the Access Request.

## **6.8 Providing a full summary of the disclosable data**

In some circumstances, it may not be possible to provide relevant documents to the Data Subject without revealing information to which the Data Subject is not entitled. For example, if an employee has filed an employment grievance against the Data Subject, and the Data Subject has subsequently sought to discover what was said about him or her outside the grievance process, it may not be possible to provide the relevant documents to the Data Subject without revealing Personal Data about the employee who filed the grievance. In these circumstances, it is likely to be more appropriate to provide the Data Subject with a full summary of his or her Personal Data that is included within the documents that cannot be disclosed. Even in that case, care is needed, because if the Data Subject can discern from the summary who said what about him/her, this will reveal Personal Data about a third party who may not have given consent / it may not be reasonable in all the circumstances to disclose. The privacy law rights of the third party have to be considered too. The School's Data Protection Officer will lead on all this.

## **6.9 Exemptions from Access Request Disclosure Obligations**

The School is not obliged to provide the Data Subject with data that falls under any of the exemptions set out in the Data Protection Act 2018, including:

- (a) Personal Data of anyone other than the Data Subject who is making the Access Request;
- (b) information that would, if disclosed, adversely affect the rights or freedoms of others;
- (c) Confidential references

(d) Information that is already accessible to the Data Subject

#### **6.10 Providing the information**

Once the searches have been completed, the Search Results have been reviewed, redacted and/or summarised, as appropriate, the DPO on behalf of the School should provide the information to the Data Subject in a secure way. If the request is made electronically, the information should be provided in a commonly used electronic format.

**This procedure was last approved and updated in May 2018**