

## Records Management Office Documentation

Version	Date of Change	Notes	Editor
1.0	20/11/2018	Creation	Phil Oakman
1.1	13-02-2019	Logo and doc template added	Annette Reeves
1.2	09-05-2019	SAR added and form separated out	Annette Reeves
1.3	10/03/2021	Review of content. Some minor amendments	Phil Oakman

## Your Rights Under GDPR

### Contents

Right to Be Informed .....	2
Right to Access.....	2
Right to Rectification.....	2
Right to erasure “Right to Be Forgotten”.....	2
Right to restrict processing.....	3
Right to object.....	3
Right to data portability.....	4
Right to object to automated decision making/profiling .....	4
Research Data.....	5

## Your Rights Under GDPR

GDPR has increased your rights of access and control you have over your own personal information. There are some occasions when the rights do not apply and the information below will help to define when you are able to exercise these new rights. An individual can make a request to exercise these rights in writing or verbally, but the most effective and easiest way to make these requests is to complete the form found by following the link at the end of this document.

### Right to Be Informed

When personal information is collected by the University we provide a statement defining such things as; what use we will be making of the information, whether we intend to share it, etc. You are likely to have been directed to a Privacy Notice relevant to the information being processed by us. If you have already been supplied with this information you are unable to exercise this right, but the University will always point you in the right direction to locate relevant guidance.

### Right to Access

You have the right to find out if an organisation is using or storing your personal data. This is called the right of access. You exercise this right by asking for a copy of the data, which is commonly known as making a 'Subject Access Request'.

### Right to Rectification

If you believe that your personal data held by us are not accurate or not complete you can request that we correct them. The University may in some circumstances dispute your assertions regarding accuracy and may need to investigate further. We may in such instances restrict the processing of such data until we have decided on accuracy. If we have turned down your request for rectification you can ask for the University to put a statement on your record making it clear that you dispute the accuracy of the information.

### Right to erasure "Right to Be Forgotten"

The right applies

- If you provided the information with your consent (This refers only where the University is solely relying on consent as the 'lawful basis' for processing)

- If the data are no longer necessary and the timescale for us to keep records has expired (the University uses a Records Retention Schedule to define how long data are kept for. This is based on legal citation, historical value or sector best practice)
- If the data are being unlawfully processed (This relates to instances where we have processed data for a purpose we were not entitled to. The University will in most circumstances have noticed and ceased processing after a very short time, but this right assists you if we miss something)
- If you successfully object to the data processing under the right to object (see below for more details)
- If we are obliged to erase the data to comply with a legal obligation

The right does not apply

- If the data are required for a contract to which you are a party (such as a staff or student contract, enrolment, etc)
- If we need the information to provide a service which is required by law or is needed for a legal obligation
- If we believe that the data are needed for a task in the public interest
- If the data are required for archiving in the public interest, or for scientific or historical research purposes.

### Right to restrict processing

This right applies

- When you are contesting the accuracy of the data we hold about you and we are investigating to verify whether the data are correct or not.
- If the processing of your data is unlawful but you want the data preserved rather than deleted. This may be because you wish to pursue a complaint or legal action. In such instances the University will keep the data but will not refer to them other than to process any such complaint or action.

### Right to object

You may only exercise the right to object to processing in situations where:

- The lawful basis for the processing is 'legitimate interests' or for the performance of a task in the public interest/exercise of official authority. In this case we must stop processing your personal data unless we are able to show compelling legitimate interest for the processing which override your interests, rights, or freedoms. There may also be situations where the data needs to be processed for the establishment, exercise or defence of legal claims, in which case we do not need to comply with your request.
- The processing is for the purpose of direct marketing.
- The processing is for the purposes of scientific or historical research and statistics. If the research which we are carrying out is being done as a task in the public interest then we do not need to comply with your request to exercise the right to object. Further, if the right to object would be likely to render impossible or seriously impair the achievement of the research purpose then we do not need to comply with your request.

### Right to data portability

The right to data portability only applies if they are data which you have provided to us. Additionally, the right only applies if the lawful basis for processing is consent or for the performance of a contract and the processing is being carried out by automated means.

If the criteria for this right are met then the University will, on receipt of such a request, provide you with a copy of relevant personal data or transmit your personal data to another organisation specified by you. If for technical reasons this proved to not be possible, we will revert to directly supplying you. Your right would also ensure that we supply such data in a structured and commonly used machine-readable format, but this may not necessarily be one that you yourself have requested.

### Right to object to automated decision making/profiling

In some cases, we may be processing your personal data so that we can make decisions that will impact you by an automated process (effectively where there is no human intervention involved in decisions). We may also be processing your data for profiling purposes through automated means.

We are only allowed to carry out such processing in very narrow circumstances which are

- When it is necessary for the entry into, or the performance of, a contract (this will include some student data analytics where your interactions with the course are profiled to see if you may be someone who could benefit from additional assistance)

- It is authorised under UK law
- Based on your explicit and freely given consent

If we are processing your personal data in this way and it would produce a legal effect then this right allows you to ask for human intervention in the decision and an explanation of the processes or calculations involved (in as understandable a way as is possible). You may also use this right to challenge decisions made by solely automated means.

### Research Data

The University of Northampton carries out a variety of research projects and there are specific considerations as to what happens to such data collected for such purposes. If your personal data has been provided by you so that we can carry out research, there are exemptions which override the above rights.

If your personal data are being processed for research purposes, then we do not need to comply with requests from you for the following rights:

- The right of access
- The right to rectification
- The right to restrict processing
- The right to object to processing
- The right to erasure/to be forgotten (in cases where complying would be likely to render impossible or seriously impair the achievement of the research purpose)

The Information Commissioner's Office provide some useful additional guidance at the following web site: <https://ico.org.uk/your-data-matters/>

**In order to exercise these rights, please submit a [Data Rights Request Form](#) telling us what information you would like to access and why.**