

# Your data Your Rights

*A guide to your data protection rights as a  
student of the University of London*

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## 1. How to use this guide

The University collects and stores information about you. This can include your contact details, your photo or your coursework.

### **The law**

In collecting and storing your information, the University has to follow the law to protect your privacy by using your data securely and fairly. We need to make sure it is accurate, kept only as long as it is needed and only used for the right reasons. The law is called the General Data Protection Regulation (GDPR).

This guide explains your rights under this law and how to exercise them.

### **Key sections**

Look out for the following sections which explain where the University might have to refuse your request.

***X WHERE THE UNIVERSITY MIGHT SAY NO***

## 2. Dealing with rights requests

There are a number of data protection rights for individuals. The University has to deal with all requests in the following way.

### ➔ Checking that it's you

In order to make sure it's you getting your data and no one else, the University may require documentation from you to verify your identity, such as a passport or proof of address.

### ➔ Timescales

In most cases, the University must respond to all requests within one month (in practice 30 days).

Where requests are particularly complex, the University can extend its response time to three months. We will inform you within one month if that is the case.

### ➔ Charges

In most cases, the University will deal with your rights request free of charge.

Where requests are particularly complex, the University can charge a reasonable fee providing you with information or carrying out your instructions. If you require additional copies of your data after receiving your first copy, the University may charge a fee.

### **X WHERE THE UNIVERSITY MIGHT SAY NO**

*If the University feels that what you are asking for is excessive or your claim is unfounded then it can refuse your request.*

### 3. Finding out about your data - 'The Right of Access'

The University does not take your data and hide it away. You have a right to find out about what we are doing with it, check we're holding it correctly and to obtain a copy of what we hold.

#### **How we use your data**

You have the right to find out the following:

- The purpose we are holding your data e.g. your contact details to keep in touch with you
- The types or categories of data e.g. photographic images, identification documents, grades and assessment
- Who we would give the data to e.g. Higher Education Statistics Agency (HESA) for national education statistics or Local Authorities for council tax exemption information
- How long we are going to keep your data for and why
- Further information about your rights to correct or have us remove your data (see later in this document)
- How to make a complaint against the University about how your data is used
- Where we hold data that has been provided to us by other people or organisations rather than yourself
- If we carry out any automated decision making about you and why and how we do it
- If we send your data outside the country, and especially outside the European Economic Area (EEA), what checks are in place to protect your privacy where they have different data protection laws

#### **You have the right to obtain a copy of your data**

We will provide this, where possible, through direct access to the data, either electronically or in person. Alternatively we will provide electronic or paper copies.

## **X WHERE THE UNIVERSITY MIGHT SAY NO**

### ***Other people's data***

*You only have the right to access your data. If your data contains references to other people's information, we may have to withhold some parts of your response to protect the privacy of others.*

## **4. Exam Scripts and Subject Access**

There is an exemption in data protection legislation regarding the release of examination scripts. Examination scripts do not have to be disclosed in response to a subject access request. Examiners' comments are not covered by this exemption. Comments recorded by an Examiner about the performance of a candidate in an examination may be personal data and therefore available to a student making a subject access request. This is the case whether the comments are on the examination script or on a separate marking sheet.

## **5. Correcting mistakes – 'The right to rectification'**

The University makes every effort to ensure its data is accurate. If you think something we hold about you is wrong, you can ask for this to be corrected. The University will assess your request and correct any inaccuracy.

## 6. Remove me from your list – ‘The Right to erasure / right to be forgotten’

You have the right to ask us to remove or delete data we hold on you. The University will assess your request and, if the following applies, will delete your data:

- It's no longer needed for what it was collected for
- If you opted in to provide us with your data and now you would like to opt-out
- If think what we have done with your data is unlawful
- If you think we have no legitimate grounds to keep the information
- If this information has to be deleted to comply with the law

### **Contacting third parties**

If we have made the data public, and this data has been provided to other organisations, we will take reasonable steps to ensure all copies are erased.

### **X WHERE THE UNIVERSITY MIGHT SAY NO**

*The University will not delete your data if any of the following applies:*

- 1. Deleting your information would compromise the University's right of freedom of expression*
- 2. We need to retain the information to comply with the law*
- 3. Deleting the information would be against the public interest in maintaining public health*
- 4. For archiving purposes, scientific, historical or statistical*
- 5. Deleting your information would prevent the University defending legal claims in the future*

## 7. Put it on hold – ‘Right to restriction of processing’

You may, in the course of a dispute with the University about the use of your data, ask the University to stop using your data if the following applies:

- If you are claiming what the University holds about you is inaccurate, and we are still verifying this
- Holding the information is against the law but you would like us to keep it
- We are due to delete the data and you would like us to keep it
- You’ve objected to our legitimate grounds for using your data and we are still verifying it

### What we will do

We will move it to another system, take online information down or put a flag against your record to note this change of status.

Once you have successfully put your information on hold, we will only use your data when you want us to or in the event of a legal claim.

If we have dealt with your issue and decided that the University will carry on using your data, then we will inform you before the restriction is lifted.

## 8. Letting others know – our obligations

If you have asked us to correct, erase or restrict the use of your data and the University has, in the course of its normal business, passed that information to any third parties, then we are obliged to notify these third parties to allow them to make the required changes. We will let you know who these third parties are.

### **X WHERE THE UNIVERSITY MIGHT SAY NO**

*The University will take every reasonable step to fulfil your request. If, however, co-ordinating the correction, erasure or restriction of your data with third parties is impossible or requires disproportionate effort then we are not obliged to do so.*



## 9. Taking your data with you – ‘The right to data portability’

You have the right to ask the University to provide you with a re-usable electronic copy of your data to allow you to transfer to another provider. You can do this where the data has been provided to us where you have opted-in or where you have provided data to as part of a contractual agreement. You only have this right with data held in an electronic form.

### Taking your data to another provider

You can also ask if the University will transfer your information directly to another organisation, which we shall do if it is technically possible.

### The portable data types

There are two types of data you can ask to be provided to you

- Data you have submitted to us
- Data observed from your use of a service

### **X** WHERE THE UNIVERSITY MIGHT SAY NO

1. If it's not technically possible to transfer to another organisation
2. If the data you are asking to be transferred includes other people's data

## 10. I don't agree – 'The Right to object'

If the University is holding information on you based on its legitimate interest or by law and you don't agree, then you have a right to object. The University will have to demonstrate to you the reasons for its position.



### **No more spam – Objecting to Direct Marketing**

If the University is sending information directly to you to sell its services or promote its activities, you have the right to object to this. You also have the right to object to the University using any profiling or analysis to assist us in sending direct marketing emails or letters to you.



### **I want out – Objection to data held for research, history or statistics**

If the University is using your information for research, history or statistics you have the right to object to us continuing to do so. The University will assess your request against the legal criteria regarding research and will inform you of its decision.

## 11. Artificial Intelligence – 'Automated decision-making, including profiling'

If the University is making decisions about you through purely automated means, such as a computer algorithm, you can appeal against this decision. The University will ensure that, at least, you can express your point of view and have member of staff provide a review and explanation of the decision.

### ***X WHERE THE UNIVERSITY MIGHT SAY NO***

1. If the automated decision relates to a contractual agreement with you
2. The decision making is authorised by law
3. You have already specifically told us to do this

## 12. Necessary and Proportionate - Limits to your rights

There are a number of factors or instances where the law imposes limits on your rights.

In the language of the law, the justification is that limits are justified 'when such a restriction respects the essence of the fundamental rights and freedoms and is a necessary and proportionate measure in a democratic society'.

### The areas of concern

If the exercise of your rights affects the following areas, then the University will be obliged to refuse your rights requests or not inform you we are collecting or using your personal information:

- National security, defence and public security
- The prevention and detection of crime
- Activities in the public interest, such as taxation, finances or public health
- Protecting judicial independence
- Ethical breaches in regulated professions (such as doctors)
- Monitoring, inspections or regulations by official authorities
- The rights of others
- Civil law claims
- For the freedom of expression
- If used for research, historical or statistical purposes (with appropriate safeguards)

## 13. Taking it further – 'Right to lodge a complaint with a supervisory authority'

If you are not happy about how the University has treated you, you have the right to complain to the national supervisory authority. In the UK this is the Information Commissioner's Office (ICO). The ICO will assess your data protection complaint and deliver a judgement that the University, in most cases, will have to comply.

## 14. Another reading list – Further information

We hope this guide has given you a grounding in your rights in regards to your personal data.

### **Finding out more**

There is a lot of information out there if you would like to find out more. Here are some useful links:

<https://www.eugdpr.org/> - The General Data Protection Regulation full text. The rights referred to in this guide can be found in Articles 12-22 and 81-83.

<https://ico.org.uk/for-the-public/schools/exam-results/> - The Information Commissioner's Office website has lots of really useful information about your rights. This link shows how you can request information regarding your exam results.

<https://ico.org.uk/for-the-public/personal-information/> - This is the ICO's guide to Subject Access Requests.

<https://ico.org.uk/for-the-public/online/> - Here is some useful general information for staying safe online.

### **Data Protection at the University of London**

You can also find out further information about your rights and privacy at the University of London, and the contact details for the University's Data Protection Officer, on our data protection page at the following link:

<https://london.ac.uk/about-us/how-university-run/policies/data-protection-policy>