

Data Subject Rights Policy

Audience:	All Reach South Academy Trust Employees/Workers
Approved:	May 2018
Other related policies:	Data Protection Policy Employee Privacy Notice Job Applicant Privacy Notice Data Transfer Security Policy Data Breach Notification Policy Monitoring Policy Subject Access Request Policy
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Policy on Data Subject Rights

1. Aim and Scope of Policy

- 1.2 The Trust processes many types of data for HR purposes concerning job applicants, employees, former employees, workers and contractors or various reasons. It is fully aware of its obligations under the General Data Protection Regulation (GDPR) to process data lawfully and to ensure that the rights of data subjects, as set out in GDPR, are observed correctly. This policy sets out the rights of the aforementioned individuals as data subjects and the processes which should be followed in the event that the data subject wishes to exercise any such right.

2. Data Subject Rights

- 2.1 Under GDPR, you have the following rights in relation to your data:

- the right to be informed
- the right of access
- the right for any inaccuracies to be corrected
- the right to have information deleted
- the right to restrict the processing of the data
- the right to portability
- the right to object to the inclusion of any information
- the right to regulate any automated decision-making and profiling of personal data.

3. The Right to be Informed

- 3.1 You have the right to be told how the Trust processes your data and the reasons for the processing. In order to provide this information to you, the Trust has a privacy notice to explain what data we collect about you, how we collect and process it, what we process it for and the lawful basis which permits us to process it. You can obtain a copy of the privacy notice, at no cost, from www.reachsouth.org/dataprotection
- 3.2 The Trust also has a separate privacy notice applicable to job applicants, available at no cost from www.reachsouth.org/careers
- 3.3 If the Trust intends to use data already collected from you for a different reason than that already communicated, you will be informed of the new reason in advance.

4. The Right of Access

- 4.1 You have the right to access your personal data which is held by the Trust. More information on this is available in the Trust's Subject Access Request policy which is available from www.reachsouth.org/dataprotection

5. The Right for Data to be Corrected

- 5.1 One of the fundamental principles underpinning data protection is that the data the Trust processes about you will be accurate and up to date. You have the right to have your data corrected if it is inaccurate or incomplete.
- 5.2 If you wish to have your data rectified, you should do so by completing the Data Rectification Form which is available from www.reachsouth.org/dataprotection
- 5.3 The Trust will respond to a data rectification request within one month. Where the data rectification request is complex, the Trust may extend the timescale for response from one month to three months. If this is the case, the Trust will write to you within one month of receipt of the request explaining the reason for the extension.
- 5.4 If the response to your request is that the Trust will take no action, you will be informed of the reasons for this and of your right to complain to the Information Commissioner and to a judicial remedy.
- 5.5 Where any data which has been rectified was disclosed to third parties in its unrectified form, the Trust will inform the third party of the rectification where possible. The Trust will also inform you of the third parties to whom the data was disclosed.

6. The Right to have Information Deleted

- 6.1 You have the right to have your data deleted and removed from our systems where there is no compelling business reason for the Trust to continue to process it.
- 6.2 You have a right to have your data deleted in the following circumstances:
- where the personal data is no longer necessary in relation to the purpose for which the Trust originally collected or processed it;
 - where you have withdrawn your consent to the continued processing of the data and there is no other lawful basis for the Trust to continue processing the data;
 - where you object to the processing and the Trust has no overriding legitimate interest to continue the processing;
 - the personal data has been unlawfully processed;
 - the personal data has to be deleted due to a legal obligation.
- 6.3 If you wish to make a request for data deletion, you should complete the Data Deletion Request form which is available from www.reachsouth.org/dataprotection
- 6.4 Upon receipt of a request, the Trust will delete the data unless it is processed for one of the following reasons:
- to exercise the rights of freedom of expression and information;
 - for the Trust to comply with a legal requirement;
 - the performance of a task carried out in the public interest or exercise of official authority;
 - for public health purposes in the public interest;

- archiving purposes in the public interest, scientific historical research or statistical purposes or
- the defence of legal claims.

6.5 Where your request is not complied with because of the one of the above reasons, you will be informed of the reason. Where your request is to be complied with, you will be informed when the data has been deleted.

6.6 Where the data which is to be deleted has been shared with third parties, the Trust inform those third parties where this is possible. However, where this notification will cause a disproportionate effect on the Trust, this notification may not be carried out.

7. The Right to Restrict the Processing of Data

7.1 You have the right to restrict the processing of your data in certain circumstances. Restricting the Trust from processing your data means that the Trust will continue to hold the data but will stop processing it.

7.2 The Trust will be required to restrict the processing of your personal data in the following circumstances:

- where you tell the Trust that the data it holds on you is not accurate. Where this is the case, the Trust will stop processing the data until it has taken steps to ensure that the data is accurate;
- where the data is processed for the performance of a public interest task or because of the Trust's legitimate interests and you have objected to the processing of data. In these circumstances, the processing may be restricted whilst the Trust considers whether its legitimate interests mean it is appropriate to continue to process it;
- when the data has been processed unlawfully;
- where the Trust no longer needs to process the data but you need the data in relation to a legal claim.

7.3 If you wish to make a request for data restriction, you should complete the Data Restriction Request form which is available from www.reachsouth.org/dataprotection

7.4 Where data processing is restricted, the Trust will continue to hold the data but will not process it unless:

- you consent to the processing;
- processing is required in relation to a legal claim.

7.5 Where the data to be restricted has been shared with third parties, the Trust will inform those third parties where this is possible. However, where this notification will cause a disproportionate effect on the Trust, this notification may not be carried out.

7.6 Where the Trust is to lift any restriction on processing, you will be informed in advance.

8. The Right to Data Portability

- 8.1 You have the right to obtain the data that the Trust processes on you and use it for your own purposes. This means you have the right to receive the personal data that you have provided to the Trust in a structured machine readable format and to transmit the data to a different data controller.
- 8.2 This right applies in the following circumstances:
- where you have provided the data to the Trust;
 - where the processing is carried out because you have given the Trust your consent to do so;
 - where the processing is carried out in order to perform the employment contract between you and the Trust;
 - where processing is carried out by automated means.

If you wish to exercise this right, please speak to your School/Department.

- 8.3 Where a request for data portability is received, the Trust will respond without undue delay, and within one month at the latest. Where the request is complex or the Trust receives a number of requests, the Trust may extend the timescale for response from one month to three months. If this is the case, the Trust will write to you within one month of receipt of the request explaining the reason for the extension.
- 8.4 Where the Trust is to comply with your request, you will receive the data in a structured and machine readable form. You will not be charged for the provision of this data. Upon request, the Trust will transmit the data directly to another organisation if our IT systems are compatible with those of the recipient.
- 8.5 If the response to your request is that the Trust will take no action, you will be informed of the reasons for this and of your right to complain to the Information Commissioner and to a judicial remedy.
- 8.6 The right to portability is different from the right to access. Although both involve a right to access your personal data, the personal data to be accessed is not the same. The right to access your data under the right to portability includes only personal data as described above. Access to data under the right of access includes all personal data relating to you, including that which has not been provided to the Trust by you.

9. The Right to Object to the Inclusion of Data

- 9.1 You have a right to object to the processing of your data in certain circumstances. This means that you have the right to require the Trust to stop processing your data. In relation to your employment with the Trust, you may object to processing where it is carried out:
- in relation to the Trust's legitimate interests;
 - for the performance of a task in the public interest;
 - in the exercise of official authority or;
 - for profiling purposes.

- 9.2 If you wish to object, you should do so by completing the Data Processing Objection form which is available from www.reachsouth.org/dataprotection
- 9.3 Where you object to processing, the Trust will stop the processing activity objected to unless:
- the Trust can demonstrate compelling legitimate reasons for the processing which are believed to be more important than your rights or;
 - the processing is required in relation to legal claims made by, or against, the Trust.
- 9.4 If the response to your request is that the Trust will take no action, you will be informed of the reasons.

10. Rights in Relation to Automated Decision Making

- 10.1 You have the right not to have decisions made about you solely on the basis of automated decision making processes where there is no human intervention, where such decisions will have a significant effect on you. However, the Trust does not make any decisions based on such processes.
- 10.2 However, we may carry out automated decision making with no human intervention in the following circumstances:
- when it is needed for entering into or the carrying out of a contract with you;
 - when the process is permitted by law;
 - when you have given explicit consent.
- 10.3 In circumstances where we use special category data, for example, data about your health, sex life, sexual orientation, race, ethnic origin, political opinion, religion, and trade union membership the Trust will ensure that one of the following applies to the processing:
- you have given your explicit consent to the processing or;
 - the processing is necessary for reasons of substantial public interest.