

Cardiff University

Requesting personal data under Data Protection legislation

1. Data Protection legislation gives you the right to request the information which the University holds about you.

Data protection refers to you as a **data subject**, and the information the University holds about you is known as **personal data**.

Your request is known as a Subject Access Request.

2. Personal data relates to you as an individual.

You are only entitled to your own personal data, and not to information relating to other people. Therefore, you will only receive data that **relates to*** you as a person. For further information please see the website of Information Commissioner's Office (ICO) [what is personal data](#) .

3. When making a request be as specific as possible. Using the [form](#) available on the University website may help.

When you make a request, please give as much detail as you can to help us, such as:

- the name(s) of the college, school, department or other area which might hold information your personal data. You will need to think about the areas of the University with which you have had contact.
- the type of information you are interested in, such as your student record or personnel file.
- your relationship with the University, e.g. student, member of staff, course applicant.
- the date range of the information – e.g. if you are interested in your student record, when were you a student with the University?
- any specific incidents or events which may be relevant.

4. It is not always possible to reply to requests for **all data held**.

It is not always possible to fulfil requests that ask for **all** information held throughout the University without further detail. The University has over 6,000 staff spread over a large number of academic and administrative departments. If you have been at the University as a member of staff or student for even a short time, any search the email and IT systems for every reference to you is likely to result in a large number of pieces of information which may mention you, but may not be considered personal information. For example a search will return every email you have ever sent or received stored in the system, along with any mention of attendance at meetings, or actions taken in your capacity as an employee.

Each piece of information will then need to be examined to establish whether this contains any personal data.

An email or document does not represent your personal data simply by including your name. You need to be the focus of it.

5. If you request information held by a member of staff we will ask that person to supply the information.

Requests for information held on you by an individual member of staff are not undertaken without that individual's knowledge. Once we receive a request for information held by an individual we will contact that person to ask them to search their emails and documents for any information held which may be your personal data. We are not able to respond to requests for information held on you by a student as in most cases the University does not consider that it is the data controller of this information.

6. Some information is not considered your personal data under data protection legislation.

e.g. minutes of meetings; work related emails where you are not the focus; university policies and procedures; discussions on restructures of departments; exam scripts or recordings; information recorded during grievance and disciplinary investigations where you are not the focus or which is considered personal data of another person.

7. A subject access request is not a formal investigative process.

Occasionally a person will ask for an investigation to find out who has shared information about them. The purpose of a subject access request is to establish what personal data is held by an organisation, but this is not an investigation process. We do not investigate issues which should be dealt with under other processes such as complaints or grievances processes.

8. Not every email held in the University system will relate to University business.

The University IT regulations allow for limited personal use of email. If a request asks for personal data and it is established that the emails requested were sent in a private rather than professional capacity, the University will not be the controller of the data and therefore no rights under data protection legislation will apply. Such emails will not be considered for release under a subject access request.

9. The University may refuse the request if it is excessive or contains other people's personal data.

[ICO guidance](#) states that: an organisation may refuse your subject access request if your data

includes information about another individual, except where:

- the other individual has agreed to the disclosure, or
- it is reasonable to provide you with this information without the other individual's consent.

In deciding this, the University will have to balance your right to access your data against the other individual's rights regarding their own information.

The University can also refuse your request if it is 'manifestly unfounded or excessive'.

In each case the University will let you know and explain its decision. It will also let you know about your right to complain to the ICO.

***What is the meaning of 'relates to'?**

- Information must 'relate to' the identifiable individual to be personal data.
- This means that it does more than simply identifying them – it must concern the individual in some way.
- To decide whether or not data relates to an individual, it is necessary to consider:
 - the content of the data – is it directly about the individual or their activities?
 - the purpose you will process the data for; and
 - the results of or effects on the individual from processing the data.

Data can therefore reference an identifiable individual and not be personal data about that individual, as the information does not relate to them.

April 2019