

GDPR Data Subject Rights Guide and Request Form

When can I exercise my rights?

Under UK GDPR you have rights over your personal data. However, you will not be able to exercise all of them in all situations. The following guide provides detail on the various rights and the circumstances under which you are able to exercise them.

Right to be informed

You should have been provided with this information when your personal data was first collected (or been directed to a location, such as our website, where it can be found). If you already have this information then you are unable to exercise this right.

Right to rectification

If you believe that your personal data held by us is not accurate you can request that we correct it. Likewise, if the personal data is incomplete you can request that it is completed.

However, in certain circumstances we may need to make further checks which may result in us disputing that the data we hold about you is incorrect. In situations such as this we may restrict processing your data while we are making our decision.

In some situations, where our decision is that the data is in fact correct, we may place a statement on your record stating that you dispute its accuracy.

Right to erasure/to be forgotten

The right applies

- If you provided the information with your consent (ie. the 'lawful basis' is consent)
- If the data is no longer necessary and the timescale for us to keep records has expired
- If the data is being unlawfully processed (ie. we have processed data for a purpose we were not entitled to)
- If you successfully object to the data processing under the right to object
- If we are obliged to erase the data to comply with a legal obligation

The right does not apply

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

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

- The lawful basis for processing is consent or for the performance of a contract and
- The processing is being carried out by automated means

Further, this right only applies to data which you have provided to us. Note that this may apply to data which you would not normally consider that you have provided to us such as website usage, IP location data, etc. If the criteria for this right is met then we can provide you with a copy of the personal data or transmit your personal data to another organisation which you specify (though this may not be possible in all cases). We must provide the data to you in a structured, commonly used machine readable format.

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 (ie. there is no human intervention involved in the decision). 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
- It is authorised under UK law
- Based on your explicit consent

If we are processing your personal data in this way and it would produce a legal effect then this right allows you to request human intervention in the decision or to challenge the decision. We are required to implement suitable measures which allow you to do this.

Research Data

King's College London, as a university, carries out a lot of research. It may be that personal data has been provided by you so that we can carry out research. If this is the case there are exemptions from the above rights which you should be aware of.

If your personal data is 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)

Further, detailed information on your rights as an individual can be found on the ICO's website:

<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/>

GDPR Data Subject Rights - Request Form

Please read this form carefully and complete it in full (block capitals) so as not to delay the processing of your request. Please email your completed form and identification to: info-compliance@kcl.ac.uk

Forms can also be posted to Information Compliance, Office of the Chairman & College Secretariat, King's College London, Room SW1.09, Somerset House East Wing, Strand, London WC2R 2LS.

If you would prefer to deliver your form by hand to our office, please email info-compliance@kcl.ac.uk to arrange an appointment.

Our response to your request will be sent to you by email.

Personal Details:

Name:	
Postal Address (inc postcode): <i>(for applications made by post, you must provide a bank statement or utility bill which matches this address)</i>	
Telephone Number:	
Email address:	

Are you the Data Subject? (please circle):

Yes:	Please provide an original bank statement, utility bill or other ID (copy of passport or driving licence) (ID is returned when your request has been processed). If you are a current member of staff or student, please provide a copy of your ID card.
No:	Are you acting on behalf of the data subject? If so, complete this form and provide us with their written authority and include the ID requirements listed in the box above. Please note that we may take further steps to confirm that authority has been freely given.

What you are entitled to:

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| <ol style="list-style-type: none"> 1. Be informed what personal data is held about you and how your personal data is being processed including why the data is held, how long it will be held for, who will have access to it, and how the data was collected (Right to be informed) 2. Get a copy of your personal data held by King's (Right of access) - Please see the Subject Access Request form to request your personal data 3. Have your personal data updated if it is inaccurate (Right to rectification) 4. Have that personal data deleted in certain circumstances (Right to erasure/right to be forgotten) – where there is no compelling reason for continued processing, where processing is no longer necessary for the original purposes of collection; if the data was collected when you were a child; you have withdrawn consent for the data processing; where the data was unlawfully processed; if the data must be erased in order to comply with a legal obligation; or you have objected to the processing and there are no overriding legitimate grounds on which to process the data. |
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5. Restrict the processing of your personal data (Right to restriction)- e.g. whilst the right to erasure is being considered.
6. Have your data transferred safely from King's to another organisation (Right to portability)
7. Object to the processing of your personal data (Right to object) -where the grounds for processing are covered by 'legitimate interests' or 'public task', where the processing is for the purposes of scientific/historical research, or where your personal data is being used for direct marketing purposes. This is not an absolute right, but we will consider your request.
8. To request decisions about you be made by people and not computers (Right to not be subject to automated decision making) where the processing has legal effects or a significant impact on you.
9. Not to have to have to be subject to evaluation based on personal data gathered about you (Right not to be subject to automatic profiling)

Note: there are certain circumstances where you are not able to exercise some of the above rights, or it is not automatic that we will comply with your request. Please see the end of this form for further information on when the various rights apply.

Please indicate which Right your request relates to?

Right under GDPR	Y/N
1. Right to be informed	
2. Right of access	Please use Subject Access Request form here
3. Right to rectification	
4. Right to erasure (right to be forgotten)	
5. Right to restrict processing	
6. Right to object	
7. Right to data portability	
8. Right not to be subject to automatic decision making	
9. Right not to be subject to profiling	

Request:

Please describe as precisely as possible the justification for your request, together with any additional information which will help us to locate your personal data, for example: the academic or administrative departments in which it may be held; the nature of your current/past relationship with the College (i.e. student/employee); the dates on which correspondence or other material may have been created, etc. Please include your staff or student number (if applicable). Please continue on a separate sheet if necessary. We are not obliged to comply with a request until we are supplied with sufficient information to process it.

Your request:

Declaration:

I certify that the information given on this application form is true and accurate, and accept the terms laid out. I understand that it is necessary for King's College London to confirm my/the Data Subject's identity and it may be necessary for them to obtain more detailed information in order to locate the correct personal data. I understand that the response period of one month, stipulated in the UK GDPR, will not commence until King's College London is satisfied in this regard and has received the ID requirements stipulated on this form.

Signature:	
Print name:	
Date:	

Checklist:

- Include evidence of your identity (and signed authority documents if you are not the Data Subject).
- Complete the form accurately and in full (it is your responsibility to provide all the required information).
- Ensure that posted applications have sufficient postal cover on them.