

Overview of Data Subject Rights

The Data Protection Act 2018 and the EU General Data Protection Regulation (GDPR) provides certain rights for individuals in relation to their personal data and what organisations do with their data. Under this law you have the following rights:

1. The right to be informed
2. The right of access
3. The right to rectification
4. The right to erasure
5. The right to restrict processing
6. The right to data portability
7. The right to object
8. Rights in relation to automated decision making and profiling

All of these rights require organisations to respond to a request in one month. There is no fee. Although if a request is considered manifestly unfounded or excessive a reasonable fee can be charged for the administrative costs associated with the request.

The UK Information Commissioner's Office (ICO) is the regulator of data protection and has further information and guidance regarding your rights [here](#).

If you have any queries regarding how Ayrshire College processes your personal data, please contact the Data Protection Officer (DPO) by emailing dataprotection@ayrshire.ac.uk

The right to be informed is known as a privacy notice and organisations must communicate to you who they are, the name and contact information of their Data Protection Officer (DPO), why they collect your data, for what purpose, if they share it, how long the information is held for.

For further information visit the [ICO guidance](#) page on their website.

The right of access means you can request access to view or get copies of the personal data that an organisation holds on you. You can make such a request for all information held about you or you can be specific, e.g. asking for copies of your enrolment form.

For further information visit the [ICO guidance](#) page on their website.

The right to rectification means that you can request that inaccurate information held about you is corrected or deleted. If your information is incomplete, you can ask the organisation to complete it with further information.

For further information visit the [ICO guidance](#) page on their website.

The right to erasure, this is commonly known as the 'Right to be Forgotten' (RTBF). This means you can request that an organisation deletes the personal data they hold about you. This right only applies in certain circumstances including:

- The organisation doesn't need your information anymore
- If you had provided your consent but now withdraw it
- You object to the use of your data, and your interests outweigh the organisations
- If the data was collected or used unlawfully
- If there is a legal obligation to erase your data
- Or if your data was collected from you as a child for an online service (e.g. Facebook).

For further information visit the [ICO guidance](#) page on their website.

The right to restrict processing means that if you are concerned about the accuracy of your personal data or how it is being used, you can limit how the organisation uses your data. You can also stop an organisation deleting your data. This right also links closely with the right to rectification and right to object.

For further information visit the [ICO guidance](#) page on their website.

The right to data portability means you have the right to request an organisation provide you with your personal data in an accessible, machine-readable format, e.g. a csv file. You can also request that the organisation transfers your data to another organisation. They must do this if the transfer is technically feasible.

For further information visit the [ICO guidance](#) page on their website.

The right to object means you can request that an organisation stops using (processing) your data for specific purposes. There are limits to this right, you can only object if the organisation is using your data:

- For a task carried out in the public interest
- For Legitimate interests
- For Scientific or historical research or statistical purposes
- For Direct marketing

If an organisation agrees to your objection it must stop processing unless it can provide strong legitimate reasons for continuing to use your data. However, when it is direct marketing the right to object is absolute and they must stop using your data if you object. For further information visit the [ICO guidance](#) page on their website.

Rights in relation to automated decision making and profiling is related to when decisions are made about you using computer algorithms etc. and without human intervention. This can include profiling which is when your personal data is used to analyse or predict aspects of your life including personal preferences and interest. An example of this is when a company sends you information regarding particular books which are similar to ones that you already purchased from them. It can be a useful process for organisations and individuals in many sectors, including education and marketing.

When automated processing including profiling is carried out with your personal data you have the right:

- Not to be subject to a decision that is based solely on automated processing if the decision affects your legal rights
- To understand the reasons behind the decision made and the potential consequences of the decisions,
- To object to profiling in certain situations, including direct marketing.

For further information visit the [ICO guidance](#) page on their website.

More information on making a subject access request from Ayrshire College can be found [here](#).