

**UNIVERSITY OF LONDON  
RECORDS MANAGEMENT MANUAL:  
BEST PRACTICE PROCEDURE No. 5**

**DATA PROTECTION ACT 1998: PROCEDURE FOR ANSWERING  
REQUESTS FOR INFORMATION**

## **1. Introduction**

1.1 This procedure was prepared to assist members of staff currently dealing with enquiries as described above. It is not a comprehensive guideline to the Data Protection Act, to records covered by the Act or to staff responsibilities under the Act. Data Protection Guidelines (revised September 2007) clarifying these issues are available on the University website (at: <http://www.london.ac.uk/238.html>). Some further advice on records management issues in relation to the Act is also available within Best Practice Procedure No. 2: *Legislation and records management*. A useful summary of 'Data Protection – Top Tips' is available at: [https://intranet.london.ac.uk/fileadmin/documents/Policies\\_documents/DataProtectionTopTips.pdf](https://intranet.london.ac.uk/fileadmin/documents/Policies_documents/DataProtectionTopTips.pdf).

1.2 This procedure has been drafted to ensure consistency across the University and its constituent bodies. It is primarily designed to deal with external enquires, but may be applied to queries from current students and from current and past staff for information held in their personal files.

## **2. Data Protection and Personal Data**

2.1 Anyone who holds information about readily identifiable living individuals has to comply with data protection law in managing that information. Data protection law permits individuals to know what personal information is held about themselves and to correct it if necessary, and ensures that the only other people who have access to that information are specifically authorised to do so or have the data subject's permission.

2.2 Data protection does **not** apply if:

- The data subject is dead (this may be presumed if the subject would have been 100 years old);
- The information requested on the data subject is already in the public domain (e.g. in calendars listing persons passing an examination or in directories of members of an organisation, or information disclosed in open court).

2.3 Exemptions: there are a number of exemptions in the Act on public interest grounds e.g. the University may be required to divulge personal data to the police or other authorities where the information is required in connection with the detection of crime or assessment or collection of tax. All

requests which may fall into these categories must be **referred** to the **Data Protection Officer** for action ([data.protection@london.ac.uk](mailto:data.protection@london.ac.uk)) .

2.4 In all other cases where a request is made for personal information about an individual it should be assumed that data protection applies. Where there is any doubt at all, staff should contact the Data Protection Officer (at: [data.protection@london.ac.uk](mailto:data.protection@london.ac.uk)) or the Records Manager (at: [records.management@london.ac.uk](mailto:records.management@london.ac.uk)) for advice.

### 3. Basics for dealing with requests

3.1 The following procedures should be followed:

- Enquirers must identify themselves **in writing**.
- If they are not the data subject, enquirers must have the written permission of the data subject to access personal information about that subject.
- A fee of **£10.00** should be charged to all external enquirers, irrespective of status, i.e. ex-staff and current and past students, as well as third parties, should be charged. Note: **current members of staff are not charged**.
- The enquiry should be answered within **40 days** from the date of receipt of the fee.

3.2 Enquirers should be asked to complete an application form (see **DPA – Subject Access Request Application Form** available at: [http://www.london.ac.uk/fileadmin/documents/staff/misc/DPA - Subject access request application form.pdf](http://www.london.ac.uk/fileadmin/documents/staff/misc/DPA_-_Subject_access_request_application_form.pdf) ).

University of London Records Manager

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