

## The Rights of Data Subjects – Right to Rectification

This combined policy and procedure document describes the right to have personal data corrected and the procedure to be followed when a data subject exercises that right.

Under Article 16 of the GDPR individuals have the right to have inaccurate personal data rectified. An individual may also be able to have incomplete personal data completed, although this will depend on the purposes for the processing. The request to rectify personal data may be given in writing or verbally and a response must be given within one month. Under certain circumstances a request for rectification can be refused, for example if it is unfounded or excessive.

If Kings Education receives a request for rectification we will take reasonable steps to satisfy ourselves that the data is accurate and to rectify the data if necessary. We will take into account the arguments and evidence provided by the data subject. Where the data is used to make significant decisions that will affect an individual or others, we will make a greater effort to rectify it. We will also take into account any steps we have already taken to verify the accuracy of the data prior to the challenge by the data subject.

### **What we will do about data that records a disputed opinion**

It may be complex if the data in question records an opinion. Opinions are, by their very nature, subjective, and it can be difficult to conclude that the record of an opinion is inaccurate. As long as the record shows clearly that the information is an opinion and, where appropriate, whose opinion it is, it may be difficult to say that it is inaccurate and needs to be rectified.

### **What we will do while we are considering the accuracy**

Under Article 18 an individual has the right to request restriction of the processing of their personal data where they contest its accuracy and we are checking it. As a matter of good practice, we will restrict the processing of the personal data in question whilst we are verifying its accuracy, whether or not the individual has exercised their right to restriction. For more information, see ICO guidance on the right to restriction.

### **What we will do if we are satisfied that the data is accurate**

We will let the individual know if we are satisfied that the personal data is accurate and tell them that we will not be amending the data. We will explain our decision and inform them of their right to make a complaint to the ICO or another supervisory authority, and their ability to seek to enforce their rights through a judicial remedy.

We will also place a note on our system indicating that the individual challenges the accuracy of the data and their reasons for doing so.

### **If we refuse to comply with the request for rectification for other reasons.**

We may refuse to comply with a request for rectification if the request is manifestly unfounded or excessive, taking into account whether the request is repetitive in nature.

If we consider that a request is manifestly unfounded or excessive we may:

- request a "reasonable fee" to deal with the request (we will base the reasonable fee on the administrative costs of complying with the request. If we decide to charge a fee we will contact the individual without undue delay and within one month. We do not need to comply with the request until we have received the fee); or

- refuse to deal with the request.

In either case we will justify our decision.

### **How we will recognise a request**

The GDPR does not specify how to make a valid request. Therefore, an individual can make a request for rectification verbally or in writing. It can also be made to any part of our organisation and does not have to be to a specific person or contact point.

A request to rectify personal data does not need to mention the phrase 'request for rectification' or Article 16 of the GDPR to be a valid request. As long as the individual has challenged the accuracy of their data and has asked us to correct it, or has asked that we take steps to complete data held about them that is incomplete, this will be a valid request under Article 16.

Any of our employees could receive a valid verbal request and we have a legal responsibility to identify that an individual has made a request to us and handle it accordingly. Therefore, staff should be aware that the Data Protection Officer (DPO) must be informed immediately of any such request.

The DPO will record details of all the requests we receive and may check with the requester that we have understood their request, as this can help avoid later disputes about how we have interpreted the request.

### **How long do we have to comply?**

We must act upon the request without undue delay and at the latest within one month of receipt.

We will calculate the time limit from the day after we receive the request (whether the day after is a working day or not) until the corresponding calendar date in the next month.

For practical purposes, we will adopt a consistent 28-day period to ensure compliance is always within a calendar month.

We may extend the time to respond by a further two months if the request is complex or we have received a number of requests from the individual. We will let the individual know without undue delay and within one month of receiving their request and explain why the extension is necessary.

### **Can we ask an individual for ID?**

If we have doubts about the identity of the person making the request, we will ask for more information. However, it is important that we only request information that is necessary to confirm who they are.

We will let the individual know without undue delay and within one month that we need more information from them to confirm their identity. We will not comply with the request until we have received the additional information.

### **Do we have to tell other organisations if we rectify personal data?**

If we have disclosed the personal data to others, we will contact each recipient and inform them of the rectification or completion of the personal data - unless this proves impossible or involves disproportionate effort. If asked to, we will also inform the individual about these recipients.

The GDPR defines a recipient as a natural or legal person, public authority, agency or other body to which the personal data are disclosed. The definition includes controllers, processors and

persons who, under the direct authority of the controller or processor, are authorised to process personal data.

## Procedure for Correcting Personal Data

This procedure outlines the steps to be taken to satisfy data subjects' rights for personal data to be rectified. It does not provide details on how specific systems are used to check the accuracy of personal data.

1. When an employee receives a request for rectification (in any form – written, verbally), he or she notes all details on the Personal Data Correction Request Form (below), or asks the data subject to fill out the form, and immediately informs the Data Protection Officer (DPO), Allan Maule ([dpo@kingseducation.com](mailto:dpo@kingseducation.com)), and their Principal and/or Line Manager.
2. The local Principal or Line Manager appoints a member of their team to deal with the request and informs the DPO accordingly.
3. If the data subject is not known to the employee dealing with the request, proof of identity, in the form of a current passport or driving license is checked. The employee dealing with the request should not copy the identity documents, but record what has been seen and when on the Personal Data Correction Request Form.
4. The DPO contacts the data subject to request clarification if necessary and inform them that Kings will respond to the request within 28 days from the day after the request was made, or from the day identification documents were presented (if applicable).
5. The DPO contacts the Principal and IT Manager local to the request and asks them to restrict processing of the data subject's personal data until its accuracy is verified.
6. The employee dealing with the request searches all records held on computer systems and all paper records and provides a report to the DPO listing where the personal data is held (not copies of the data), and their opinion on whether the personal data needs to be rectified or not, and their reasoning for that. The employee dealing with the request should seek assistance from other departments and their IT Manager locally as required to ensure they have checked all data thoroughly.
7. The DPO authorises the rectification of the data if appropriate, and the employee dealing with the request will carry out the rectification in conjunction with other departments and their IT Manager as required.
8. The employee dealing with the request confirms the rectification of the personal data to the DPO, who formally informs the data subject of the outcome of their request. If the personal data is found to be accurate, the DPO informs the data subject of the reasons for the decision and their right to lodge a complaint with the supervisory authority and a method to do so.
9. The DPO records all details of the request and keeps this in accordance with the Data Retention Policy and Schedule. The DPO informs the local Principal and IT Manager of the outcome.

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## Personal Data Correction Request Form

Full Name	
Address	
Contact number	Email address

The Data Protection Officer (Allan Maule – [privacy@kingseducation.com](mailto:privacy@kingseducation.com)) may need to contact you to discuss your request and will need to inform you of the outcome of your request

**Please tick the appropriate box below:**

Current student	Current Staff	Former Student	Former Staff	Other
<input type="checkbox"/>				
		Insert year of leaving:	Insert years from/To:	Please specify:

Details of the information you believe to be inaccurate and the rectification required:

I wish to have the data detailed above rectified or completed.

Signed(Data Subject).....

Or Member of Staff taking details (verbally) .....

Date of Request.....

**For Internal Use Only:**

Member of Staff receiving request	
Contact number	Email address
Line Manager of member of staff receiving request	
Member of Staff delegated to deal with the request	
Contact number	Email address
Date and Time Line Manager/Principal Informed	
Date and Time Data Protection Officer Informed	

**Identity Confirmation of Data Subject:**

Member of Staff confirming identity	
Means of confirming identity	
Date and Time identity confirmed	

**For DPO Use Only:**

DPO contact with data subject to request clarification (if necessary)	Date/Time:
DPO contact with data subject to confirm receipt of request and provide date that Kings will respond to the request by	
DPO informs Principal and IT Manager local to the request and requests them to restrict processing of the data subject's personal data until accuracy verified	
Member of staff dealing with request informs DPO of locations of personal data and opinion on whether it requires rectification and reasoning behind decision	
DPO authorises rectification of the personal data	
Member of staff dealing with request carries out rectification and confirms completion to DPO	
DPO informs subject of outcome (if data found to be accurate DPO informs subject of the reasons for this and their right to lodge a complaint and methods to do so)	
DPO informs Principal and IT Manager of outcome	