

Our Subject Access Request Policy

Please refer to the Introduction document to provide a definition of terms and company information

Introduction

Individuals or data subjects have the rights to access personal data that we hold about them. This access allows individuals to be aware of any processing and also the lawfulness of the processing. As a business we must comply with the requirements of the General Data Protection regulations (GDPR) and we must be able to demonstrate our compliance with the Information Commissioners office (ICO)

If we receive a request for information from a data subject then our policy is as below

Who is Responsible for dealing with any Requests?

Our Data Protection Officer is responsible for the handling of Subject Access Requests (SAR) in our business.

Their duties include but are not limited to:

- Logging the of the subject access request (SAR) to see their personal information
- Acknowledge the SAR
- Verify the identity of the person making the request
- Maintain a record of all requests and out compliance against the statutory timescales
- If we are a data controller for the person's data we will process the request and if we are a processor then we will refer them to the data controller and record this referral
- Decide if any type of exemption applies, or whether the request is excessive, unfounded or repetitive, record this and inform the requestor
- Provide the information in an easily readable electronic format if possible

How do I make a Request?

Subject access requests can be made in writing or electronically (via email for example)

If a member of staff is in any doubt if a certain situation has given rise to a SAR, contact our Data Protection Officer by email providing full details of the incident. Staff should do this without delay and certainly within 5 business days.

Where a member of staff receives a subject access request, they must email the relevant information to our Data Protection Officer without delay and certainly within 5 business days.

How do we verify that a requestor is the person to whom the personal data relates?

The requestor must supply valid evidence to prove their identity.

We may verify the requestor's identity either through a phone call where we ask questions that only the requestor will know the answers to or by requesting forms of identification.

We will accept the following types of ID for verification purposes

- Current UK/EEA Passport
- UK Photo ID Driving Licence

If a requestor has none of the above documents then we may accept other documents such as utility bills etc.

How do we process a Subject Access Request (SAR)?

Our aim is to determine what information the requestor is asking for. If the request is not clear, or where if we process a large quantity of information about an individual, the GDPR permits us to ask the individual to specify the information the request relates to. Where this applies, we will proceed with a request for additional information.

We will verify whether we process the data requested as a data controller and if we do not process any such data, we will inform the data subject accordingly or refer them to data controller if we are merely a data processor.

We will respond to the data subject within 30 days of receiving the request as valid. If your request is complex then we may require extra time to process a request. We will inform the requester of any Delay in processing a request. The time limits are set down in the GDPR regulation requirements.

Any employee, who receives a request from our Data Protection Officer to locate and supply information relating to a SAR, must make a full exhaustive search of the records which they are responsible for or own. This may include but is not limited to emails (including archived emails and those that have been deleted but are still recoverable), Word documents, spreadsheets, databases, systems, removable media (for example, memory sticks), recordings and paper records in relevant filing systems.

Our Data Protection Officer should check whether the data requested also involves data on other data subjects and make sure this data is filtered before the requested data is supplied to the requestor; if data cannot be filtered, ensure that other data subjects have consented to the supply of their data as part of the SAR.

All the information that has been requested must be provided unless an exemption can be applied (see below). Information must be supplied in an intelligible form and we will explain acronyms, codes or complex terms.

Is there a Charge to make a SAR?

Under the terms of the GDPR the data must be supplied free of charge. However, we may charge a 'reasonable fee' when a request is manifestly unfounded or excessive, particularly if it is repetitive.

We may also charge a reasonable fee to comply with requests for further copies of the same information. We understand that this does not mean that we can charge for all subsequent access requests.

Where applicable, our Data Protection Officer will determine the 'reasonable fee' that must be based on our administrative cost of providing the information.

Where a request is manifestly unfounded, excessive and repetitive

In This case we may refuse to act on the request or charge a reasonable administration fee. Our Data Protection Officer will make a decision on this.

The Data Protection Officer must provide information on our decision to the requestor in writing within 30 days and must state how they reached their decision.

What will our response comprise of?

After processing the SAR, our response to the requestor will include:

- The purposes for which we process the data
- The categories of data that we process
- The specific recipients or categories of recipients to whom the personal data has or will be disclosed. We will also advise of any appropriate safeguards in place for transfer of this data
- The period for which we expect to hold the data or criteria for the period of storage for example legal compliance
- The existence of the right to request rectification or erasure of personal data or restriction of processing of personal data concerning the data subject or to object to such processing
- The existence of any automated decision-making, including profiling and any meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the requestor.
- If the data has not been sourced from the data subject, then the source of that data.
- The right to lodge a complaint with the Information Commissioners office or other regulatory body.

How do we handle exceptions?

If a member of staff believes that we have a valid business reason for an exemption, please inform our Data Protection Officer without delay.

Exempt information must be redacted from the released documents with an explanation of why that information is being withheld.

How to Complain?

Where a requestor is not satisfied with a response to a SAR, we must manage this as a complaint. We must advise the requestor that if they remain unhappy with the outcome they may complain to the Information Commissioners Office or take legal action against us.

Breaches of this Policy

Breaches of this policy by members of staff will be investigated and may result in disciplinary action. Serious breaches of policy may be considered gross misconduct and result in dismissal without notice, or legal action being taken against the relevant member of staff.