

## Subject Access Request Procedure

### **Roles during the procedure**

- Victoria Thompson - Data Protection / Request Management Officer
- Kylie Reid - Senior Data Practitioner & Organisational Measures Officer

The Data Protection and Request Management Officer will provide guidance, oversee and approve the request procedure. The Senior Data Practitioner & Organisational Measures Officer will support with locating and collating all electronic records so they are made available for you to review, including:

- Database records
- Emails
- Files

When a client makes a request, the Data Protection/ Request Management Officer will handle such a request, with the support of the - Senior Data Practitioner & Organisational Measures Officer. If an employee has made the request, the Data Protection/ Request Management Officer will fulfil such a request.

### **Stage 1 – Considering the request**

#### **Is this a subject access request?**

In many cases, a request for information or routine enquiry can be dealt with under the normal course of our work. Examples are:

- “When did hi-impact reply to my letter?”
- “How many staff do you have working in your office?”
- “I have lost the previous notes that you sent me. Please could you resend them to me?”

These can be dealt with informally and there is no need to continue with this procedure.

A written enquiry that asks for information is likely to be considered as a subject access request.

Examples are:

- “Please send me a copy of my staff records.”

- “I have a right to see all the invoices issued to me for the last three years. Please send copies to me.”
- “I am a solicitor acting on behalf of my client and request a copy of his records. An appropriate authority is enclosed.”

If it is likely that the request needs to be dealt with under this procedure or you are unsure, please speak to Data Protection / Request Management Officer at this point.

### **Are we sure of the requester’s identity?**

Often the client or employee is known to the organisation and therefore, no proof of identity is needed.

If we have good cause to doubt the requesters identity we can ask them to provide evidence we need to confirm it, such as a copy of passport, driving license or utility bill as part of the Subject Access Request Form.

### **Do we need any other information to find the records they want?**

In the case that the client or employee asks for all information on file, we can reasonably ask the individual for more information to help assist in narrowing down the search, such as the dates they were involved with the organisation or if they are looking for something in particular. However, the client has the right to see all records and can restate that they would like this to be carried out.

After making the decisions above, we can then send a Subject Access Request Form to the client or employee to be completed. Once this has been received, an acknowledgement letter will be sent to the client, along with details of the time limits.

## **Stage 2 – Fulfilling the request**

In reviewing each document, the Data Protection / Request Management Officer must consider the following questions:

Does the file include any information about other people?

In fulfilling a request, we also need to protect the rights of third parties that may be involved in revealing the information to an individual.

On each document, the following needs to be considered:

- Does the request require the disclosure of information which identifies a third party individual?
- Has the third party individual consented?
- Would it be reasonable in all the circumstances to disclose without consent?

If you believe a third party should not be revealed you may delete the name, titles or any other information that may reveal their identity, even if this results in withdrawing the whole document. Details of the reasons why will form part of the Subject Access Withdrawals Form.

### **Are we obliged to supply the information?**

There are certain circumstances in which we are not obliged to supply certain information. Some of these exemptions apply to:

- Crime prevention and detection
- Negotiations with the requester
- Contains Personal Data or information regarding the Personal Data of a third party
- Is a confidential reference given by the recipient
- Would be likely to prejudice ongoing management planning or business forecasting by the recipient

**Does the information include any complex terms or codes?**

If the information includes abbreviations or technical terms that the individual will not understand, we must make sure that these are explained so the information can be easily understood. Explanations of such terms form part of the Subject Access Response Form.

**Responding to Subject Access Request**

A photocopy of all documents should be supplied along with the Subject Access Response Form.

The time limit starts from when we have received the Subject Access Request Form and must be completed within 30 days. The Subject Access Withdrawals Form will not be sent, but will form part of the internal record of the request.

## Subject Access Request Form

You should complete this form if you want us to supply you with a copy of any personal data we hold about you. You are currently entitled to receive this information under the Data Protection Act 1998 (DPA) and will continue to be under the EU General Data Protection Regulation (GDPR), which comes into effect on 25 May 2018. We will also provide you with information about any processing of your personal data that is being carried out, the retention periods which apply to your personal data, and any rights to rectification, erasure, or restriction of processing that may exist.

We will endeavour to respond promptly and in any event within 30 days of the latest of the following:

- Our receipt of your written request; or
- Our receipt of any further information we may ask you to provide to enable us to comply with your request.

The information you supply in this form will only be used for the purposes of identifying the personal data you are requesting and responding to your request. You are not obliged to complete this form to make a request, but doing so will make it easier for us to process your request quickly.

### SECTION 1: Details of the person requesting information

<b>Full Name:</b>	
<b>Address:</b>	
<b>Contact Telephone Number:</b>	
<b>Email Address:</b>	

### SECTION 2: Are you the data subject?

Please tick the appropriate box and read the instructions which follow it.

YES: I am the data subject. I enclose proof of my identity (see below/please go to section 4)

NO: I am acting on behalf of the data subject. I have enclosed the data subject's written authority and proof of the data subject's identity and my own identity (see below/ please go to section 3)

To ensure we are releasing data to the right person we require you to provide us with proof of your identity and of your address.

Please supply us with a photocopy or scanned image (do not send the originals) of one of both of the following:

- 1) Proof of Identity Passport, photo driving licence, national identity card, birth certificate.

**2)** Proof of Address Utility bill, bank statement, credit card statement (no more than 3 months old); current driving licence; current TV licence; local authority tax bill, HMRC tax document (no older than 1 year).

If we are not satisfied you are who you claim to be, we reserve the right to refuse to grant your request.

**Section 3: Details of the data subject (if different from section 1)**

<b>Full Name:</b>	
<b>Address:</b>	
<b>Contact Telephone Number:</b>	
<b>Email Address:</b>	

**Section 4: What information are you seeking?**

Please describe the information you are seeking. Please provide any relevant details you think will help us to identify the information you require.

Please note that if the information you request reveals details directly or indirectly about another person we will have to seek the consent of that person before we can let you see that information.

In certain circumstances, where disclosure would adversely affect the rights and freedoms of others, we may not be able to disclose the information to you, in which case you will be informed promptly and given full reasons for that decision.

While in most cases we will be happy to provide you with copies of the information you request, we nevertheless reserve the right, in accordance with section 8(2) of the DPA, not to provide you with copies of information requested if to do so would take “disproportionate effort”, or in accordance with Article 12 of the GDPR to charge a fee or refuse the request if it is considered to be “manifestly unfounded or excessive”. However we will make every effort to provide you with a satisfactory form of access or summary of information if suitable.

## Section 5: Information about the collection and processing of data

If you want information about any of the following, please tick the boxes:

Why we are processing your personal data?

Who your personal data is disclosed to?

The source of your personal data

## Section 6: Declaration

Please note that any attempt to mislead may result in prosecution.

I confirm that I have read and understood the terms of this subject access form and certify that the information given in this application to hi-impact consultancy ltd is true. I understand that it is necessary for hi-impact consultancy ltd to confirm my / the data subject’s identity and it may be necessary to obtain more detailed information in order to locate the correct personal data.

Signed.....

Date .....

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