

Subject Access Request Procedure

Overview

What is subject access?

Enabling individuals to find out what personal data the organisation holds about them, why we hold it and who we disclose it to. This is fundamental to good information-handling practice. The UK GDPR and Data Protection Act 2018 give individuals the right to require us to do this.

This right is commonly known as subject access. Individuals may exercise the right by making a written or verbal request. This includes but is not limited to face-to-face conversation, by telephone, letter or email and via a website. Children of any age may also exercise this right.

What information is an individual entitled to?

Subject access is usually used by individuals who want to see a copy of some or all of the information we hold about them. However, subject access goes further than this and an individual is entitled to be:

- a) told whether any personal data is being processed;
- b) given a description of the personal data, the reasons it is being processed, and whether it will be given to any other organisations or people;
- c) given a copy of the personal data; and
- d) given details of the source of the data (where this is available).

An individual can also request information about the reasoning behind any automated decisions taken about him or her should the organisation adopt this practice.

An individual is not entitled to see information that relates to a third party unless that third party has given explicit consent to the disclosure.

What is the time limit for responding?

People First (PF) will respond to a subject access request promptly and in any event within one calendar month of receiving it unless the request is complex. In this case the person responsible for data protection or their representative will write to the individual informing them that it will take the organisation longer to respond, giving the reason (this can be up to two further months).

Training

All staff will be trained to recognise a SAR as part of general data protection training.

Who will deal with any requests?

All staff are responsible for recognising a request to see personal data.

At this point the staff member will ask for the name, address and contact number or email of the individual making the request and advise them that the request will be passed on.

The request will then be referred to the responsible person or their deputy in case of absence. Currently the Finance and Operations Director is the responsible person and the HR Officer is the deputy.

The following procedure will be followed:

1. Print out a cover sheet (Appendix A)
2. Open electronic and hard copy files.
3. Confirm identity by easiest method. (Letters 1 or 2 can be used, and a visit to the individual's address may be needed if they are unable to visit the premises).
4. Ascertain if personal data is held.
5. If nothing held, send Letter 3. Complete cover sheet and close the file.
6. Inform the Data Controller if required.
7. If personal data is held and **no** time extension is required, send Letter 4.
8. If personal data held and time extension **is** required, consider whether to charge and send Letter 4a.
9. Collect all personal data held, including accessible hard copies.
10. Check if permission has been given or ask for permission of any third parties where personal data cannot be given to the data subject without identifying them.
11. Redact remaining third-party references.
12. Review what remains, and using the ICO guidance if necessary, decide what can be disclosed.
13. Document all decisions.
14. Mark all documents to be disclosed 'Data subject's copy'
15. Complete Letter 5.
16. Send the personal data and accompanying letter by secure, recorded method within 30 days (or extension period) of confirmation of identity.
17. Complete cover sheet and sign off.



18. Keep all as per the Document Retention Schedule.
During the process make sure that the cover sheet is updated regularly.

Reviewed – March 2022

Agreed by Trustees – 31st May 2022

Date of next review – May 2024

SLT Responsible – Catherine Hunt – DPO (Data protection officer)



Appendix A

SUBJECT ACCESS COVER SHEET

Subject Access Request made by:

Data subject / Representative

Name of data

subject:.....

Address:.....

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Telephone/mobile

number:.....

Email

address:.....

Name of representative if

applicable:.....

Address:.....

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Telephone/mobile

number:.....

Email

address:.....

Preferred method of communication for receiving the information (e.g hard copy, email):

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Information

requested:.....

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SAR received

by:.....



Date received:.....

How received:.....

Identity of data subject confirmed (Yes & date/No):.....

Authority of representative seen and recorded if applicable (Yes & date/No):.....

What evidence seen:.....

Known to staff?.....

n.b. If the data subject is well known to staff no further evidence is necessary.

Signature of staff member confirming identity:.....

Previous request/s made (Yes & date/No):.....

Letters/information sent (identifier and date):
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Notes:

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Request complied with (Yes/No & date):.....

Data Controller informed if applicable (Yes/No with reason).....

Give details of any instructions received by the Data Controller if applicable
 PLEASE NOTE, that if the Data Controller wishes to respond to the SAR itself, all information must be sent to the Data Controller and **not** to the requestor.

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Signed off
 by:.....

Date:.....



LETTER 1 REQUEST FOR EVIDENCE OF IDENTITY

Body of text:

Dear xxx

We received a request from you to see information that People First Independent Advocacy holds about you on (insert date).

We take the security of all information that we hold very seriously and will not disclose it to anyone who doesn't have the right to see it.

So before we can tell you whether or not we hold any information we need to confirm your identity, and therefore your right to see it.

Please can you bring/send two pieces of evidence to XXX for us to look at? We need:
something with your name and address on it such as a recent official letter or bank statement
and
something with a photograph and your name, such as a passport or driving licence.

If this will be difficult please contact us at the above address, or by phone and we will try to resolve the matter.

Once this is done we will tell you if we hold any information about you and if we do, will send it to you within one calendar month.

Yours faithfully,



LETTER 2

REQUEST FOR AUTHORITY TO REPRESENT & EVIDENCE OF IDENTITY

Body of text:

Dear xxx

We received a request from you to see information that People First Independent Advocacy holds about XXX on (insert date).

We take the security of all information that we hold very seriously and will not disclose it to anyone who doesn't have the right to see it.

So before we can tell you whether or not we hold any information we need to confirm:

- your authority to request information for XXX
- your identity
- the identity of XXX

Please can you bring/send evidence to XXX for us to look at? We need:

For your authority to represent XXX:

- a letter from XXX giving you authority
- evidence of Power of Attorney **(Please note if you have this you do not need to provide any other evidence.)**

For your identity:

- something with your name and address on it such as a recent official letter or bank statement
- something with a photograph and your name, such as a passport or driving licence.

For the identity of XXX:

- something with their name and address on it such as a recent official letter or bank statement
- something with a photograph and their name, such as a passport or driving licence.

If this will be difficult please contact us at the above address, or by phone and we will try to resolve the matter.

Once this is done we will tell you if we hold any information about XXX and if we do, will send it to you within one calendar month.

Yours faithfully



LETTER 3
DECLARATION THAT NO PERSONAL DATA IS HELD

Body of text:

Dear xxx

Further to your request to see information that People First Independent Advocacy holds about you/XXX, I have to tell you that we hold no information other than that contained in your request.

Before coming to this conclusion we searched all our electronic files and accessible manual files.

If you would like to discuss this with us further please contact us at the above address.

Yours faithfully,



LETTER 4

CONFIRMATION THAT PERSONAL DATA IS HELD

Body of text:

Dear xxx

Further to your request to see information that People First Independent Advocacy holds about you / XXX, I can confirm that we do hold information. We will send you a copy of all that we hold by (insert date of one calendar month from confirmation of identity).

In the meantime, if you would like to discuss this with us further please contact us at the above address.

Yours faithfully,

LETTER 4a

CONFIRMATION THAT PERSONAL DATA IS HELD

Body of text:

Dear xxx

Further to your request to see information that People First Independent Advocacy holds about you / XXX, I can confirm that we do hold information.

Your request is complex because (insert details) and therefore we will send you a copy of all that we hold by (insert date of up to three months from confirmation of identity).

Because of this complexity we believe it appropriate that a charge of xxx be made to cover our administrative costs. This complies with current legislation.

If you still wish to receive all the information you have requested please send a cheque or postal order made payable to xxx at the address given in this letter. We will not begin to process your request until any cheque has cleared.

If you can refine the amount of information you require it may be possible to waive the charge. If you would like to discuss this with us or have any other questions please contact us.

Yours faithfully,



LETTER 5 TO ACCOMPANY PERSONAL DATA

Body of text:

Dear xxx

Further to your request to see information that People First Independent Advocacy holds about you / xxx, please find enclosed/attached, copies of all that we have/we are able to give you/you have asked for.

The personal data is xxx, and we hold it in order to xxx.

It is passed to xxx as a legal requirement and in case of emergency we may pass the minimum necessary to emergency services or medical staff. In the case of emergency we will always inform you as soon as possible that this has happened.

This data has been obtained:

- When you have made a payment to us for goods or services
- When you have requested one of our services or made an enquiry
- From information that you have given us personally when using our services
- From another organisation

We have not made any automated decisions about you

We have made an automated decision about you because xxx

(Complete or delete everything highlighted in yellow as appropriate)

If you believe that any details are not correct or you believe that we hold other information that we haven't given you, please contact us at the above address.

If, when we have investigated any concerns, you are unhappy with our response you have the right to complain to the Information Commissioner's Office at:

Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 0303 123 1113 (local rate) or 01625 545 745 if you prefer to use a national rate number

Yours faithfully,