

SUBJECT ACCESS REQUEST POLICY

Introduction

The Company is committed to be transparent about how it collects and uses personal data and to meeting its data protection obligations. This policy sets out the organisation's commitment to Subject Access Requests and should be read in conjunction with the **Subject Access Request Procedure**.

The General Data Protection Regulations 2018 (GDPR) allows individuals to have the right to access their personal data and supplementary information and allows them to be aware of and verify the lawfulness of the data processing.

Dealing with a Subject Access Request can be time consuming and onerous. This might be because of the nature of the request, but it may also be because of the way in which we hold the personal data and the amount it holds. This reinforces the requirement to make sure that personal data is kept in a way which makes it easy to locate when a Subject Access Request is made. It also underlines the importance of deleting data once it is out of date and is no longer needed.

Rights of the Individual

Under GDPR, individuals have the right to obtain the following information:-

- Confirmation that their data is being processed.
- The purposes of the processing.
- Categories of the personal data concerned.
- The recipients, or categories of recipients of the data, in particular any third countries or international organisations.
- The length of time the personal data will be stored.
- The data subject's rights to rectification or erasure of their personal data and restriction of, or objection to, its processing.
- The data subject's right to complain to the supervisory authority (ICO).
- Information about the source of the data, if not directly from the data subject.
- Whether the personal data will be subject to automated processing, including profiling.
- Where the data is transferred to a third country or international organisation, information about safeguards that apply.

An individual should be able to exercise their right to access data easily and at reasonable intervals.

Responding to a Subject Access Request

Before responding to a Subject Access Request, it is important to establish whether the information requested falls within the definition of personal data.

Any written request for information can be a Subject Data Access Request. A request can be received electronically as well as in permanent form. If an individual has made the request electronically, the information requested can be sent via the same electronic method. A SAR form is available to give to individuals to use who want to make a subject access request. It is important to note that we cannot insist that the form is used, but individuals can be encouraged to use the standard form so that their request can be handled quickly and efficiently. A copy is also attached to the Privacy Notices.

The Company is not allowed to charge a fee for the provision of information in response to a Subject Access Request. However, a reasonable charge can be made in the following circumstances:

- A request is manifestly unfounded or excessive, particularly if it is repetitive.
- Requests for further copies of the same information (administrative costs of providing the information only).

If the request is unfounded or excessive, the Company can refuse to act on the request, but must be able to prove that the request is manifestly unfounded or excessive. The individual must also be informed of their right to complain to the supervisory authority (ICO). (Sample Letter Appendix C).

The Company must respond to a Subject Access Request within 30 calendar days of receipt of the request. It may be possible to extend the period by a further two months where requests are complex or numerous. In these cases, the individual must be informed within 30 calendar days of receipt of the request and explain why the extension is necessary (Sample Letter Appendix B).

The Company must ensure the identity of the data subject is verified by requesting to see ID to confirm their identity.

An individual is only entitled to personal data about himself or herself. Therefore, if the personal data include information about someone else, the Data Controller will need to remove that information before supplying the personal data to the individual making the subject access request or may be able to decline to provide that data.

If a Subject Access Request involves providing information relating to the individual making the request and someone else (i.e. a third party), then the Company does not have to comply with the request if it would mean disclosing information about the other person. However, third party material is not automatically excluded. You do have to provide the information about the other person if:

- They have given their consent; or
- It is reasonable to go ahead without consent.

In deciding whether it is reasonable to go ahead without consent, you will have to take account of:

- Any duty of confidentiality you owe to the other person.
- Anything you have done to try and get their consent.
- Whether they are able to give consent.
- Whether they have refused consent.

Personal data includes opinions about an individual therefore opinions about the individual making a Subject Access Request must be included in the personal data which is provided to them.

Routine amendments and deletions to personal information after receiving a request are still allowed. However, amendments or deletions are not permitted as a result of receiving a request, even if the information is inaccurate or embarrassing.

If you have any queries, questions or comments please contact the Data Protection Officer (Tel. 07725244857/01242 505400 or support@resourcegroup.co.uk).