



DATA PROTECTION SUBJECT ACCESS REQUEST PROCEDURE AND GUIDELINES

Date	Document Version	Draft / Final	Distribution	Comment
2008	2.0	Final	All staff & volunteers	
2013	2.1	Final	All staff & volunteers	

SUBJECT ACCESS REQUEST PROCEDURE AND GUIDELINES

(Information is based on the ICO Data Protection Good Practice Note – Checklist for handling requests for personal information (subject access requests) and ICO Data Protection Technical Guidance Note - Dealing with subject access requests involving other people's information)

Roles during the procedure

The Data Protection Officer (currently the Resources Manager) will provide guidance, oversee and approve the request procedure. They will ensure that all electronic records are made available for you to review, including:

- Database records
- Emails
- Files

When a client makes a request, the manager of the department or project involved would usually handle such a request, with the Data Protection Officer verifying the documentation.

If an employee has made the request, the Data Protection Officer will work with a member of the HR department (not Admin) in fulfilling and approving 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 the Trust 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 the Data Protection Officer (currently the Resources Manager) 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 requester’s 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. The Data Protection Officer will discuss this with you.

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.

Are we going to charge a fee?

Fee charging is considered on a case by case basis. A fee of up to £10 is chargeable for copies supplied of records containing such personal data.

The Data Protection Officer will indicate whether a fee is necessary. Generally, a request that requires a relatively small amount of paperwork would not involve a fee.

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

The staff member handling the request will need to use the Subject Access Response Form and the Subject Access Withdrawals Form. In reviewing each document, they 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
- confidential references given by you (but not ones given to you)
- information used for research, historical or statistical purposes

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.

A photocopy of all documents should be supplied along with the Subject Access Response Form and, if applicable, the Subject Access Withdrawals Form. These must be sent to the Data Protection Officer for verification within 30 days. The time limit starts from when we have received the Subject Access Request Form and any fee that is required.

The Data Protection Officer will then verify all documentation and send it to the client or employee with a standard response letter by recorded delivery within 10 days. The Subject Access Withdrawals Form will not be sent, but will form part of the internal record of the request.