

## Data Protection

### Subject Access Request (SAR) Procedure and Form

#### What is a valid SAR?

A SAR may be submitted through writing a letter, email, fax or social media.

It might be reasonable to respond to a request made verbally, depending on the circumstances, so long as we are sure of identity of the individual making the request.

If a disabled person finds it impossible or unreasonably difficult to make a SAR in writing, we will make reasonable adjustments for them. This could include treating a verbal request for information as though it were a valid Subject Access Request. We may also respond in a format which is accessible to the disabled person, such as Braille, large print, email or audio formats.

If a request does not mention data protection specifically, it is nevertheless a valid request and will be treated as such.

In most circumstances, we will provide individuals with a copy of the information they request free of charge. However, we are permitted to charge a “reasonable fee” when a request is manifestly unfounded, excessive or repetitive. The fee must be based on the administrative cost of providing the information.

#### The process for responding to a SAR

1. Members - Forward the SAR to our Data Protection Lead (DPL) immediately – Helen McIntosh, [h.mcintosh@ntlworld.com](mailto:h.mcintosh@ntlworld.com) / 0793 5591983.
2. DPL – Contact the individual making the SAR in writing, confirming receipt of the request, and, if appropriate:
  - a. Request proof of identity; and / or
  - b. Ask for any information needed to find the personal data requested.

At this point, having received the request in writing, any additional information needed to find the data and proof of identity, the DPL now has 30 days within which to provide the personal data.

3. Contact IT, relevant Heads and third party data processors to collate the personal data requested (remember that this could be recorded electronically (e.g. in Word, Excel documents, in emails, in ThankQ, etc. ) and on paper (e.g. written and printed notes).
4. Check to see if the personal data includes any third party personal data or references to third parties.
5. Redact any third party personal data or seek consent to disclose.
6. Explain any complex codes or terms within the personal data.
7. Provide the data to the requester ensuring that it is transferred in a secure manner.
8. Contact the individual making the request to confirm receipt of the personal data.

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## **Using a SAR form**

We may ask an individual making a request to use our Subject Access Form (see Appendix I) but this is not compulsory. Any request made in writing must be considered as a valid request, whatever the format e.g. by email, letter or fax.

## **Explaining the contents of the information**

GDPR requires that the information provided to the requester is in “intelligible form”. This means that the information provided should be capable of being understood by the average person.

## **Asking for more information before responding to a SAR**

GDPR allows us to confirm two things before being obliged to respond to a request.

We can ask for enough information to judge whether the individual is who they are claiming to be. This is to avoid personal data about one individual being sent to another, accidentally or because of deception.

We can also ask for any information that we reasonably need to find the personal data covered by the request. We need not comply with the SAR until this information has been provided. However, we will not ignore a request simply because more information is needed. There must be no delay in asking for the additional information.

## **SARs made on behalf of others**

An individual can make a subject access request via a third party. Often, this will be a solicitor acting on behalf of a client, but it could simply be that an individual feels comfortable allowing someone else to act for them. In these cases, we must be satisfied that the third party making the request is entitled to act on behalf of the individual, but it is the third party’s responsibility to provide evidence of this entitlement. This might be a written authority to make the request or it might be a more general power of attorney.

If you think an individual may not understand what information would be disclosed to a third party who has made a Subject Access Request on their behalf, we may send the response directly to the individual rather than to the third party. The individual may then choose to share the information with the third party after having had a chance to review it.

## **Requests for information about children**

Even if a child is too young to understand the implications of subject access rights, data about them is still their personal data and does not belong, for example, to a parent or guardian. It is therefore the child who has a right of access to the information held about them, even though in the case of young children these rights are likely to be exercised by those with parental responsibility for them.

Before responding to a SAR for information held about a child, you should consider whether the child is mature enough to understand their rights. If you are confident that the child can understand their rights, then you should respond to the child rather than a parent. What matters is that the child can understand (in broad terms) what it means to make a SAR and how to interpret the information they receive because of doing so. When considering borderline cases, the following should be considered:

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- the child's level of maturity and their ability to make decisions;
- the nature of the personal data;
- any court orders relating to parental access or responsibility that may apply;
- any duty of confidence owed to the child or young person;
- any consequences of allowing those with parental responsibility access to the child's or young person's information. This is particularly important if there have been allegations of abuse or ill treatment;
- any detriment to the child or young person if individuals with parental responsibility cannot access this information; and
- any views the child or young person has on whether their parents should have access to information about them.

#### **When the data includes information about other people**

Responding to a SAR may involve providing information that relates both to the requester and to another individual. GDPR says you do not have to comply with the request if to do so would mean disclosing information about another individual who can be identified from that information, except where:

- the other individual has consented to the disclosure; or
- it is reasonable in all the circumstances to comply with the request without that individual's consent.

So, although we may sometimes be able to disclose information relating to a third party, we need to decide whether it is appropriate to do so in each case. This decision will involve balancing the data subject's right of access against the other individual's rights in respect of their own personal data. If the other person consents to the disclosure of the information about them, then it would be unreasonable not to do so. However, if there is no such consent, we must decide whether to disclose the information anyway.

We cannot refuse to provide subject access to personal data about an individual simply because that data was obtained from a third party. The rules about third party data apply only to personal data which includes both information about the individual who is the subject of the request and information about someone else.

For further information on disclosing third party personal data, please read the Information Commissioner's Office more detailed guidance:

[How to disclose information safely – removing personal data from information requests and datasets](#)

[For organisations](#)

[PDF \(1.31MB\)](#)

#### **Data processors**

Responsibility for complying with a SAR lies with the data controller. GDPR does not allow any extension to the 30-day time limit in cases where a data processor is required to provide the information that is needed to respond. We must contact a data processor immediately if they are holding the personal

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data that the requester has asked for. Our data processor agreement states that the data processor must respond to a SAR within a timeframe set by us.

### **When sending out copies of information is expensive or time consuming**

Dealing with a SAR can be an onerous task. This might be because of the nature of the request, because of the amount of personal data involved, or because of the way in which certain information is held.

It is not necessary to supply a copy of the information in permanent form if it would involve disproportionate effort to do so. It is possible to provide the information requested in electronic format rather than hard copy. This provision should be relied upon only in the most very exceptional of cases.

### **Repeated or unreasonable requests**

An alternative solution for excessive, unfounded or repetitive requests is to refuse to comply. Organisations that do this must explain to the individual why they're refusing to comply and let them know of their right to appeal to the organisation's supervisory authority.

Various exemptions from the right of subject access apply in certain circumstances or to certain types of personal data; please see the Information Commissioner's Office guidance for more details [Exemptions](#)

If you require more information on dealing with Subject Access Requests please refer to the Information Commissioner's Office [Subject access code of practice](#)

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## Appendix I

### Subject Access Request Form

Please complete the form below if you would like more detail or a copy of your personal data that XXXXXXXX processes. This will help us provide you with a quick and accurate response to your enquiry.

Please return this form by

- post to the Data Protection Lead, [insert your address here ]
- email to the Data Protection Lead: [insert your data protection lead email address here]

#### Part A. Your information

Your title:	
Surname:	
Forename(s):	
Address:	
Telephone number:	
Email address:	
Any other names by which you have been known:	
Relationship to XXXXXXXX (e.g. supporter, donor, member):	

**Part B. Your request**

Please provide a description of your request and any further information which will help us to locate your personal data e.g. the type of document that the personal data was provided in (application form, email, letter, etc.), approximate dates of the information requested (e.g. between January 2015 and March 2016), and to whom the information was provided.

**Part C. Proof of identity**

We must be certain as to the identity of the person making a Subject Access Request.

Please send a photocopy of one form of identification containing a photograph (e.g. passport, photo card driving licence) to the Data Protection Officer.

If you are unable to provide this documentation, please contact us to discuss alternative arrangements.

**Part D. Declaration**

I am the Data Subject named in Part A of this document, and hereby request that XXXXXXXX provides me with a copy of my personal data as described in Part A.

I have provided my proof of identity.

Signature: .....

Date: .....