

# Subject Access Request Policy

---

London Borough of Richmond

*24 October 2022*

---

## **Subject Access Request (SAR) Policy**

### **CONTENTS**

- 1. INTRODUCTION**
- 2. PURPOSE**
- 3. SCOPE**
- 4. SAR PROCEDURE**
- 5. TRAINING AND AWARENESS**
- 6. MONITORING AND AUDIT**
- 7. COMPLAINTS**
- 8. POLICY REVIEWS**

### **APPENDIX A: EXEMPTIONS**

### **APPENDIX B: DOCUMENTARY EVIDENCE REQUESTED FOR ID PURPOSES**

## 1. INTRODUCTION

All living individuals (“data subjects”) have the right under the Data Protection Act 2018 to request a copy of their personal data. The Council will seek to fulfil its obligations under the Act by responding to any such request.

## 2. PURPOSE

This Policy outlines the procedures the Council will take when a data subject requests a copy of their personal data, commonly referred to as a “Subject Access Request” (SAR) or a “Data Subject Access Request” (DSAR).

Data subjects may further request:

- being told if any personal data is being processed
- a description of the personal data, the reason it is being processed and whether it has been/will be shared with any other organisations or people
- where available, given details of the source of the data
- told how long their data will be kept

## 3. SCOPE

The Policy applies to all data subjects such as residents, service users and employees who request access to personal information that is held by the Council.

It includes all personal data the Council collects and uses whether it is held in electronic or paper format and includes voice recordings, imaging records, photographs and CCTV. Appendix A lists the types of personal data that will be exempt.

## 4. SAR PROCEDURE

### What is a valid request?

A SAR request is valid provided there is a sufficient description of the information required. Requests can be made via the on-line form on the Council’s website at [https://www.richmond.gov.uk/make\\_a\\_subject\\_access\\_request](https://www.richmond.gov.uk/make_a_subject_access_request)

Requests can also be made by email, letter or by telephone.

The data subject **must** provide identification to evidence that they are the requestor or that they are a third party who has the right to make the request on behalf of another.

A list of the suggested documentation is available in Appendix B. Whilst it is important to confirm identification, the Council will do so in a reasonable and proportionate way, in particular if there is an on-going relationship.

A valid request can be made by a child (defined in accordance with the UN Convention on the Rights of the Child as anyone under 18, unless “under the law applicable to the child, majority is attained earlier”) or they may authorise someone to act on their behalf. As assessment of the child’s competency and the nature of the data requested will be assessed by the Information Governance Team and relevant Council Officers who will collect and collate the requested data.

### **How does the Council handle the SAR?**

All requests received in any part of the Council must be forwarded to the Information Governance Team for recording. The Council will comply without undue delay and at the latest within one month of receipt of the request. As a result, the date for the response will vary, depending on the month in which the request was made.

The time limit commences on the day the request is received and the ID has been validated. Once they have validated the ID, the Information Governance Team will forward the request to the relevant department(s) to provide a response.

The Information Governance Team is available to offer guidance and will contact the data subject if the Department requires further information to facilitate locating the information requested.

The response will normally be sent to data subjects within the legal time limits. This will be via email, unless the requestor has specified another method (for example: post or collecting in person). When information is posted, it will be sealed securely and sent by recorded delivery to the address provided in the ID check.

If the request is complex (for example: from an employee or for social care information) the legislation allows for an extension of a further two months. The data subject will be advised within one month of receipt of their request or earlier, with an explanation as to why the extension is necessary.

A copy of the information sent will be retained for two years by the Department concerned as required by the Corporate Retention and Disposal Schedule, unless there is a legal basis to retain for longer.

## **5. TRAINING & AWARENESS**

Since the rights of the data subject to access their personal data is a statutory duty, all staff are required to undertake regular corporate Data Protection and Information Security training so that they are able to carry out this responsibility.

## **6. MONITORING & AUDIT**

SAR performance relating to response time, the quality of responses, number of Information Rights concerns raised, and the application of exemptions will be reviewed by the Information Governance Strategic Board (IGSB) on a quarterly basis and will be used to inform future policy and procedures.

## 7. COMPLAINTS

If Data subjects are concerned about the response to their SAR, they have the right to ask for a Review if they are dissatisfied with the response. These will be carried out by the Data Protection Officer (DPO) who will communicate their findings to the data subject and address any concerns they have found.

If they are still not satisfied, the data subject has the right to request that the Information Commissioner make a further assessment of compliance:

<https://ico.org.uk/>

**Telephone:** 0303 123 1113

**Fax:** 01625 524510

**Live Chat** <https://ico.org.uk/global/contact-us/live-chat>

## 8. POLICY REVIEWS

This policy will be reviewed every 2 years. An earlier review will be undertaken if recommended by the DPO and agreed by the Information Governance Strategic Board in response to exceptional circumstances, such as relevant changes in legislation/guidance

## APPENDIX A. EXEMPTIONS

The Data Protection Act includes a number of exemptions, which means that certain information may not be disclosed in response to a SAR. When the Council applies an exemption, it will do so on a case by case basis and will advise the data subject of the reasons for their decision

The list below is not exhaustive, but includes those exemptions most relevant to Council business:

- information on crime prevention and for taxation purposes
- information subject to Legal professional Privilege
- information where there is a statutory or court restriction on disclosure, for example: adoption records
- references provided by the Council about the data subject. A reference received by the Council from another party is not exempt
- personal data held from other agencies that may only be disclosable following discussion with that agency
- information about third parties, although this may be removed before including in the SAR
- information relating to the deceased since the Act only applies to living individuals. A request should be made under Freedom of Information legislation. For further information see:
- [https://www.richmond.gov.uk/council/open\\_richmond/freedom\\_of\\_information](https://www.richmond.gov.uk/council/open_richmond/freedom_of_information)
- information held by Elected Members. They should be contacted directly
- information held by Schools. They should be contacted directly

## **ANNEX B - DOCUMENTARY EVIDENCE REQUESTED FOR ID PURPOSES**

Please supply one from each of the following categories (copies only).

### ***Personal identity***

- current signed passport
- residence permit issued by Home Office to EU Nationals on sight of own country passport
- current UK photocard driving licence
- current full UK driving licence (old version) – old style provisional driving licences are not acceptable
- current benefit book or card or original notification letter from the Department for Work & Pensions confirming the right to benefit
- recent Inland Revenue tax notification
- birth certificate
- adoption certificate
- marriage certificate
- divorce or annulment paper;
- confirmation from an Electoral Register
- London Councils Freedom Pass

### ***Address***

- recent original utility bill (3 months or less) (note that mobile telephone bills should not be accepted as they can be sent to different addresses).
- local authority tax bill (valid for current year)
- current UK photo card driving licence (if not used for evidence of name)
- current full UK driving licence (old version) (if not used for evidence of name)
- bank, building society or credit union statement or passbook containing current address
- recent original mortgage statement from a recognised lender
- current local council rent card or tenancy agreement
- current benefit book or card or original notification letter from the Department for Work & Pensions confirming the rights to benefit
- court order

<b>Policy Title</b>	<b>Subject Access Request (SAR) Policy</b>
<b>Policy Area</b>	<b>Information Governance</b>
<b>This Policy will impact on:</b>	<b>All Data Subjects</b>
<b>Version</b>	<b>1.1</b>
<b>Author</b>	<b>Katrina Waite</b>
<b>Effective Date</b>	<b>April 2020</b>
<b>Review Date</b>	<b>March 2022</b> <b>October 2024</b>
<b>Approval Record</b>	<b>Information Governance and Security Forum (IGSB) 23 March 2020</b>
<b>Consultation</b>	<b>SAR Working Group</b>
	<b>Information Governance and Security Forum (IGSF)</b>