

Organisation and Governance:

Procedure for Dealing with Subject Access Requests

Document owner	Richard Boneham, Head of Governance & Assurance
Document author and enquiry point	Sinead Booth
Document date	November 2016
Version	V1.0
Document classification	Official
Document distribution	Published via the Council Intranet
Next document review date	November 2017

Version Control

To make sure you are using the current version of this protocol please check on iDerby or contact [Information Governance](#) when using printed copies.

Version Number	Date	Author	Reason for Version
November 2016	1.0	Sinead Booth	New procedure

Document Approval

Job Role	Approvers Name	Date Approved
Director of Digital Services		
Information Governance Board	Head of Governance & Assurance - Richard Boneham	
Conditions of Service Working Party	Director of Governance and Monitoring Officer – Janie Berry	
Personnel Committee		
Corporate Joint Committee		

Please tell us if you need this in large print, on audio tape, computer disc or in Braille.

You can contact Ann Webster on 64 3722, Minicom: 01332 64 0666 or Text Relay: 18001 01332 643722

Contents

1. A valid request	3
2. Responsibility	3
3. Processing the request	4
4. Complaints and appeals.....	4
5. Responsibilities	5
6. Compliance with the Procedure for Dealing with Subject Access Requests	5
7. Other Relevant Policies, Standards and Procedures	5
8. Contact Details.....	5

1. A valid request

- 1.1 A subject access request (SAR) is a request to access personal data about a living person.
- 1.2 The fee payable by the requestor is £10 per person's records
- 1.3 The requestor must provide identification to prove that they are the data subject or to evidence that they are a third party who has a right to make the request on behalf of the individual.
- 1.4 This identity should be verified by a member of staff, retaining copies of the proof of identity is not necessary and should not be done. If the request is about their children then proof of parental responsibility is required and if the child / children are over the age of 12 then their consent must be obtained.
- 1.5 To establish the requestor's identity you can ask for enough information to judge whether the person making the request is the individual to whom the personal data relates (or a person authorised to make a SAR on their behalf). The key point is that you must be reasonable about what you ask for. You should not request more information than you need if the identity of the person making the request is obvious to you. This is particularly the case when you have an on-going relationship with the individual.
- 1.6 The request must be in writing, it is recommended but not compulsory that requestors complete [the subject access request form](#) provided by DCC, as this captures all the information we may need to otherwise clarify.
- 1.7 Reasonable adjustments must be made for applicants who are disabled, verbal requests can suffice where absolutely necessary; in the event of receiving a verbal request you should document it.
- 1.8 A valid request can be made by a child; an assessment to the maturity of the child and the nature of data will need to be carried out. The information governance team and CYP may need to work together to form this assessment.
- 1.9 Requests relating to a deceased individual will not constitute a SAR; such requests will be dealt with as a Freedom of Information request. The Freedom of Information Policy should be followed, for any further advice or assistance please contact the information governance team via FOI@derby.gov.uk
- 1.10 A request for access to records may be made through an agent (for example, a solicitor). It is the agent's responsibility to produce satisfactory evidence that he or she has authority to have access to the records. Any such request should include written clarification that the identity of the data subject has been verified.

2. Responsibility

- 2.1 Compliance with subject access requests is essential to Derby City Council's operation as a local authority; each employee must be able to recognise a subject access request.
- 2.2 All SARs should be referred to the information governance team who will log the request and contact the relevant department to request the files.

Classification: OFFICIAL

- 2.3 Each department should nominate a point of contact to assist with the retrieval of files and assist on any advisory matter as detailed below.
- 2.4 The relevant department must locate/retrieve files and provide these electronically to the Information Governance team via a shared folder. Please contact the information governance team to request the link of this folder. Departments should retain the originals for their records, access and use.
- 2.5 The relevant department will need to provide the Information Governance team with the requested documents within 5 days.
- 2.6 Where this deadline is not adhered to this will be reported through the Council's Performance management framework.
- 2.7 The relevant department is to advise if an individual may need support on going through their files once prepared.
- 2.8 The relevant department will be expected to support any individuals that may have queries or concerns following receipt of the information
- 2.9 The relevant department will be expected to support Information Governance Team with any complaints/appeals
- 2.10 The relevant department hold the responsibility of advising the Information Governance team of any concerns relating to the individual/family.

3. Processing the request

- 3.1 Once the information Governance team have received the relevant files any personal information relating to third parties will be redacted. Details of professionals will be left in where that professional has a reasonable expectation that their name will be included in such a file.
- 3.2 Several exemptions under data protection can apply and will result in non-disclosure; information will be assessed by the Information Governance team and the Legal Officer for Information Governance. Information may be redacted for safeguarding reasons or where it is likely to cause be harmful to another person or against the public interest.
- 3.3 Where information is redacted an auditable copy will be filed for future reference and stored by the relevant department on their databases. Queries relating to redacted information should be referred to the information governance team.
- 3.4 The information governance team will provide the applicant with the requested information after the documents have been reviewed, this shall be done within the 40 day period permitted by the Data Protection Act 1998.

4. Complaints and appeals

- 4.1 The Data Protection Act 1998 requires that all information relating to data subjects to be accurate and kept up to date, where personal details are incorrect or out of date the concerned department should promptly update this information and confirm this has been done with the individual.

Classification: OFFICIAL

Classification: OFFICIAL

Classification: OFFICIAL

- 4.2 Data subjects or their acting agents may dispute contextual information i.e. a professional opinion, in the event of such a dispute the department may or may not wish to examine this.
- 4.3 The data subject or their acting agent possess right to apply to the Court for an order to disclose, correct or erase information held. They also have a right of appeal to the Information Commissioner.
- 4.4 Please contact the information governance team for further information on complaints and appeals to Data.Protection@derby.gov.uk

5. Responsibilities

Managers are responsible for ensuring that this policy is communicated to all authorised users and that it is adhered to. They must ensure this and other Information Governance policies are part of the induction process and probation periods cannot be completed without passing the relevant Information Governance courses.

6. Compliance with the Procedure for Dealing with Subject Access Requests

- 6.1 The [Head of Governance & Assurance](#) is responsible for monitoring compliance with this procedure.
- 6.2 If employees knowingly do not comply with Council policies, procedures or guidelines, the Council may take appropriate action in accordance with the [Employee Code of Conduct](#).
- 6.3 Use by Elected Members must at all times be in accordance with the standards and Code of Conduct set for Elected Members. If it is reported that there has been a breach of the Code of Conduct then in accordance with the procedures for Elected Members' the matter will be referred to the Monitoring Officer.

7. Other Relevant Policies, Standards and Procedures

These can be found on [iDerby](#) or contact the [Information Governance team](#).

8. Contact Details

Please contact the Council's Head of Governance & Assurance or anyone in the [Information Governance team](#) with enquiries about this or any other referenced policy, procedure or law.

Email to: information.governance@derby.gov.uk

Telephone: 01332 640763

Classification: OFFICIAL

Classification: OFFICIAL