

# Subject Access Request under GDPR

## What is a Subject Access Request?

An individual is entitled to exercise their rights to obtain information that is held about them under the General Data Protection Regulation (GDPR). This process is known as a subject access request (SAR). It is generally used by individuals to verify the information that an organisation holds on them – to check that it is accurate, to understand what it is used for and who it might be shared with and occasionally as a pre-cursor to legal action.

## Identifying a SAR

Any written enquiry that asks for information we hold about the person making the request can be considered as a SAR, but in many cases there will be no need to treat it as such:

- Can it be dealt with in the normal course of business? If so then do so promptly
- If however you're in doubt about how to respond then log it on M3 as an enquiry under SAR and the Data Development Manager and DPO will deal with it.

## Dealing with a SAR

- Verify whether we are a controller of the data subject's personal data. If we're merely the processor, inform the data subject and refer them to the actual controller.
- Verify the identity of the data subject; if needed, request any further evidence on their identity. A driving licence, passport or utility bill will be OK – do not retain copies on the network, or in paper files. Just note on the record that you have seen the document and what the document was.
  - Occasionally a request will be made by an individual on behalf of someone else, maybe someone who has power of attorney or a solicitor or another individual who has been appointed by the data subject. Ensure that you have verified it's OK to send the data to the nominated individual – is there a letter of authorisation?
- Verify the request - is it clear what is being asked for? If not, ask for additional information which will help in locating anything that meets the request. There is a form on our website for this purpose, and whilst the person making the request is not obliged to fill it in, it will help everyone if they do. The form is available from the [Data Protection](#) page on our website.

- Verify whether the request is unfounded or excessive (in particular because of its repetitive nature); if so, we may refuse to act on the request or could charge a reasonable fee.
- Promptly acknowledge receipt of the SAR and inform the data subject of any costs involved in processing it. We are not allowed to charge a fee under GDPR, but there are some types of records that attract a charge.
- Verify whether we process the data requested. If not, inform the data subject accordingly. At all times make sure the M3 record is updated so that progress can be monitored.
- Do not change any data that meets the request once it's been received (such as deletion of anything that might be embarrassing) – this is a criminal act and can lead to prosecution. You can still make routine amendments and deletions to the information as part of normal business.
- Verify whether the data requested includes the personal data of third parties. Make sure that this is redacted before the data is sent out. If it's not possible to do this then ensure that the other data subjects have consented to the supply of their data as part of the SAR process

### **Responding to a SAR**

- We must respond within 1 month after receipt of the request
  - if more time is needed because the response is complex, an extension of up to 2 months is permissible, provided this is communicated to the data subject in a timely manner within the first month;
- if we do not act on the request and are refusing on acceptable grounds, inform the data subject on this decision without delay and at the latest within one month of receipt of the request.
- if the request is submitted electronically, any information should preferably be provided by electronic means as well,
- if we do process the individual's personal data, make sure to include as a minimum the following information in your response:
  - the purposes of the processing;
  - the categories of personal data concerned;
  - the recipients or categories of recipients to whom personal data has been or will be disclosed, in particular in third countries or international organisations, including any appropriate safeguards for transfer of data, such as Binding Corporate Rules or EC model clauses;
  - where possible, the envisaged period for which personal data will be stored, or, if not possible, the criteria used to determine that period;
  - the rights of the individual to request rectification or erasure of personal data (known as 'the right to be forgotten') or restriction of processing of

- the individual's personal data, or the right of the individual to object to such processing;
- the right to lodge a complaint with the Information Commissioner;
  - if the data has not been collected from the data subject: the source of such data – obtained from another third party, collected from a website for example, unless the data subject already knows this
  - the existence of any automated decision-making, including profiling and any meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject.
- provide a copy of the personal data in permanent format. If the original request was submitted electronically, then the information should be provided in a commonly used electronic format such as .pdf or .csv.
  - explain any abbreviations or complex codes that the data subject might not understand.

If you have any questions about subject access requests then please contact Michele Sarginson, Data Development Manager and DPO on 01629 816278 or email [michele.sarginson@peakdistrict.gov.uk](mailto:michele.sarginson@peakdistrict.gov.uk).