HILLINGDON
LONDON

The Right of Subject Access Policy

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Contents

The London Borough of Hillingdon and the Right of Subject Access

<u>The Right of Subject Access</u>

1.   Individuals have the right to request copies of all their personal data processed by the London Borough of Hillingdon (the Council). The rules on subject access have been significantly amended by the Data Protection Act 2018 and the General Data Protection Regulation (GDPR).

2.   Personal data is defined as "any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly, or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person".

3.   In order to obtain a copy of their personal data, an individual has to make a request in writing, provide proof of identity and specify the information they are seeking. This is known as a Subject Access Request. No fee is payable.

4.   Once an individual has provided all this, the Council has a period of one month to comply with the request otherwise the Council will be in breach of the Act. Repeated infringements could lead to enforcement action being taken by the Information Commissioner's Office (ICO) against the Council.

5.   This Policy and Procedure is designed to ensure that all requests are dealt with within the statutory time period of one month.

<u>Subject Access Policy</u>

1.   The Council will acknowledge all Subject Access Requests within 5 working days. At the time of acknowledgement, individuals will be told whether any further information is required.

2.   Individuals will be required to provide proof of identity and residence before information will be disclosed. This is to prevent unauthorised disclosure to third parties.

3.   Where a request is made by an agent on behalf of an individual the agent must provide proof of authority to act on the individual's behalf.

4.   The Council will produce a Subject Access Information Pack and Subject Access forms to assist an individual in making a request. These will be made available on request and will be placed on the Council's website. (See Appendix 1, 2, 3 at the end of this document).

5.   This Policy and Procedure and the Subject Access Information Pack will be made available in other formats where necessary.

6.   Each Directorate will have a nominated Data Protection Contact Officer who will assist the Statutory Data Protection Officer to comply with subject access requests. Training will be provided to staff where necessary.

1. **Initial Receipt of Requests**

    - All Subject Access Requests must be made in writing.
    - A request for information can arrive in any part of the Council.
    - The Request might not mention the Data Protection Act 2018 or Subject Access. It might simply state that the individual wants to see what information is held about him / her.
    - If the request is made verbally, provide advice and assistance to the individual to enable a written request to be made.
    - An officer who receives a Subject Access Request should contact the Statutory Data Protection Officer for advice.
    - The Statutory Data Protection Officer will record the request and advise you on how to proceed.
    - If the Request is simple, the Statutory Data Protection Officer will advise you to meet the request
    - Otherwise forward the request to the Statutory Data Protection Officer who will be responsible for handling it.

2. **Advice and Assistance**

    - The Council's Website contains information about the right of subject access. An Officer can either print out and send copies of the information to the individual or just direct the individual to the Website.

3. **Receipt by Statutory Data Protection Officer**

    - Validate Request – have the conditions been met for a valid request?
    - If request is not valid, inform the individual of what further information is required (see 2. Advice and Assistance)
    - Record Request on database.
    - If the Request is for non-personal data, or it is for personal data of which the individual is not the data subject (or the legal guardian of a data subject) then the request will be dealt with under the Freedom of Information Policy and Procedure.
    - Acknowledge request.
    - The Statutory Data Protection Officer may contact the individual to clarify request.
    - Decide on plan for meeting the request.

4. **Easy/Fast Track**

- Some subject access requests may be limited in nature and easy to fulfil. i.e. the individual is requesting a specific piece of information that he/she clearly has a right of access too.
- In these cases, the Statutory Data Protection Officer will forward the Request to the relevant department who will respond to the individual.

5. **Process A**

- The Statutory Data Protection Officer will establish which departments are covered by the Request.
- Contact the relevant departmental officers to ask for their assistance in locating the requested information.

6. **Process B**

- Once the information has been collected together, it will be necessary to identify any third party information in the personal data.
- If third party information is identified then a decision needs to be made about whether the consent of the third party is required and if so whether the third party should be approached to see if they consent.
- Consult with any relevant parties internally; get the departmental officers views on the case to build up some background. Identify any potentially contentious issues.

7. **Process C**

- Once Process B is complete, the Statutory Data Protection Officer will decide whether any of the subject access restrictions are applicable.

8. **Release**

- The information will then be released to the Data Subject along with a description of the personal data and a list of the purposes for which it is processed, where it was obtained from and whom it will be/has been disclosed to.

The Data Subject will also be informed of the reasons why any information is being restricted in whole or part and the Council will record the reasons for its decision in this regard.

<u>**Appendix 1**</u>

<u>**Subject Access Information Pack**</u>

This Information Pack explains how to exercise your right under the GDPR and the Data Protection Act 2018 to see what information the London Borough of Hillingdon holds about you and your right to request it.

<u>**What is a Subject Access Request?**</u>

You are entitled to obtain from the Council:

1.   Confirmation as to whether or not personal data concerning you is being processed, and

2.   Where that is the case, access to the personal data and the information set out below.

        This information is:

        (a)   the purposes of the processing;
        (b)   the categories of personal data concerned;
        (c)   the recipients or categories of recipients to whom the personal data has been disclosed, in particular recipients in third countries or in international organisations;
        (d)   the period for which it is envisaged that the personal data will be stored or, where that is not possible, the criteria used to determine that period;

3.   You have the right to request from the Council:

        (a)   rectification of personal data, and
        (b)   erasure of personal data or the restriction of its processing or to object to such processing.

4.   In circumstances where the personal data is not collected from yourself, the Council will provide you with any available information as to its source.

5.   Where automated decision-making, including profiling, takes place within the Council, the Council will give you meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for you.

6.   Where personal data is transferred to a third county or to an international organisation, you have the right to be informed of the appropriate safeguards which the Council has put in place, pursuant to Article 46 of the GDPR, relating to the transfer.

7.   You have the right to lodge a complaint to the Information Commissioner's Office. The contact details are:

https://ico.org.uk/global/contact-us

Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Tel: 0303 123 1113 (local rate) or
         01625 545 745 (national rate)

8.   The Council can refuse or charge for requests for information that are manifestly unfounded or excessive.

How long does a subject access request take?

The Act requires the Council to comply with subject access requests, within a period of one month from receipt of a valid request. No payment of a fee is required.

What information do I need to provide?

The Council will request proof of your identity and information to assist us in locating your personal data such as the Council departments that you have had dealings with and the type of information that you wish to see.

Can a third party make a subject access request on my behalf?

Yes, but only with your written authorisation. The person acting on your behalf must provide satisfactory evidence that they are authorised to make a request on your behalf.

How do I make a request to the London Borough of Hillingdon?

1.   If you are making a request to the London Borough of Hillingdon, you should use the 'Subject Access Request Form'. You will find it enclosed in this pack.

2.   You should provide at least one form of identification. In cases where sensitive personal data is involved, you may be required to provide further

identification. Examples of identification are a photocopy of your passport or driving licence and a recent utility bill or Council Tax letter.

3.   If an agent is making a request on your behalf you will need to complete an 'Agent Authorisation Form'. We will not respond to third party requests unless this form is completed. In order to ensure confidentiality, we reserve the right to make further enquires to check the authorisation given.

4.   All completed forms should be returned to: The Statutory Data Protection Officer Legal Services, London Borough of Hillingdon, Civic Centre, High Street, Uxbridge, UB8 1UW.

<u>**Appendix 2**</u>

<u>Subject Access Request Form</u>

Before completing this form please read the Subject Access Information Pack. Any information provided in this form will be used solely for the purpose of responding to your request.

1.   Name and Contact Details of Data Subject

Name:
Address:
Telephone Number (day time):
Previous address *(if you have moved house in the last 12 months):*

2.   Data Subject or Authorised Agent
(delete as appropriate):

    1.1   I am making this request on my own behalf

    1.2   I would like my agent Mr/s ………………………… to Act on my behalf.

If a third party is making a request on your behalf you will need to complete and attach an Agent Authorisation Form. We will not be able to deal with a request from a third party if this form is not completed.

3.   Identification

In order to assist us in responding to your request and to help us prevent unauthorised disclosures of your personal data please provide a copy of a photographic ID and a recent utility bill. (See information note for further guidance.)

3.1   I have attached photocopies of the required ID   ☐

3.2   I have attached originals of the required ID and wish for them
      to be photocopied and returned.   ☐

4.   Details of the Request

In order to assist us to meet your request please state what information you are seeking and/or what rights you are seeking to exercise.

5.   Other information

Please provide any information that will assist us in locating the data you have requested. This could be details of any relevant reference numbers, dates of any correspondence or any members of staff you have dealt with.

6.   Statement

I have read and understood the information contained in the Subject Access Information Leaflet. I understand that the Council may seek further information to confirm my identity as the data subject in order to ensure confidentiality. I confirm that the information I have provided is accurate.

Signature of data subject: ………………………………………………

Date: ………………………………………………

This form should be returned to: The Statutory Data Protection Officer, Legal Services, London Borough of Hillingdon, Civic Centre, High Street, Uxbridge, UB8 1UW.

<u>**Appendix 3**</u>

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<u>**Agent Authorisation Form**</u>

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Before completing this form please read the Subject Access Information Pack. Any information provided in this form will be used solely for the purpose of responding to the request, made by the individual named in section 1.

1.   Name and Contact Details of the Data Subject

Name:
Address:
Telephone Number (day time):

I am the above named person and authorise Hillingdon Borough Council to give the information requested in this application to my agent whose name and address are given below.

Signature of data subject: …………………………………………………

Date: …………………………………………………

2.   Name and Address of Agent

Name:
Address:
Telephone Number (day time):
What is your relationship with the data subject:

I declare that I make this application on behalf of and solely in the interest of, the named data subject. To ensure confidentiality I accept that you may need to make further enquiries to validate this authorisation.

Signature of Agent: …………………………………………………

Date: …………………………………………………

This form should be returned along with a completed Subject Access Request form to: The Statutory Data Protection Officer, Legal Services, Civic Centre, Uxbridge, UB8 1UW.