



# Subject Access Request Policy

## **SUMMARY**

This document sets out BFFC's position in relation to subject access requests

## **OWNER**

Compliance Group

## **VERSION**

V1.0

## **DATE**

November 2022

## **REVIEW**

November 2024

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Company number 11293709



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## Purpose of Policy

Individuals have the right to access their personal data and supplementary information. The right of access allows individuals to be aware of and verify the lawfulness of the processing. Our organisation must comply with the requirements of the General Data Protection Regulations (GDPR) and we must be able to demonstrate compliance to the Information Commissioner's Office (ICO).

Upon receipt of a request for information our internal policy is as follows:

## Responsibilities

The Compliance Group is responsible for Information Governance which includes the management of Subject Access Requests (SAR) in our business.

The duties of the Compliance Group include but are not limited to:

- Log the receipt and fulfilment of all requests received from a data subject/the person making the request/ requestor to see his or her personal information
- Acknowledge the SAR
- Verify the identity of any person making a SAR
- Maintain a database on the volume of requests and compliance against the statutory timescale
- Verify whether we are the controller of the data subject's personal data
- Check whether we are not a controller, but rather a processor. If so, inform the Data Subject and refer them to the actual controller - this needs to be recorded in writing
- Where applicable, decide if a request is excessive, unfounded, or repetitive and communicate this to the requestor
- Decide if an exemption applies
- The Reading Borough Council (RBC) Customer Relations Team is primarily responsible for the processing of Subject Access Requests, as part of the Company's SLA with RBC.


## Oral or written requests

Subject Access Requests can be made in writing, electronically or verbally. If a member of staff is in any doubt if a certain situation has given rise to an SAR, contact the Compliance Group by e-mail providing full details of the request. Staff should do this without delay and certainly within TWO working days of receipt.

Where a member of staff receives a SAR, they must e-mail the relevant information to [sarrequests@reading.gov.uk](mailto:sarrequests@reading.gov.uk) without delay and certainly within TWO working days of receipt.

## How do we verify the requestor's identity?

We may need to verify the requestor's identity by requesting identification to support proof of identity. Common forms of identification include:

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- Current UK/EEA Passport
  - UK Driving Licence
  - Financial Statement issued by bank, building society or credit card company
  - Utility bill for supply of gas, electric, water or telephone landline

The verification sought will be reasonable and proportionate in relation to the Requester and their request.

## How to process the request

Our aim is to determine what information the Requestor is asking for. If the request is not clear, or, if we process a large quantity of information about an individual, the GDPR permits us to ask the individual to specify the information the request relates to. Where this applies, we will proceed with a request for additional information.

We must verify whether we process the data requested. If we do not process any such data, we must inform the Requestor accordingly.

We must respond to the Requestor within one month of receiving the request as valid. This is a requirement under the GDPR.

Any service/employee may receive a request from the Compliance Group or RBC Customer Relations Team to locate and supply information relating to a SAR, the service/employee must make a full and exhaustive search of the records which they are responsible for or owns. This may include but is not limited to e-mails (including archived e-mails and those that have been deleted but are still recoverable), Word documents, spreadsheets, databases, systems, removable media (for example, memory sticks), recordings, paper records in relevant filing systems.

### Reasonable and Proportionate search

We are required to undertake a search of current and accessible electronically held computer systems to search for relevant data that relates to the data subject. There is no requirement to search manual unstructured data to provide a response under the SAR if you are a public authority.

We will use the following information to define the release of manual unstructured data.

### Manual filing tests


- Do the files contain personal data?
- How easy is it to access the personal data in terms of storage?
- Are they filed in a structured way, i.e., alphabetical order and/or indexed?
- Are they in regular use or archives?

Furthermore, we will restrict unstructured manual data to the following exemptions and tests:

In particular [part 2, chapter 3, section 24 of the Data Protection Act](#) includes this exemption:

*“Personal data relates to appointments, removals, pay, discipline, superannuation or other personnel matters”*

Part 5 of this section goes on to say:



A controller is not obliged to comply with Article 15(1) to (3) of the applied GDPR (right of access by the data subject) in relation to personal data to which this Chapter applies by virtue of section 21(2) if:

- a) the request under that Article does not contain a description of the personal data, or
- b) the controller estimates that the cost of complying with the request so far as relating to the personal data would exceed the appropriate maximum.

The test being an estimate for the purposes of this section must be made in accordance with regulations under [section 12\(5\) of the Freedom of Information Act 2000](#).

### Electronic records

We define a reasonable and proportionate search of live electronic databases:

For staff these include:

- Itrent
- Info@Work
- File Servers, Outlook, Office 365

For children, young people, and families (“customers”) these include but is not limited to:

- Mosaic (Children Social Care)
- File Servers, Outlook, Office 365

### Backed up data

We will endeavour to provide data that is materially different from our live systems.

### Deleted information

We shall supply deleted information from our live systems whereby the restoring of this data does not involve a big effort to recreate personal data which was previously deleted as part of our records management strategy.

### E-mails

We shall provide e-mails which can be produced from the live systems detailed above where the information relates to the data subject. By mere mention of the data subject in an e-mail does not mean the e-mail “relates” to them.

### Personal Equipment

We shall not ask staff to search personal IT equipment (laptops, mobile phones etc) only unless we have ascertained that they are storing personal data on their own equipment.

Services should check whether the data requested also involves data on other data subjects and make sure this data is filtered before the requested data is supplied to the requestor; if data cannot be filtered, ensure that other data subjects have consented to the supply of their data as part of the SAR.

All the information that has been requested must be provided unless an exemption can be applied (see below). Information must be supplied in an intelligible form and we will explain acronyms, codes or complex terms.

## Charges

No charge to comply with the request (with exceptions). We will provide a copy of the information free of charge, as per the GDPR rules. However, we may charge a 'reasonable fee' when a request is manifestly unfounded or excessive, particularly if it is repetitive. We may also charge a reasonable fee to comply with requests for further copies of the same information. We understand that this does not mean that we can charge for all SARs. Where applicable, the Compliance Group will determine the 'reasonable fee' that must be based on our administrative cost of providing the information.

## Excessive, manifestly unfounded, or repetitive requests

Where requests are manifestly unfounded, excessive, and repetitive, we may refuse to act on the request or charge a reasonable administration fee. The Compliance Group will make a decision on this.

The Compliance Group must provide information on our decision to the requestor in writing within 30 days and must state how they reached their decision.

## Complex requests

As stated, we have to respond to a SAR within one month. If more time is needed to respond to complex requests, an extension of another two months is permissible, provided this is communicated to the data subject in a timely manner within one month.

Where we decide not to take action on the request of the data subject, we need to inform the data subject of this decision without delay and at the latest within one month of receipt of the request.

## Our response to the requestor

After processing the SAR, our response to the requestor should include:

- The purpose(s) for 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
- The envisaged period for which personal data will be stored, or, if not possible, the criteria used to determine that period
- The existence of the right to request rectification or erasure of personal data or restriction of processing of personal data concerning the data subject or to object to such processing
- The right to lodge a complaint with the ICO
- If the data has not been collected from the data subject, the source of such data
- 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 Requestor

## How to handle exemptions

If a member of staff believes that we have a valid business reason for an exemption, please inform the Compliance Team without delay.

Exempt information must be redacted from the released documents with an explanation of why that information is being withheld.

## Complaints

Where a requestor is not satisfied with a response to a SAR, we must manage this as a request for a review of the process carried out. An internal review will be carried out by the Company's Data Protection Officer within 20 working days of receipt.

On conclusion of the review the Requestor will be advised that if they remain unhappy with the outcome, they may complain to the [Information Commissioners Office](#).

## Breach Statement

Breaches of this policy by members of staff will be investigated and may result in disciplinary action. Serious breaches of policy may be considered gross misconduct and result in dismissal without notice, or legal action being taken against the relevant member of staff.

## APPENDIX 1

### BRIGHTER FUTURES FOR CHILDREN

### SUBJECT ACCESS REQUEST FORM

#### General Data Protection Regulation - SUBJECT ACCESS REQUEST

Please provide the following details about yourself:

Full name \_\_\_\_\_

Date of birth \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_



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Tel No \_\_\_\_\_

E-mail: \_\_\_\_\_

Previous addresses in Reading (where appropriate)

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**1. Are you requesting information about yourself?**

If so, you are the Requestor and documentary evidence of your identity is required, i.e., driving licence, birth certificate (photocopy) and a copy of a recent utility bill. Please complete sections 2, 3 and 6 below.

If not, you will need to supply the written consent of the Requestor on whose behalf you are acting and complete sections 3, 4, 5 and 6 below.

**2. Please describe the information you seek together with any other relevant information to help us identify the information you require.**

**3. If you are authorised to act on behalf of the Data Subject, please complete the following**

Details of the Data Subject on whose behalf you are acting along with a letter of authority/consent from the Data Subject if they have capacity or are above the age of 12 years old.

Full name \_\_\_\_\_

Address \_\_\_\_\_

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Tel No 

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E-mail 

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Relationship to the applicant  
(e.g parent, carer, guardian, social worker, solicitor, advocate etc)

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Please briefly explain why you are requesting this information rather than the Data Subject.

**4. The Data Subject on whose behalf you are acting must complete the following authorisation**

I \_\_\_\_\_ (Name of person on whose behalf application is made) authorise \_\_\_\_\_ (Name of person making the application) to seek access to personal information held by Brighter Futures for Children. I declare that this authorisation was freely given.

Signed

Date

**5 ALL Data Subjects MUST COMPLETE THIS SECTION**  
[Please note that any attempt to mislead may result in prosecution].

I \_\_\_\_\_ confirm that the information given on this application form to Brighter Futures for Children is true, and I understand that you may need more information to confirm my identity/that of the data subject and to locate the information that I am requesting.

Signature:

Date:



Please return the completed form to the Information Governance Group, Reading Borough Council, Civic Office, Bridge Street, Reading, RG1 2LU, along with **photocopies** of your evidence of your identity or by e-mail to [sarrequests@reading.gov.uk](mailto:sarrequests@reading.gov.uk).