

Title of Policy:	Data Protection – Subject Access Request
Section:	Human Resources

Purpose

This policy confirms the rights of data subjects to have access to the personal data the Company holds about them.

Statement

Under the General Data Protection Regulation (GDPR), Data Subjects have a right to receive confirmation that an organisation processes their personal data, and also a right to access that data so that they may be aware of it and are able to verify the lawfulness of the processing. The process for doing so is called a subject access request and this policy sets out the procedure to be undertaken when such a request is made by a Data Subject regarding data processed about them by the Company.

Procedure and Guidance

What is personal data?

“Personal data” is any information relating to an identifiable person who can be directly or indirectly identified in particular by reference to an identifier, including name. “Special categories of personal data” includes information relating to:

- Race;
- ethnic origin;
- politics;
- religion;
- trade union membership;
- genetics;
- biometrics (where used for ID purposes);
- health;
- sex life; or
- sexual orientation.

Information Data Subjects are entitled to

When Data Subjects make a subject access request, they will be informed of:

- whether or not their data is processed and the reasons for the processing of their data;
- the categories of personal data concerning them;
- where their data has been collected from if it was not collected from the Data Subject;
- anyone who their personal data has been disclosed to or will be disclosed to, including anyone outside of the EEA and the safeguards utilised to ensure data security;
- how long their data is kept for (or how that period is decided);
- Their rights in relation to data rectification, erasure, restriction of and objection to processing;
- Their right to complain to the Information Commissioner if they are of the opinion that their rights have been infringed;
- the reasoning behind any automated decisions taken about them.

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This policy was implemented/reviewed on ? The date of the next review is ?

This model requires the approval of the purchaser prior to implementation

Making a subject access request

Subject access requests must be made in writing and can be made in either hard copy format or electronically. The request should indicate specific details of the data the Data Subject wishes to see, which will enable a more efficient response from the Company. We may need to contact Data Subjects for further details on their request if insufficient information is contained in the original request.

Requests may be made by the Data Subject or by a third party e.g. a solicitor acting on their behalf. We will request evidence that the third party is entitled to act on a Data Subject's behalf if this is not provided at the same time as the request is made.

Upon receiving a subject access request

The Company will comply with a Data Subject's request without delay and at the latest within one month unless one of the following applies:

- in some cases, the Company will be unable to supply certain pieces of information that the Data Subject has requested. This may be because it is subject to legal privilege or relates to management planning. Where this is the case, the Company will inform the Data Subject that their request cannot be complied with and an explanation of the reason will be provided;
- The Company requires extra time because the requests are complex or numerous. In these circumstances, the Company will write to the Data Subject within one month of receipt of their request to explain why an extension is required. Where an extension is required, information will be provided within three months of the request.

Before supplying the data (where appropriate) the Company may contact the Data Subject asking for proof of identity. The Data Subject must produce this evidence for their request to be complied with. Subject access requests will normally be complied with free of charge. However, The Company may charge a reasonable fee if the request is manifestly unfounded or excessive, or if it is repetitive. In addition, the Company may charge a reasonable fee if requests are for further copies of the same information. The fee charged will be based on the administrative cost of providing the information requested.

Refusing a request

The Company may refuse to comply with a subject access request if it is manifestly unfounded or excessive, or if it is repetitive. In these circumstances, the Company will write to the Data Subject without undue delay and at the latest within one month of receipt to explain why it is unable to comply. Data Subjects will be informed of the right to complain to the Information Commissioner and to a judicial remedy.

KLOE References for this Policy	Regulations directly linked to this Policy	Regulation(s) relevant to this Policy
Safe Well-Led	Regulation 9: Person-centred care Regulation 10: Dignity and respect Regulation 11: Need for consent	