



Corporate Subject Access
Request Procedures

1 Version History details and author

7.0	10/07/2017	Reviewed by Information Governance Group. Updates to ICO guidance, exemptions re-ordered and SAR contacts added.	Janet Gardom
8.0	21/05/2018	Updated to take into account ICO audit actions, Data Protection Act 2018 and GDPR.	Sinead Roberts
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This document has been prepared using the following ISO27001:2022 standard controls as reference:

ISO Control A.5.31 - Identification of applicable legislation and contractual requirements
 ISO Control A.5.33 - Protection of records
 ISO Control A.5.34 - Privacy and Protection of personally identifiable information

2 Data Protection Act 2018 Subject Access Requests

Introduction

The Data Protection Act 2018 provides data subjects with a right of access to their personal data. This procedure provides a framework for handling requests for individual's personal data which is also known as exercising the right of subject access.

Failure to comply with this procedure could lead to individuals being prevented from accessing data they are entitled to and the Council being in breach of its legal obligations which could expose us to fines and penalties and adverse publicity.

For the purposes of this procedure, "personal data" means any information relating to an identified or identifiable living individual. An identifiable living individual is anyone who can be identified, directly or indirectly, by reference to an identifier, such as a name, identification number or online identifier. "Processing" means any operation or set of operations that is performed on personal data, such as collection or distribution of data.

In addition to rights in relation to accessing their data the Data Protection Act 2018 and UK GDPR give individuals additional rights including the right to rectification (correction of inaccurate data), the right to erasure (sometimes referred to as the right to be forgotten), the right to restrict processing and the right to object to the processing of their data. Some of these rights are qualified rights, which means there are some exceptions; further information in relation to these rights is contained in the Council's Personal Rights procedure which can be found at [General Data Protection Regulation](#)

Requests can be made to any part of the Council and in any form, including verbally, via email or social media. It is the responsibility of all council members, officers, volunteers or third-party agents to recognise subject access requests and to ensure that they are properly handled. The Council has designated departmental data protection liaison officers (DPLOs) who will be able to ensure that requests are directed to the right individuals for processing. A list of DPLOs can be found at [Data Protection](#). DPLOs are guided and supported by the access to information team based within legal services. . If you receive a subject access request and are unsure what to do with it, or unable to contact your DPLO you should contact the access to information team for guidance at access2info@derbyshire.gov.uk

In accordance with the corporate Records Management Policy, it is important that we keep accurate records of the requests we receive, how these are handled, what information is disclosed and the reasons for any redactions. This information must be saved in the appropriate folder in the Council's EDRM access to information system. DPLOs play a key role in ensuring that appropriate records are maintained and relevant information is saved in the Council's EDRM Access to Information system (ATIS).

In ATIS, all SARs are categorised as single-department or multi-department, depending on whether the information requested is held by one or more council department. For the purposes of this procedure, each major division of Corporate Services & Transformation is treated as a department,

Procedure

1. Any SAR made verbally should be written down and verified with the requester without delay.

2. All single-department SARs should be passed to the relevant DPLO without delay, to be registered on ATIS.
3. All multi-department SARs should be emailed to access2info@derbyshire.gov.uk without delay, for the Access to Information team to register on ATIS. In cases of uncertainty, the SAR should initially be treated as multi-department.
4. If information is predominantly held by one Department, but that Department has received advice or support from either Human Resources or Legal Services, it shall be treated as a Single Department request for the purpose of this procedure.
5. If a SAR has been registered on ATIS as single-department but it becomes apparent that information may be held across multiple departments then the DPLO should notify the access to information team access2info@derbyshire.gov.uk Upon receipt of this notification the legal assistant will re-categorise the SAR as multi-department on ATIS. and inform the relevant DPLOs.
6. Upon receipt of a subject access request relating to material held by their department the relevant DPLO will log the request on ATIS, or if the DPLO is of the opinion that the request is likely to include information held by another department they will pass the request as soon as possible to the access to information team by email to enable this team to log the request on ATIS and distribute to the appropriate departmental contacts.
7. In the case of multi-department SARs the legal assistant will email the DPLOs, including the original request and confirming the date of response. The DPLO arranges for the information to be collated and redacted as appropriate and saves to ATIS. The DPLO sends an email to access to information to notify the Legal Assistant that their information is complete and has been uploaded ready for release.
8. The DPLO may seek advice from the legal assistant or access to information solicitor at any point. Routine queries should be directed to the legal assistant, more complex queries to the Access to Information Solicitor, or if necessary these can be escalated to the Senior Solicitor.
9. No information may be disclosed to the requester until their identity has been established to the satisfaction of the DPLO (single-department SARs) or the Access to Information team (multi-department requests). For more guidance on this step, see [ICO Guide to Data Protection](#)
10. The DPLO or legal assistant will consider whether they have enough information to locate the required data or whether it is necessary to seek further clarification from the requester. If a request is being made on behalf of a data subject (e.g. by a solicitor or parent) checks will be undertaken to ensure that the individual making the request has sufficient authority to do so.
11. Once the requester's identity has been verified, the scope of the request is clear and the request is made with appropriate authority, the DPLO or legal assistant will acknowledge the request in writing using a standards template from ATIS. The template may be modified as appropriate.
12. Once a request has been logged the ATIS calculates the number of days in which to respond to the requester. For practical purposes and in accordance with ICO best practice, the ATIS calculates the deadline to be 28 days from the date the requester's identity has been verified.

13. The request should be responded to without undue delay and at the latest within one month of receipt, unless it is necessary to extend the time limit due to the request being complex . If the request is deemed complex the time limit may be extended by a further 2 months. This must be recorded on ATIS by the DPLO or Legal Assistant.
14. In the event that the DPLO or Legal Assistant considers the request manifestly unfounded or excessive, the Council may refuse to comply with it, or consider imposing a reasonable fee to process it. This decision should be taken in consultation with legal services and communicated to the requester as soon as possible. In the communication to the requester they must be informed of their right to appeal to the ICO.
15. Once a decision has been taken to deem a request complex the DPLO or legal assistant will notify the requester of the decision and give a revised timescale. If the time limit is to be extended the requester must be notified of the reasons for this within 1 month of their initial request.
16. In the case of multi-department SARs DPLOs will endeavour to provide documents to the access to information team promptly and in advance of the statutory deadline. Once information has been submitted by the DPLOs, the legal assistant will collate a response on behalf of the Council. In the event that not all DPLOs are able to provide their information within the statutory timeframe then the legal assistant will liaise with the requester and the DPLO responsible for the outstanding data to arrange for the outstanding part of the response to be processed and agree a plan for the requester to be kept updated.
17. The DPLO ensures all the personal data relevant to the request is gathered, by collecting it themselves or liaising with the appropriate departmental officer/s.
18. Once all of the information has been gathered, the officer preparing the information must ensure that any third party data falling within the scope of the request is considered for redaction and if necessary material will be redacted in accordance with the data protection principles or withheld on the basis of an applicable exemption.
19. Departments will collate relevant data in accordance with their local Search, Retrieval and Collation of Documents procedures. When collating data and considering for disclosure it may be necessary to seek consents from third parties relating to the disclosure of their data.
20. Each department has their own staging area to upload documents to the ATIS. The DPLO or legal assistant must upload all data considered in response to the SAR, including source data and any redacted versions.
21. When the information has been prepared and is ready for release, the DPLO or legal assistant should inform the requester that the information is ready either to be sent out. A covering letter should be provided based upon the template stored in ATIS. The covering letter must include details of how to request an internal review or complain to the Information Commissioner's Office.
22. If the requester is collecting their information in person, the DPLO, Legal Assistant or delegate should ask them to sign an acknowledgement of receipt form. A template form can be accessed via ATIS. If the requester refuses to sign this you should still provide them with their data but keep a record of their refusal.

23. The DPLO may invite the requester to read the records with an officer and discuss any concerns or questions they have about the information. This may be appropriate, for example, when viewing a social care record or adoption record. However, in most circumstances the information will simply be sent to the requester's home address, or via secure email.
24. Care should be taken when addressing the envelope and ensuring that it is securely packaged. If information is being supplied via email, the Council's secure email policy must be followed. A copy can be found at [Information Sharing](#)
25. In the event a large amount of data is being transferred by electronic means a crypt share should be considered to ensure that the data is shared securely.
26. The DPLO must log each completed single department request on the ATIS.
27. The Legal Assistant or delegate must log any completed Multi- Departmental request on ATIS.
28. To ensure quality of SARs responses and identify lessons learned cold case reviews may be carried out upon the direction of the Council's Data Protection Officer.

Internal Reviews / Complaints

All complaints about subject access requests or requests for internal reviews must be immediately sent to the access2info@derbyshire.gov.uk mailbox and marked for the attention of the Access to Information Solicitor who will determine the appropriate next steps. The Access to Information Solicitor maintains a record of all requests for internal reviews and complaints which are escalated to the Information Commissioner's Office. This data is shared with the Council's Data Protection Officer and reported to the Council's Information Governance and Implementation Groups to facilitate trend analysis and improve working practice.

Appendix A

Department SAR Contact Details

For internal DCC Staff Only

Details of Departmental Contacts for Subject Access Requests can be found at:
[Access to personal information - Our Derbyshire](#)

This document is owned by the Information Governance Group and forms part of the Council's ISMS and as such, must be fully complied with.