



SCoR

THE SOCIETY & COLLEGE
OF RADIOGRAPHERS

Data Protection
Subject Access Request Procedure

April 2018

SUBJECT ACCESS REQUEST PROCEDURE

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Version control

Version number	Date	Reason for change
0.1	September 2017	
0.2	January 2018	Update by Eugene

Introduction

The General Data Protection Regulation (GDPR) gives several rights to individuals, one of which is the right to subject access.

Any of the SCoR's data subjects which include members (past and present), employees (past, present and prospective), beneficiaries (including applicants), are entitled to make a subject access request, and a request could be received by anyone within the SCoR – so it is important that all members of staff can recognise a request and treat it appropriately.

What an individual is entitled to

GDPR gives individuals the right to obtain:

- confirmation that their personal information is being processed;
- the purpose for which their personal information is being processed;
- access to their personal information; and
- other supplementary information – such as how long the information will be retained, other organisations that it may be disclosed to.

An individual is also entitled to:

- ask for information about the reasoning behind any automated decisions, such as a computer-generated decision or an assessment of performance at work
- his/her own personal data and not to information relating to other people (unless they are acting on behalf of that person
- view the information contained in personal data, rather than see the documents that include that information.

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How quickly information requested must be provided

A request must be responded to promptly and within 30 calendar days of receiving it. This can be extended by a further two months where requests are complex or numerous. If this is the case, the individual must be informed within one month of the receipt of the request and the reason why the extension is necessary explained to them.

Requests that are manifestly unfounded or excessive

Where requests are manifestly unfounded or excessive, in particular because they are repetitive, the SCoR can consider:

- charging a reasonable fee taking into account the administrative costs of providing the information; or
- refusing to respond.

If the SCoR decides to refuse to respond to a request, we must explain the reason to the individual and inform them of their right to complain to the Information Commissioner's Office without delay and at the latest within one month of receiving the request.

Requests for large amounts of personal information

GDPR permits us to ask an individual to specify the information the request relates to if we process a large quantity of information about that individual.

There is no exemption for requests that relate to large amounts of data, but we could consider whether the request is manifestly unfounded or excessive.

Repeated requests for information

GDPR does not limit the number of requests an individual can make to any organisation. However, it does allow some discretion when dealing with requests that are made at unreasonable intervals. We are not obliged to comply with an identical or similar request to one we have already dealt with, unless a reasonable interval has elapsed between the first request and any subsequent ones.

How to provide the information requested

If the request is made electronically, we must provide the information requested in a commonly used electronic format.

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Information must be provided in “intelligible form” which can be understood by the average person.

Any codes that are use within the information must be explained.

SARs made on behalf of others

An individual can make a subject access request via a third party. Often, this will be a solicitor acting on behalf of a client. In these cases, we have to be satisfied that the third party making the request is entitled to act on behalf of the individual, but it is the third party’s responsibility to provide evidence of this entitlement. This might be a written authority to make the request or it might be a more general power of attorney.

If we think an individual may not understand what information would be disclosed to a third party who has made a request on their behalf, we may send the response directly to the individual rather than to the third party. The individual may then choose to share the information with the third party after having had a chance to review it.

When the information requested includes information about other people

Responding to a request may involve providing information that relates both to the individual making the request and to another individual(s). It is not necessary to comply with the request if to do so would mean disclosing information about another individual who can be identified from that information, except where:

- the other individual has consented to the disclosure; or
- it is reasonable to comply with the request without that individual’s consent.

So, although we may sometimes be able to disclose information relating to a third party, we need to decide whether it is appropriate to do so on a case by case basis. This decision will involve balancing the data subject’s right of access against the other individual’s rights in respect of their own personal information. If the other person consents to the disclosure of the information about them, then it would be unreasonable not to disclose it. However, if there is no such consent, we must decide whether to disclose the information anyway.

We cannot refuse to provide subject access to personal information about an individual simply because the information was obtained from a third party.

When a data processor holds the information requested

Responsibility for complying with a request lies with the data controller. The Act does not allow any extension to the 30-day time limit in cases where a data processor is required to provide the information that is needed to respond. We must contact a data processor immediately if they are holding the personal data that has been asked for.

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Exemptions

Various exemptions from the right of subject access apply in certain circumstances or to certain types of personal data; see the Information Commissioner's Office guidance for more details [Exemptions](#)

The SCoR process for responding to a request

It is important to respond to all requests in a helpful and open manner.

1. Member of staff - forward the request to the SCoR Data Protection Officer (DPO) immediately
2. DPO – Contact the individual making the request confirming receipt of the request, and if appropriate:
 - a. Request proof of identify
 - b. Ask for any information needed in order to find the personal information requested
3. DPO contact the SCoR CEO, relevant Directors and Managers, IT and data processors to collate the personal information requested (remember that this could be recorded electronically (e.g. in Word, Excel documents, in emails, in the membership database) and on paper (e.g. written and printed notes)
4. Check to see if the personal information includes any third party personal information or references to third parties
5. Redact any third party personal information or seek consent to disclose
6. Explain any complex codes or terms within the personal information
7. Provide the information requested ensuring that it is transferred in a secure manner
8. Contact the individual making the request to confirm receipt of the personal information

The Information Commissioner's Office provides guidance on dealing with subject access requests [Subject access code of practice](#)