



Subject Access Request Policy & Procedure

May 2021

Consultation completed:	April 2021
Approved:	May 2021
Review Date:	April 2023

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Our Vision, Values & Strategic Objectives

Our Vision

Excellent housing in vibrant communities

Our Values

Respect

We see the positive in everyone, especially our tenants. We treat everyone fairly, regardless of age, race, gender, sexuality or background. We ask for opinions even if we know we might not like what we hear. And we address people's concerns in any way we realistically can.

Integrity

What we say in public is the same as what we say behind the scenes. If we say we'll do something, we mean it. Our tenants can count on us to solve their problems and make sound decisions.

Aspiration

We want the best for all our current and future tenants. We're not afraid to strive for things that won't be easy – or try things that haven't been done before. We seek out opportunities and welcome change. If it doesn't turn out as planned, we learn and improve again. And then we try again.

Our Strategic Objectives

1. Building and sustaining popular neighbourhoods
2. Creating and supporting greater life opportunities for all
3. Developing greener spaces and community wellbeing
4. Being a dynamic and listening community partner
5. Treating people equally and with respect

1. Introduction and Background

- 1.1 Subject Access Requests (SARs) give individuals the right to obtain a copy of their personal data as well as other supplementary information. This helps individuals to understand how and why their data is used, and check it is done lawfully.

2. Definition of Subject Access Requests

- 2.1 An individual is entitled to their own personal data, and not to information relating to other people, unless the information is also about them or they are acting on behalf of someone.
- 2.2 Individuals have the right to obtain the following:
- confirmation that their personal data has been processed;
 - a copy of their personal data.
- 2.3 Individuals also have the right to obtain the following supplementary information:
- the purposes of processing the data;
 - the categories of personal data concerned;
 - the recipients or categories of recipient the personal data is disclosed to;
 - the retention period for storing the personal data or, where this is not possible, criteria for determining how long it will be stored;
 - information on the right to request rectification, erasure or restriction or to object to such processing and the right to lodge a complaint with the ICO;
 - information about the source of the data, where it was not obtained directly from the individual;
 - information on automated decision making.

3. Timescales

- 3.1 You must comply with an SAR request without undue delay and at the latest within one month of receipt of a verbal or written request or (if later) within one month of receipt of:
- any information requested to confirm the requester's identity;
 - any requested information to clarify the request;
 - a fee if this has been requested.
- 3.2 You should calculate the time limit from the day you receive the request (whether it is a working day or not) until the corresponding calendar date in the next month.

4. Handling Subject Access Requests

- 4.1 **Identification** - to ensure you are giving information to the correct person, ask for necessary identification to judge whether the person making the request is the individual to whom the personal data relates, or a person authorised to request data on their behalf. Information requested should not exceed what is necessary to identify the requester.

- 4.2 **Clarification** - before responding to a request, you can ask the requester for more information to clarify their request. You should only ask for information that you reasonably need to find the personal data covered by the request. Use the information checklists provided to help you and the individual to clearly identify the information they are looking for (they may start wanting 'everything' but not fully understand what this would mean for them). The ICO's website has very helpful guidance on clarification www.ico.org.uk

The period for responding to the request begins when you receive the additional information. However, if an individual refuses to provide any additional information, you must still attempt to comply with their request by making reasonable searches for the information covered by the request.

- 4.3 **Inform** – ask the individual as soon as possible for the additional information you need from them. Keep the individual informed of the process throughout by following the procedure and using the templates for letters/emails provided by the Association as the basis for all of your communication.

5. Charges for Providing Information

- 5.1 A reasonable fee for the administrative costs of complying with a Subject Access Request can be charged if:

- it is manifestly unfounded or excessive; or
- an individual requests further copies of their data following a request.

- 5.2 If you decide to charge a fee, you should contact the individual promptly and inform them. You do not need to comply with the request until you have received the fee. Alternatively, you can refuse to comply with a manifestly unfounded or excessive request.

6. Responding to Subject Access Requests

- 6.1 The Data Protection Act 2018 says that you do not have to comply with the request if it would mean disclosing information about another individual who can be identified from that information, except if:

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

- 6.2 In determining whether it is reasonable to disclose the information, you must take into account all of the relevant circumstances including:

- the type of information that you would disclose;
- any duty of confidentiality you owe to the other individual;
- any steps you have taken to seek consent from the other individual;
- whether the other individual is capable of giving consent; and
- any express refusal of consent by the other individual.

- 6.3 You can also refuse to comply with a Subject Access Request if it is manifestly unfounded or excessive.

6.4 A request is manifestly unfounded if:

- the individual clearly has no intention to exercise their right of access;
- the request is malicious in intent and is being used to harass an organisation with no real purposes other than to cause disruption.

6.5 A request is excessive if:

- it repeats the substance of previous requests and a reasonable interval has not elapsed; or
- it overlaps with other requests.

6.6 If you refuse to comply with a request, you should inform the requester of:

- the reasons you are not taking action;
- their right to make a complaint to the Information Commissioner's Office, Scotland Office (ICO); and
- their ability to seek to enforce this right through a judicial remedy.

7 Responsibilities

7.1 Investigating Officer (IO): An Investigating Officer is assigned to an SAR when it is logged on to the SARFOI system. It is the IO's responsibility to:

- Follow the guidance and procedures outlined in this document and in the SARFOI system guide;
- Work with the requester to identify the information requested where that is unclear and using the checklists provided;
- Explain to the requester how the information will be provided;
- Use the letter/email templates provided as a basis for all responses dependent on the requirements of the SAR;
- Maintain a high standard of clear and accurate written communication throughout the process;
- Create and keep one electronic record of **all** documentation sent to the requester, including correspondence, as a zip file or PDF;
- Ensure that all information requested is provided in line with SAR guidance and Association records;
- Obtain sign off of the final response from their line manager prior to issue;
- Keep within required time limits for SAR responses.

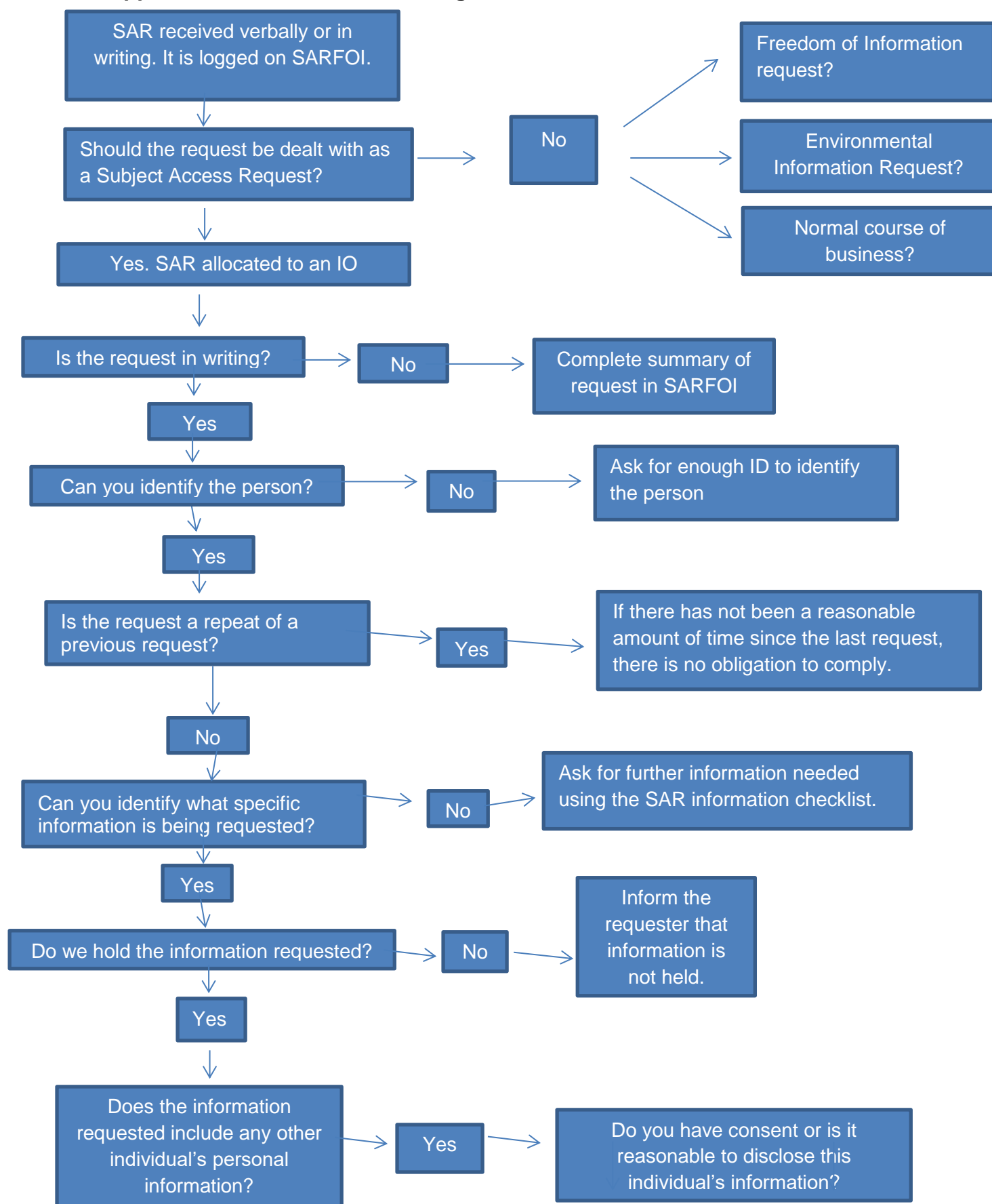
7.2 Line Manager: The Investigating Officer's line manager plays an important role in ensuring the process is followed and in quality checking the SAR response. It is the line manager's responsibility to:

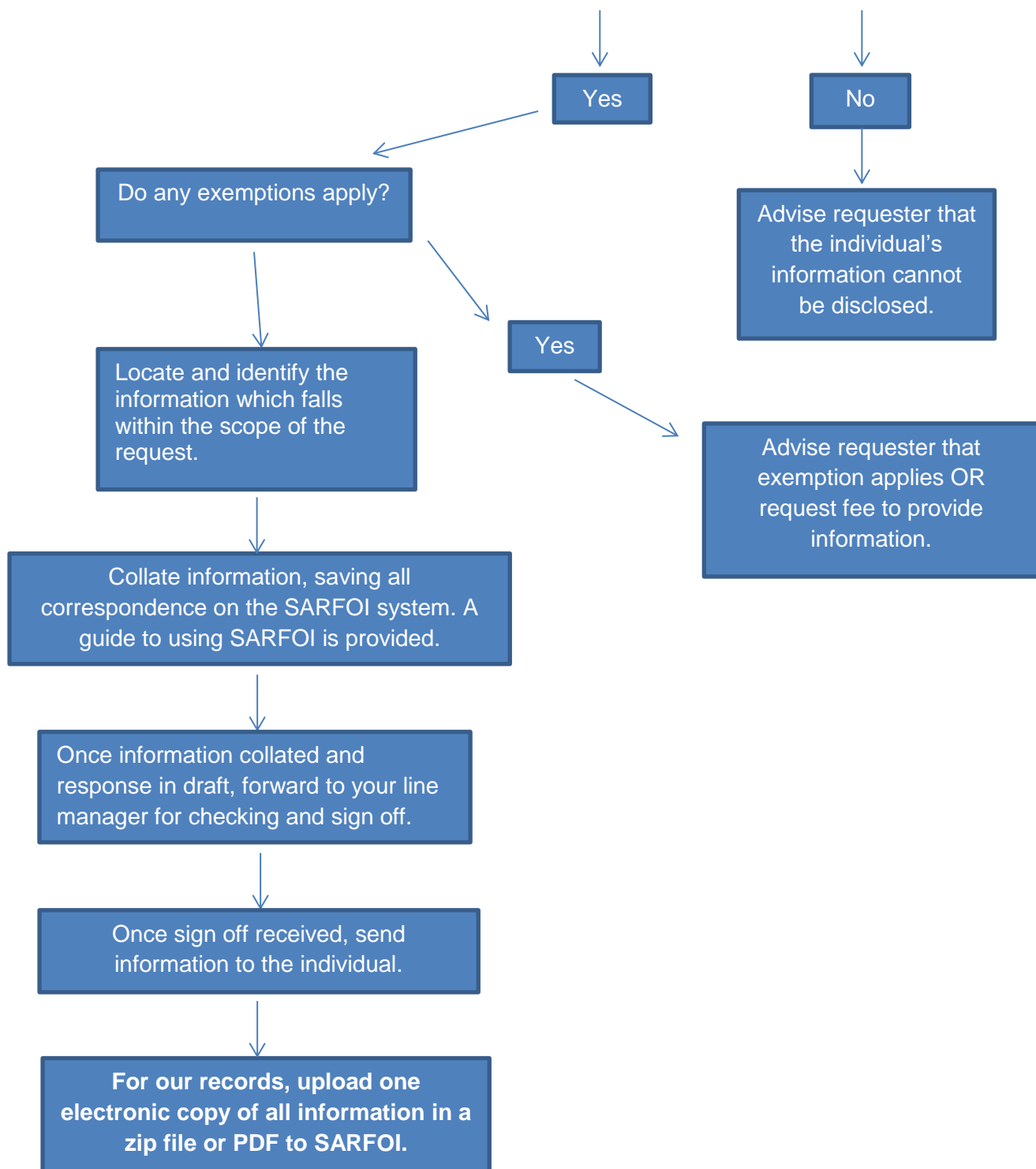
- Support the IO throughout the SAR process;
- Check that the SAR process and SARFOI system processes have been used correctly;
- Check the quality of the SAR final response and that all information requested has been provided;
- Keep within required time limits for SAR responses.

8. Monitoring and Review

- 8.1 The procedure will be reviewed every two years by the Business Strategy Team. The next review date is April 2023.

Appendix 1: Flow Chart Illustrating SAR Process





Contact Us



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