



# HILLINGDON

LONDON

## SUBJECT ACCESS REQUEST POLICY AND PROCEDURE

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## **Introduction**

1. The UK General Data Protection Regulations (“UK GDPR”) 2018 and the Data Protection Act (“DPA”) 2018 set out Individuals’ Rights which include the right of access (commonly referred to as Subject Access Request). Individuals have the right to request copies of all their personal data processed by the London Borough of Hillingdon (“the Council”) under section 45 of the DPA 2018 and Article 15 of UK GDPR.
2. Personal data is defined under Article 4 UK GDPR 2018 as "any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person".
3. In order to obtain a copy of their personal data, an individual (known as a ‘Data Subject’) has to make a request verbally or in writing, provide proof of identity and address and specify the information they are seeking. This is known as a Subject Access Request (SAR) and there is no fee payable for making the request.
4. Once a Data Subject has provided this, the Council should comply with the request within the statutory period set out in section 54 of the DPA 2018, unless additional information is required. Otherwise, the Council may be in breach of the DPA. Repeated infringements could lead to enforcement action being taken against the Council by the Information Commissioner’s Office (ICO), the public body with responsibility for upholding information rights in the UK.
5. The Data Subject should also take into account that there is not an automatic right of access to children or family member’s information.
6. This Policy and Procedure is designed to ensure that all requests are dealt within within the statutory time period and to provide advice and assistance regarding the submission and progression of a SAR.

## **Subject Access Request Policy and Procedure**

1. All SARs must be made either verbally or in writing/email by contacting the Council's Statutory Data Protection Officer or the Information Governance Team. The contact details are set out below:
  - Telephone number for switchboard: 01895 250111
  - Postal address: The Statutory Data Protection Officer, Legal Services, London Borough of Hillingdon, Civic Centre, High Street, Uxbridge, UB8 1UW
  - Email address: [sar@hillingdon.gov.uk](mailto:sar@hillingdon.gov.uk)
  - By completing an online form which is available on the Council's website at [Subject access request form - Hillingdon Council](#)
2. A verbal request will be followed by written confirmation of receipt of the SAR and will still need to meet the requirements set out in this Subject Access Policy and Procedure.
3. There is no requirement for a SAR to be labelled as such or to make any reference to UK GDPR or the DPA 2018. The Council can exercise its discretion in determining whether a request is construed as a SAR.
4. Where departments within the Council receive a SAR from a Data Subject or a member of the public, they will refer the SAR to [sar@hillingdon.gov.uk](mailto:sar@hillingdon.gov.uk) without delay.
5. The Council has produced a "Subject Access Request Form" to assist a Data Subject in making a request at Appendix 1 in this document. This is available on request by emailing [sar@hillingdon.gov.uk](mailto:sar@hillingdon.gov.uk) and is also published on the Council's website.
6. The Council will acknowledge all SARs within 5 working days and Data Subjects will be informed whether any further information is required. Further clarification may also be sought once the enquiry has been progressed. The Council has one calendar month to provide you with a response and will provide you with confirmation of this date. This period is calculated from the date the Council confirms they have received a valid request. This time period can be extended by the Council by a further two months if the request is complex or if it has received a number of requests from the individual. The Council must let the Data Subject know without undue delay and within one month of receiving their request and explain why the extension is necessary. Where the date for compliance falls on a non-working day, this will roll over to the next working day. The Statutory Data Protection Officer is responsible for overall compliance of SARs and is supported by the Information Governance Team that record and progress SARs.
7. Data Subjects will be required to provide proof of their identity and residence before information will be disclosed. A photocopy can be provided in person, by post or by email. This is to prevent unauthorised disclosure to third parties and is requested in line with section 52 of the DPA 2018 and Recital 64 of UK GDPR 2018. This also assists in locating the relevant information. Examples of identification include, but are not limited to, a photocopy of a passport and/or driving licence and a recent utility bill/ Council Tax letter/ NHS/DWP

correspondence which is no more than three months old. The Council may also request further information, such as any Council departments that you have had dealings with and the type of information that you wish to see.

8. In circumstances where a Data Subject does not have proof of identity, they will be required to provide two types of proof of their address and a copy of a birth certificate, where appropriate. The Council can exercise their discretion as to the type of evidence of identity both requested and accepted, which will be assessed on a case-by-case basis and take into account the type of information being sought.
9. A request will be considered to have been validly received once the Council is satisfied that it is able to verify a Data Subject's identity using the evidence provided and it is at this point that the statutory time period begins.
10. In addition, if information is sought relating to a child under 16 years of age, we will request additional information to support that a parent/guardian has parental responsibility for the child/children. This may include, but is not an exhaustive list, a photocopy of a child's birth certificate and/or documentation such as a copy of a Special Guardianship Order.
11. Where a request is made by an Agent on behalf of a Data Subject, the Agent must, in addition to the requirements of paragraph 7 above, provide the following:
  - (i) in all instances where the request is made by an Agent not acting in a professional capacity (i.e. as a Solicitor), proof of the Agent's identity and residence.
  - (ii) where a Data Subject has mental capacity, written proof of authority to act on the Data Subject's behalf (which can include the use of the "Agent Authorisation Form" (Appendix 2) contained in this Policy and Procedure).
  - (iii) where applicable, further supporting paperwork such as a copy of a registered Lasting Power of Attorney or Deputyship Order where the Data Subject has been deemed to lack mental capacity.
12. We will need to confirm the identity of the person that the Agent is acting on behalf of and, if the Agent is relying on consent (as opposed to having been granted legal authority by a Court or the Office of the Public Guardian, for example), we will need to check that the Data Subject has given informed consent. To carry out these checks, we may contact the Data Subject to make relevant enquiries. The Agent must provide satisfactory evidence that they are legally authorised to make the SAR.
13. Where a request is made by an Agent in a professional capacity (such as a Solicitor) on behalf of a Data Subject, the Agent must adhere to paragraph 7 above (or confirm they are satisfied with their client's identity) and provide written proof of authority to act on behalf of a Data Subject's behalf. They may also be required to provide supporting paperwork where necessary.
14. In circumstances where clarification is required to progress the SAR, this will be communicated to the Data Subject. This will 'stop the clock' in respect of the statutory time period until the information sought is provided by the Data Subject. Once received, the "clock" will restart and the deadline for compliance will be adjusted accordingly.

15. The SAR will be progressed by the Information Governance Team in line with the statutory time period. They will liaise with the relevant department(s) in the Council that may hold the information sought.
16. Once the information has been collated, it will be necessary for the Information Governance Team to identify any third party information and consider any other applicable exemptions set out in the DPA 2018 before a decision can be made about disclosing the information sought.
17. In matters where third party information is identified, a decision will be made about whether the consent of the third party is required to disclose this information and whether the third party should be approached to see if they will provide consent. This will involve the Information Governance Team consulting the relevant departments at the Council to acquire further background information.
18. The SAR may result in one of the following outcomes:
  - (a) the information sought may be disclosed with no redactions; or
  - (b) the information sought may be disclosed with redactions applied in line with the relevant exemptions stipulated in the DPA 2018. The Data Subject will be informed of the exemptions being relied upon at the point of disclosure; or
  - (c) the SAR may be declined in its entirety in circumstances where an applicable exemption, or exemptions, under the DPA 2018 is/are considered appropriate. This will follow a careful review of the collated information and engagement with the relevant department(s) as to the implications of the disclosure of the SAR. This can include the Council declining SARs that are manifestly unfounded or excessive. The Data Subject will be informed of the reasons why the information is being restricted in whole. The Information Governance Team will record the reasons for its decision in this regard; or
  - (d) no information could be located matching the description given. Where applicable, and if known, the Council will always endeavour to redirect the Data Subject to the relevant public body, for example, the NHS or a School in the Borough.
19. In the event that a Data Subject wishes to make a complaint regarding the handling of their SAR, they can lodge a request for an internal review. This process is implemented in line with the ICO's guidance. The internal review gives an opportunity for the SAR to be re-considered and the Council will endeavour to carry this out within 20 to 40 working days, where possible.
20. In circumstances where a Data Subject remains dissatisfied with the outcome of their internal review, they can lodge a complaint to the ICO, using the following contact details:
  - Telephone number: 0303 123 1113
  - Postal address: Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF
  - Via their website – <https://ico.org.uk/make-a-complaint>

If you are not satisfied with outcome from the ICO, then you have a right to apply to a Court under section 167 of DPA 2018.

21. This Subject Access Request Policy and Procedure will be made available in other formats

on request by contacting the Information Governance Team.

22. This Subject Access Request Policy and Procedure will be reviewed every two years.

**Appendix 1**

**Subject Access Request Form**

Before completing this form, please read the Subject Access Request Policy and Procedure. Any information provided in this form will be used solely for the purpose of responding to your request.

**1. Name and Contact Details of Data Subject**

|  |
|--|
| Name:  |
| Address:   |
| Telephone Number (daytime):<br>Email address:<br>Please indicate your preferred method of correspondence: Post or Email <i>(delete as appropriate)</i> |
| Previous address <i>(if you have moved house in the last 12 months):</i>   |

**2. Data Subject or Authorised Agent**

2.1 I am making this request on my own behalf **YES/NO** *(delete as appropriate)*

2.2 I would like my agent Mr/Mrs/Ms ..... to act on my behalf.

If a third party is making a request on your behalf, you will need to complete and attach an Agent Authorisation Form. We will not be able to deal with a request from a third party if this form is not completed.

**3. Identification**

In order to assist us in responding to your request and to help us prevent unauthorised disclosures of your personal data, please provide a copy of a photographic ID and a recent proof of residence, such as a utility bill, that is dated within the last three months.

3.1 I have attached photocopies/photographs of the required ID and evidence of address.

3.2 I have provided any other documentation that supports my request to make this SAR.

**4. Details of the Request**

In order to assist us to meet your request please state what information you are seeking and/or what rights you are seeking to exercise.

**5. Other Information**

Please provide any information that will assist us in locating the data you have requested. This could be details of any relevant reference numbers, dates of any correspondence or any members of staff you have dealt with.

Other information:

**6. Statement**

I confirm that I am making this SAR on my own behalf. I have read and understood the information contained in the Subject Access Request Policy and Procedure. I understand that the Council may seek further information to confirm my identity as the Data Subject in order to ensure confidentiality. I confirm that the information I have provided is accurate.

**Signature of Data Subject:** .....

**Date:** .....

This form should be returned to: The Statutory Data Protection Officer, Legal Services, London Borough of Hillingdon, Civic Centre, High Street, Uxbridge, UB8 1UW or by emailing [sar@hillingdon.gov.uk](mailto:sar@hillingdon.gov.uk).



**Appendix 2**

**Agent Authorisation Form**

Before completing this form, please read the Subject Access Request Policy and Procedure. Any information provided in this form will be used solely for the purpose of responding to the request, made by the Data Subject named in section 1.

**1. Name and Contact Details of the Data Subject**

|   |
|---|
| Name:   |
| Address:                                      |
| Telephone Number (daytime):<br>Email address: |

I am the above-named person and authorise the London Borough of Hillingdon to give the specific information requested in this SAR application to my agent, whose name and address are given below.

**Signature of Data Subject:** .....

**Date:** .....

**2. Name and Contact Details for the Agent**

|          |
|----------|
| Name:    |
| Address: |

Telephone Number (daytime):

Email address:

Please indicate your preferred method of correspondence: Post or Email (*delete as appropriate*)

What is your relationship with the Data Subject?

### 3. Identification of Agent

In order to assist us in responding to your request and to help us prevent unauthorised disclosures of personal data, please provide a copy of one form of photographic ID and proof of residence for both the Agent and for the Data Subject.

3.1 I have attached photocopies/photographs of the required ID and proof of residence for the Agent and the Data Subject.

3.2 I have provided any other documentation that supports my request to act on behalf of the Data Subject.

### 4. Details of the Request

In order to assist us to meet your request, please state what information you are seeking on behalf of the Data Subject and/or what rights you are seeking to exercise:

### 5. Other Information

Please provide any information that will assist us in locating the data you have requested on behalf of the Data Subject. This could be details of any relevant reference numbers, dates of any correspondence or any members of staff that dealt with the matter.

Other information:

## 6. Statement

I have read and understood the information contained in the Subject Access Request Policy and Procedure. I declare that I make this application on behalf of and solely in the interest of, the named Data Subject. To ensure confidentiality, I accept that the Council may need to make further enquiries to validate this authorisation. I confirm that the information I have provided is accurate

**Signature of Agent:** .....

**Date:** .....

This form should be returned to: The Statutory Data Protection Officer, Legal Services, Civic Centre, Uxbridge, UB8 1UW or by emailing [sar@hillingdon.gov.uk](mailto:sar@hillingdon.gov.uk).