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Subject Access Request (SAR) Policy

1. Purpose

1.1 This document sets out our policy for responding to subject access requests (SAR) under the General Data Protection Regulation 2018.

1.2 It is the General Data Protection Regulation in the UK that explains the rights and responsibilities of those dealing with personal data. All staff are contractually bound to comply with the General Data Protection Regulation and other company policies relating to data protection.

2. Introduction - What is the GDPR?

2.1 The GDPR gives individuals the right to know what information is held about them. It provides a framework to ensure that personal information is handled properly.

2.2 The Act works in two ways. Firstly, it states that anyone who processes personal information must comply with eight principles, which make sure that personal information is:

- Fairly and lawfully processed;
- Processed for specific and lawful purposes;
- Adequate, relevant and not excessive;
- Accurate and up to date;
- Not kept for longer than is necessary;
- Processed in line with the individuals' rights;
- Processed securely;
- Not transferred to other countries without adequate protection;

2.3 Secondly, it provides individuals with important rights, including the right to find out what personal information is held about a data subject.

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Author: Sally Bannister

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3. What is the Company's General Policy on Providing Information?

3.1 We welcome the rights of access to information that are set out in the GDPR. We are committed to operating openly and to meeting all reasonable requests for information that are not subject to specific exemptions under the GDPR.

More information on subject access requests are available at:

<https://ico.org.uk/media/for-organisations/documents/2014223/subject-access-code-of-practice.pdf>

4. How do you make a Subject Access Request?

4.1 A subject access request is a written request for personal information (known as personal data) held about an individual by the Company. Generally, you have the right to see what personal information we hold about you, you are entitled to be given a description of the information, what we use it for, who we might pass it onto, and any information we might have about the source of the information. However, this right is subject to certain exemptions that are set out in the GDPR.

For more information on exceptions under the GDPR please see:

<https://ico.org.uk/for-organisations/guide-to-data-protection/principle-6-rights/subject-access-request/>

Please email your request to HR in the first instance.

When you make a request please make sure you include as much detail as possible as indicated below:

- your full name, address and contact telephone number;
- any information used by the company to identify or distinguish you from others of the same name (address, unique ID's etc);

5. What is personal information?

5.1 Personal data is information which is biographical, or which has the individual as its focus.

5.2 Further information on what amounts to personal data can be found at appendix A.

6. What do we do when we receive a subject access request?

Checking of identity

6.1 We will first check that we have enough information to be sure of your identity. Often, we will have no reason to doubt a person's identity, for example, if we have regularly corresponded with them. However, if we have good cause to doubt your identity, we can ask you to provide any evidence we reasonably need to confirm your identity. For example, we may ask for a piece of information held in our records that we would expect you to know: a witnessed copy of your signature or proof of your address.

6.2 If the person requesting the information is a relative/representative of the individual concerned, then the relative/representative is entitled to personal data about themselves but must supply the individual's consent for the release of their personal data. If you have been appointed to act for someone under another act or regulation, you must confirm your capacity to act on their behalf and explain how you are entitled to access their information.

6.3 Should you make a data subject access request, but you are not the data subject, you must stipulate the basis under the GDPR that you consider makes you entitled to the information.

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Collation of information

6.4 We will check that we have enough information to find the records you requested. If we feel we need more information, then we will promptly ask you for this. We will gather any manual or electronically held information that we can access, with reasonable effort, and identify any information provided by a third party or which identifies a third party.

6.5 If we have identified information that relates to third parties and, within reason, we will redact the information or write to them asking whether there is any reason why this information should not be disclosed. We do not have to supply the information to you unless the other party has provided their consent, or it is reasonable to do so without their consent. If the third-party objects to the information being disclosed, we may seek advice on what action we should take.

6.6 Before sharing any information that relates to third parties, we will where possible anonymise information that identifies third parties not already known to the individual (e.g. other employees) and edit information that might affect another party's privacy. We may also summarise information rather than provide a copy of the whole document. The GDPR requires us to provide information not documents.

Issuing our response

6.7 Once any queries around the information requested have been resolved, copies of the information in a permanent form will be sent to you except where you agree, where it is impossible, or where it would involve undue effort. In these cases, an alternative would be to allow you to view the information on screen at the Company.

6.8 We will explain any complex terms or abbreviations contained within the information when it is shared with you. Unless specified otherwise, we will also provide a copy of any information that you have seen before.

7. Will we charge a fee?

7.1 Under the GDPR we will not charge for the information provided unless the request is repeated. We will notify you before if any charges will be associated with the request.

8. What is the timeframe for responding to subject access requests?

8.1 We have one calendar month starting from when we have received all the information necessary to identify you, to identify the information requested, and any fee required, to provide you with the information or to provide an explanation about why we are unable to provide the information. In many cases, it will be possible to respond in advance of the standard time scale and we will aim to do so where possible.

9. Are there any grounds we can rely on for not complying with a subject access request?

Previous request

9.1 If you have made a previous subject access request we must respond if a reasonable interval has elapsed since the previous request. A reasonable interval will be determined upon the nature of the information, the

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time that has elapsed, and the number of changes that have occurred to the information since the last request.

Exemptions

9.2 The GDPR contains a number of exemptions to our duty to disclose personal data and we may seek advice if we consider that they might apply. Possible exemptions would be: information covered by legal professional privilege, information used for research, historical and statistical purposes, and confidential references given or received by the Company, disclosing data that involves an unreasonable amount of effort.

10. What if you identify an error in our records?

10.1 If we agree that the information is inaccurate, we will correct it and where practicable, destroy the inaccurate information. We will consider informing any other relevant third party of the correction if necessary. If we do not agree or feel unable to decide whether the information is inaccurate, we will make a note of the alleged error and keep this on file.

11. Our complaints procedure

11.1 If you are not satisfied by our actions, you can seek recourse through our internal complaint's procedure, the Information Commissioner or the courts.

11.2 The Company will deal with any written complaint about the way a request has been handled and about what information has been disclosed. Please contact the Company at: team.hr@turniton.co.uk

12. If you remain dissatisfied, you have the right to refer the matter to the Information Commissioner.

The Information Commissioner can be contacted at:

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

Telephone: 01625 545 745 Fax: 01625 524 510

Message: <https://ico.org.uk/global/contact-us/email/>

13. Appendix A

13.1 Personal data is information that relates to a living individual who can be identified from the information and which affects the privacy of that individual, either in a personal or professional capacity. Any expression of opinion about the individual or any indication of the intentions of any person in respect of the individual will be personal data.

13.2 Provided the information in question can be linked to an identifiable individual, the following are likely to be examples of personal data:

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- an individual's salary or other financial information;
- information about an individual's family life or personal circumstances, employment or personal circumstances, any opinion about an individual's state of mind;
- sensitive personal information – an individual's racial or ethnic origin, political opinions, religious beliefs, physical or mental health, sexual orientation, criminal record and membership of a trade union.

13.3 The following are examples of information, which will not normally be personal data:

- mere reference to a person's name, where the name is not associated with any other personal information;
- incidental reference in the minutes of a business meeting of an individual's attendance at that meeting in an official capacity;
- where an individual's names appear on a document or email indicating only that it has been sent or copied to that individual;
- the content of that document or email does not amount to personal data about the individual unless there is other information about the individual in it.

13.4 If a document has been sent by a third party, that contains information about an individual, which relates to their personal or professional life, it is personal data.

13.5 Further information on personal data can be found here: https://ico.org.uk/media/for-organisations/documents/1549/determining_what_is_personal_data_quick_reference_guide.pdf

Further information

If you would like to discuss anything in this Subject Access Request policy/procedure, In the first instance please contact: team.hr@turniton.co.uk

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