

General Data Protection Regulation (GDPR) Subject Access Request (SAR) Guidance Notes

1. What is the General Data Protection Regulation (GDPR)?

The General Data Protection Regulation (GDPR) came into force 25 May 2018 to set out how organisations such as the council must look after the personal information they handle and hold. This is achieved by complying with the six principals of the GDPR, as shown on the council's website.

2. What is a Subject Access Request?

Under the GDPR you have the right to request personal information that an organisation holds about you by making a Subject Access Request (SAR).

3. What is Personal Information?

Like most organisations we need to keep personal information about people so we can, for example provide them with services. This information could be about you as a customer or about our employees.

We provide a range of services to our customers and we keep information about each person we work with. This information is generally kept in a case file, which could be a paper file, a computer record or both. The information in a case file includes:

- Basic details about you
- Contact we have had with you
- Notes and reports about help or services you need
- Records of decisions made about the support and services you need
- Relevant information from other people who know you

4. How do I request information?

If you want to make a Subject Access Request you can do so verbally or in writing, but we would prefer you to put your request in writing so that we can be sure we understand the information you are requesting access to. To assist we have provided you with a form to complete, which gives prompts for all of the information we need to process your request as quickly as possible.

It is important that you provide as much information as you can that could be relevant, such as:

- Any other names you or anyone related to the request have been or known by
- How long you have lived in North Lincolnshire for
- Any previous addresses you have lived at that could be relevant
- The names of anyone else who could be related to this request and their relationship to you. For example the names of your children or grandchildren.

The Subject Access Request Form is available on the council's website at
<http://www.northlincs.gov.uk/your-council/information-and-performance/information-governance/dataprotection/>

Please complete the form and return it to us using one of the following methods:

Email

customerservice@northlincs.gov.uk

Post

North Lincolnshire Council
Contact Centre
30 – 40 High Street
Scunthorpe
North Lincolnshire
DN15 6NL

In Person

Please hand deliver your request to any [Local Link](#).

Telephone

01724 297000

5. How much does it cost?

There is no charge to make a Subject Access Request.

In line with the GDPR if your request is considered manifestly unfounded or excessive or for further copies of information supplied. Any fees will be based on the administrative cost of providing the information.

Please read our [Information Charging Policy](#) if you would like to know more about our charges.

6. Do I need proof of identity?

To protect your information you will usually need to provide evidence of who you are with your Subject Access Request. Generally we will accept photocopies of your documents but sometimes we will need to see original copies. If this is the case we will inform you.

We need copies of two documents, one of which must show your current address. This is to prevent fraudulent requests for information. A full list of what we accept is recorded in Section 2 of the [Subject Access Request Form](#).

Please send copies of these documents with your Subject Access Request (use of recorded mail is advised) or bring the originals with you to a Local Link. Originals brought to a Local Link will be copied and given back to you.

7. How long does it take?

We aim to respond to each request within one calendar month from the day after receipt of the request. One month will end on the last day of the following month if there is no corresponding day in that month.

It is important to be clear and specific about the information you would like to access or we may have to contact you to ask more about your enquiry. The response deadline will start when your request is agreed.

It is also important to provide your identification as soon as possible to avoid a delay.

8. Do I have to make my own subject access request?

You can ask someone else (a 3rd party) to request your personal information on your behalf. This person can be, for example, a friend, a solicitor or a parent. The 3rd party must prove in writing that they have your permission to request your information.

Sometimes the 3rd party will be asked to provide two pieces of their own identification, again to prevent fraudulent requests. The identification accepted is as in the Section 2 Proof of Identification section on the [Subject Access Request Form](#).

9. What if the person cannot give me (the 3rd party) permission to access their personal information?

If the person whose information you are requesting is not capable of asking for and understanding their personal information we may in some instances give you, as a 3rd party, access to their personal information. An example is when you have confirmation of Power of Attorney (being their legal representative).

The decision about access to the information will be made on a case by case basis and will take into account the best interests of the person to whom the personal information relates. If we refuse or limit access to any information we will explain why.

10. Information about young people

If the person whose information you are requesting is a young person of less than 18 years and you are the parent/guardian we may allow you access to their information if the young person is not mature enough to make their own request. Generally when a child reaches 12 years of age they are considered to be old enough to make their own request. If you are making a request about a child or young person we will ask for proof of parental responsibility.

The decision about access to the information will be made on a case by case basis and will take into account the best interests of the person to whom the

personal information relates. If we refuse or limit access to any information we will explain why.

11. What happens next?

We will write back to you to say we have received your request. If you have asked for a specific item of information it may be possible to find this quickly and include this information in the reply.

If you have sent us original copies of your proof of identity documents in the post, we will take photocopies of the documents and return these to you by recorded delivery.

We will then carry out a search for the information you have asked for.

12. What information is provided and how?

If we find that we do not have the information you have asked for we will write and explain this to you.

If we do have the information you have asked for and we are able to disclose it we will either send you a copy by secure email or post or we will arrange for you to meet with a council officer such as a Social Worker to discuss the information. We will always provide you with a permanent copy of your information, unless you agree to view the information in another way or it is not reasonably possible for us to do so.

13. Why might we withhold your information?

The GDPR give you the right of access to personal information we hold about you. There are, however, times when the GDPR allows us to withhold some or all of your information. Examples of reasons (exceptions) for withholding your personal information are:

- If the information identifies other people – it will often be right to remove those parts of the information that identify someone else, unless the 3rd party has agreed to the disclosure or is carrying out a role where they could not expect their name to be withheld.

(For example we are unlikely to withhold the names of social workers or other social work professionals unless to disclose them could cause serious harm to that person);

- If disclosure of the information could prejudice the carrying out of social work because, for example it could cause serious harm to your physical or mental health of that of any other person;
- If disclosure of the information could hinder the prevention and detection of crime or the prosecution or apprehension of offenders.

If we refuse or limit access to information we will explain why.

14. What if something is wrong with the information disclosed?

If you think your personal information is inaccurate or you disagree with us holding it, you have other rights under the GDPR, such as the right to ask us to correct it or delete it. If we agree we will if possible correct or delete your information. If correction or deletion is not possible or we do not agree that the information is inaccurate or we do not agree that it should be deleted we will record your comments.

We welcome any comments about the personal information we are holding about you. Please see the Data Protection and Privacy page on the council's website for more information about your rights under GDPR and please contact us as follows:

Email

customerservice@northlincs.gov.uk

Post

North Lincolnshire Council
Contact Centre
30 – 40 High Street
Scunthorpe
North Lincolnshire
DN15 6NL

Telephone

01724 297000

15. How do I complain?

If you are not happy with the way we have handled your Subject Access Request or feel we are not looking after your personal information as required by the GDPR you can complain by following the council's [Information Complaints Procedure](#).

You can also complain to the Information Commissioner (ICO) about these issues. The Information Commissioner is the regulator of the GDPR.

If you contact the ICO with your complaint before giving the council a chance to resolve the issue the ICO is likely to pass your issue back to the council for investigation.

The Information Commissioner can be contacted as follows: -

Web: www.ico.org.uk

Phone: 0303 123 1113

Post: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF