

# **SUBJECT ACCESS POLICY AND PROCEDURE**

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**Revision History**

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## **1 Introduction:**

The Data Protection Act 2018 (the Act) gives individuals rights of access to their personal records held by Lancaster City Council. This policy explains how Lancaster City Council aims to fulfil its obligations under the Act.

All records that contain personal data of individuals held and maintained by Lancaster City Council will be subject to the Data Protection Act and the principles contained therein.

A subject access request (SAR) is simply a request made by or on behalf of an individual for the information which he or she is entitled to ask for under section 45 of the Data Protection Act 2018 (DPA). The request does not have to be in any particular form, nor does it have to be in writing, but in practice the requester should always be asked to put their request in writing so that a record of the request can be retained. An emailed or faxed request is as valid as one sent in hard copy. SARs may also be received via social media and possibly via third-party websites.

The Act entitles an individual, with certain exceptions, to a copy of both manual data recorded in a relevant filing system and computer data relating to them together with reasonings as to why it is being processed and the sources and destination of the data. A request for such information under the Act is known as a Subject Access Request.

## **2 Scope:**

The purpose of this document is to describe the basic business process, and roles and responsibilities, for handling Subject Access Requests (SARs) within Lancaster City Council.

## **3 Definitions:**

"SARs" are requests for personal data from a Data Subject (the person that the personal data concerns) or from someone acting on behalf of the Data Subject. This may be a personal representative, i.e. a family member, a friend or colleague or someone acting in a professional capacity like a solicitor or an advisor (e.g. residents' groups etc.). Note any request by an individual asking for their personal information is a subject access request. However, where possible you may treat requests that are easily dealt with as routine matters, in the normal course of business.

"Personal data" is information that can identify someone or can make someone more identifiable from that data, or from those data and other information which is in the possession of, or is likely to come into the possession of, the data controller. It might be someone's name and address, detailed case notes or in some cases, a statistic. It applies to factual information about identifiable individuals as well as opinions expressed.

Personal information applies to all information held within electronic files and systems, as well as structured paper files. It can also apply to information held within tape recordings and CCTV systems, where an individual is capable of being identified.

"Redaction" means to conceal or to remove and in this case, means the concealing or removing of data from the documents that we may disclose to the person making the request. There are reasons why we redact data, for example personal data of other people.

## **4 Roles and Responsibilities:**

All SARs received by any Lancaster City Council member of staff will be forwarded to the Information Governance Team (IGT) [info@lancaster.gov.uk](mailto:info@lancaster.gov.uk)

The IGT will log the details of Subject Access Request onto a database and each request is assigned a

reference number. Each request should be validated to make sure we know what type of information is being requested, and that the person making the request is entitled to see the information before it is sent to them.

## 5 Procedure for Subject Access Request

Applicants may make a request for their own personal information.

All applicants should be directed to the council's "[Request Information from the Council](#)" webpage in order to make their request.

All SAR Requests must:

- State the full name and contact address of the applicant
- Clearly describe the information requested

There is no legal requirement for the applicant to state why the information is being requested or to make a request in writing. Making a request in writing should be encouraged in order to avoid ambiguity and the IGT can assist with this.

The Council's responsibilities are to:

- Provide advice and assistance
- Respond to requests within the statutory deadline of one calendar month
- Inform the requestor of the appeal procedure

### 5.1 Accepting Requests

Before a request is formally accepted, the IGT will ensure that:

- i. Identification of the data subject have been provided (with current name, address and date of birth)
- ii. If the applicant is a third party acting on behalf of the Data Subject, they will also need to ensure the following has been provided:
  - 1 form of identification to prove who the requestor is. This only applies to private individuals like relatives, friends, etc., not someone working in a professional capacity i.e. solicitor
  - Signed letter of consent / power of attorney to allow disclosure of personal data to be made to someone other than the Data Subject

### 5.2 Payment

Lancaster City Council do not charge for the administration of Subject Access Requests. However, we will charge for paper copies which are requested where we are aware the recipient has access to electronic means or where multiple copies in physical formats have been requested.

### 5.3 Acknowledge the request

If all the relevant information and ID documents etc. have been provided, the request will be logged as open and an acknowledgement sent to the applicant to confirm the one-month deadline and to include the deadline date.

### 5.4 Pending requests

However, if any information is outstanding (i.e. Identification documents, letter of consent, clarity of request) the IGT will log the request as pending and contact the applicant / requestor to confirm what is needed and that the request will be closed if there is no response within 90 days.

### 5.5 When all necessary documents/information have/has been received:

The IGT will forward all open requests to the relevant department(s) likely to hold the information requested.

## **5.6 Send reminder**

The IGT will email the department handling any part of the request with reminders on day 15 and 25 of the one-month deadline.

The day 25 reminder will copy in the Information Governance Manager who will consider whether to send an appropriate late request notification letter including estimating the response date to the applicant (see 4.9 below).

## **5.7 Close requests**

The IGM will close a pending request if no reply is received from the applicant regarding any subsequent query by Lancaster City Council (e.g. proof of ID or clarification of information requested). The request will be closed if there is no response within 90 days or the SAR is withdrawn by the applicant.

## **5.8 Record Keeping**

The IGT will log key details of the request on a database to make it easy to see progress including correspondence with the applicant and recording any disclosure concerns.

The key emails and documents relevant to the request may be kept in sub-folders in the Information Governance Drive, identified by a SAR reference number or solely on the SAR database.

These records will be kept until the end of that financial year + 3 years.

## **5.9 Apologies for late responses**

The IGT will contact the applicant if a response is likely to be later than one-month limit.

The department handling the request must confirm as early as possible to the IGM if the response is going to be late, explain why and include a realistic projected response date.

## **5.10 Departmental and manager responsibilities**

When you get a request from the IGT you should start searching for and gathering the data being requested immediately.

However, if the request is unclear or you need more information to make a reasonable and meaningful search (i.e. date of birth, key dates, previous addresses, etc.), then inform the IGT as soon as possible for them to consider changing the request to pending so that they may contact the applicant for further information. Contact is preferably by telephone first, followed by an email or letter.

If you receive a request directly from a resident, employee or any other applicant you should send the request to the IGT immediately so they may log and acknowledge the request before any work is carried out.

## **5.11 Search for and gather information**

Individual departments are responsible for searching and gathering the information being requested. This should be passed to IGT via Sharepoint in a systematic manner, with each document labelled separately and coherently. IGT can provide advice and training on this if necessary.

If personal data is held, it is recommended that a copy is made (electronic or paper) so that it can be checked to make sure it is relevant to the request and any redactions made before it is disclosed.

## 5.12 Check the information

The IGT will check the personal data to make sure the data is about the data subject and / or if any exemptions apply, for example it contains data that cannot be disclosed because it identifies someone else or for legal, social care, health, or other reasons.

Members of staff can ask the IGT for help and advice if they have concerns about disclosing, redacting or withholding information. If there is a legal case or investigation open or pending please advise of the same ASAP so that the Legal Department can be consulted if required.

If you have any reason you believe information should be withheld, please confirm this when sending the documentation to the IGT for consideration.

The IGT will make any redactions at this point, and decisions about what should be withheld.

It is recommended that all documents sent to the applicant are watermarked with the following text: "*Applicant copy*". In the event of the documents been subsequently made public or handed to the media it will be clear if the source of the disclosure or loss is the recipient and not Lancaster City Council.

## 5.13 Subjects' rights to challenge

An applicant has the right to challenge any redactions and can ask the Information Commissioner's Office (ICO) to investigate further. The ICO has the authority to demand to see both the redacted and original versions.

## 5.14 Send response

The IGT will send the final response to the applicant and retain all relevant original and redacted copies.

## 6 Record Keeping

The IGT will keep a copy of the response and decisions about disclosure until the end of the financial year + 3 years.

## 7 Employee responsibilities

All employees must understand their duty of care to ensure the confidentiality of all personal data. In addition, they must have an understanding of this policy and where to direct individuals enquiring about subject access requests.

## 8 Reviews and Appeals

In the first instance, the Council must investigate all in-time appeals and complaints before the requester is redirected to the Information Commissioner for further assistance.

A member of the IG Team who was not involved in the first decision-making process, will investigate all internal appeals.

All in-time appeal requests must be dealt with within one calendar month from the date they are received as per our statutory obligations.

## 9 Information Commissioner

Individuals who are not satisfied with the outcome of the internal review/appeals process may submit an appeal to the Information Commissioner's Office:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow

Cheshire  
SK9 5AF

## 10 Related Policies and Procedures

- FOI Procedure
- Records Management and Retention Policy
- Data Protection and Privacy Policy and Procedure
- Environmental Information Regulations Policy and Procedure

## 11 Monitoring and Performance

The IG Team will maintain performance figures to ensure that all SAR requests are being responded to efficiently and effectively. These will be presented to the Information Governance, Cyber Security and ICT User Group. These indicators will also be presented to Senior Leadership Team on at least an annual basis.

The performance indicators will include:

- Response times for responding to requests
- Outcomes of requests including refusals and reasons why
- Any requests that have been classified as late
- The number of reviews and complaints, and their outcomes

## 12 Policy and Review

This policy will be reviewed every three years; or when the legislation is subject to change; or risks are highlighted in the policy; whichever is sooner.

## 13 Contacts

The IG Team deals with the administration of all Subject Access Requests.

The contact details are as follows:

Information Governance Team  
Town Hall  
Dalton Square  
Lancaster  
LA1 1PJ

Telephone: 01524 582204  
E-mail: [info@lancaster.gov.uk](mailto:info@lancaster.gov.uk)

Customers should be directed to submit online via our website:  
<https://www.lancaster.gov.uk/information/request-information>

## APPENDIX 1

### Schedule of Fees

<b>Format</b>	<b>Cost</b>
<b>Photocopies</b>	
A4 black and white	10p per sheet
A3 black and white	20p per sheet
A4 colour	£1.00 per sheet
A3 colour	£1.50 per sheet
<b>Prints from PC</b>	
Black and white	10p per page
Colour	50p per page
Photo quality paper prints	£1.00 per page
<b>Electronic Media</b>	
CD ROM	£1.00
Scanning of A4 paper records	£1.40 per image
Scanning of A3 paper records	£2.10 per image
Email attachment	No charge
<b>Postage Costs</b>	
Individual quotes for postage will be obtained on a case by case basis. This will be calculated on cost basis with reference to national postage rates.	

## How to pay

Payments can either be made by cheque made payable to Lancaster City Council and sent to:

Town Hall  
Dalton Square  
Lancaster  
LA1 1PJ

Or by BACS

Bank name	13.1.1.1 NatWest
Bank address	68 Church Street Lancaster, LA1 1LN
Branch sort code	01-54-90
BIC Code	NWBK GB 2L
Bank account number:	64848361 (IBAN: GB86NWBK01549064848361)

Should you require it, our VAT registration number is 155 7279 39.

When making a payment please ensure you quote SAR Number (e.g.SAR0015) in full to ensure your records are updated promptly with the payment.

We would also be grateful if you could email the council to advise that the payment is being/has been made and ensure the SAR number is included there too so that your request can be processed and the information copied and sent to you – please e-mail [cashiers@lancaster.gov.uk](mailto:cashiers@lancaster.gov.uk)