

ELIZABETH FINN HOMES LIMITED

exceptional care for the individual

Copies of all Elizabeth Finn Homes Limited (EFHL) HR Policies can be found on the EFHL Intranet. All EFHL employees are subject to EFHL HR Policies. EFHL HR Policies are non-contractual, are reviewed regularly and may be subject to change. All queries on the application or interpretation of this policy should be raised with the Head of Department or HR.

10.6 – Subject Access Request

Purpose

This policy defines the internal handling of data subject access requests received by Elizabeth Finn Homes Limited (EFHL). The guidance provided in this policy should be used to ensure such requests are dealt with in a structured, transparent and fair manner.

Introduction

The Data Protection Act 2018 (UK GDPR) grants all individuals the right to access their personal data held with any establishment and to exercise that right easily and at reasonable intervals, in order to be aware of, and verify, the lawfulness of the processing.

1. What is a data subject access request?

A data subject access request is a request from an individual (the data subject), in which they ask to be provided with information regarding the personal data we process concerning them.

The Data Protection Act 2018 (UK GDPR) requires that the information provided to an individual is in a concise, transparent, intelligible and easily accessible form, using clear and plain language. It also states that;

- We must provide the requested information free of charge.
- We can charge a 'reasonable fee' when a request is manifestly unfounded or excessive, particularly if it is repetitive.
- We can charge a reasonable fee to comply with requests for further copies of the same information. The fee must be based on the administrative cost of providing the information.

2. Who can make a data subject access request?

The following people can submit a data subject access request:

- The individual themselves.
- Individuals requesting access on behalf of a child for whom they have parental responsibility.
- A representative nominated by the individual to act their behalf such as solicitors or a relative, where there is valid consent by the individual granting this authority.

Data subject access requests can be made in any form, including via post, email, telephone and social media.

Proof of ID - In accordance with the Data Protection Act 2018 (UK GDPR) you are not required to process the request until the identity of the requestor has been verified.

Individuals requesting their own personal data will need to provide the following:

- Photographic proof of identity (e.g. passport or full UK driving licence)
- Proof of address (e.g. recent utility bill, bank statement)

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10.6 – Subject Access Request

Individuals requesting the personal data of another individual will need to provide signed consent from the data subject stating that the requestor has their permission to make the request on their behalf.

3. What information can they request?

Subject access is most often used by individuals who want to see a copy of the information an organisation holds about them. However, subject access goes further than this and an individual is entitled to be:

- told whether any personal data is being processed;
- given a description of the personal data, the reasons it is being processed, and whether it will be given to any other organisations or people;
- given a copy of the personal data; and
- given details of the source of the data (where this is available).

An individual can also request information about the reasoning behind any automated decisions taken about him or her, such as a computer-generated decision to grant or deny credit, or an assessment of performance at work (except where this information is a trade secret).

4. Exemptions, Refusals and Redactions

Some information is exempt from disclosure under the terms of the Data Protection Act 2018 (UK GDPR) and in some cases, we may not be able to explain to the requestor why we are unable to disclose the requested information. Detailed guidance is available from the Information Commissioner's Office website.

Where a request is manifestly unfounded, vexatious, repeated or excessive, EFHL holds the right to refuse to respond to the request. The individual will be informed of this decision and the reasoning behind it, as well as their right to complain to the supervisory authority and to a judicial remedy, within one month of the refusal.

In the event that a large quantity of information is being processed about an individual, EFHL will ask the individual to specify the information the request is in relation to. Redactions may be required where there is some information concerning other data subjects contained in the documents and consent from those individuals cannot be achieved.

5. Scope and application

All employees are responsible for supporting the handling of data subject access requests made to EFHL as such requests may be received by any department or employee. It is therefore essential that this policy is adopted and supported by all.

6. Handling data subject access requests

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10.6 – Subject Access Request

The Data Protection Lead is responsible for the handling of data subject access requests made to EFHL. Once received, the Data Protection Lead will investigate and respond to the request accordingly, taking into account the requirements of the Data Protection Act 2018 (UK GDPR).

7. Responsibilities of all other employees

The Data Protection Lead is solely responsible for responding to all data subject access requests received by the business. All other employees are prohibited from responding to any data subject access request and for the purposes of this policy are defined as “unauthorised employees”.

In the event that a data subject access request is received by an unauthorised employee, details of the request and any accompanying documents are to be forwarded to The Data Protection Lead via email to IT@efhl.co.uk

It is essential that requests are forwarded on the day of receipt. When forwarding details of the request received, employees are required to use the form annexed to this policy. In the event that any communication is received from the ICO or CQC the Data Protection Lead should be informed immediately.

8. Timescales

EFHL must comply with a subject access request without undue delay and in any event within **30 calendar days** of the date on which the request is received or (if later) the day on which we received:

- any requested clarification of what the information requested is; and
- any information requested to confirm the requester’s identity.

If more time is needed to respond to complex requests, an extension of up to **another two months** is permissible. This should be communicated to the data subject in a timely manner within the first month;

If the Data Protection Lead cannot provide the information requested, the data subject should be informed of this decision without delay and at the latest within one month of receipt of the request.

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10.6 – Subject Access Request

ANNEX 1 - Notification of Subject Access Request form

Please complete this form with details of the request received and forward it to the Data Protection Lead via IT@efhl.co.uk. Please ensure that any supporting or relevant documents are also attached.

Name of the requesting data subject	
Date of the request (Please provide the date the request was made by the data subject)	
Date of receipt of the request (Please provide the date you received or became aware of the request)	
Contact details provided by the data subject	
Details of the request (please provide details of what the data subject is requesting)	
Method by which the request was made (e.g. email, telephone, social media)	
Preferred method of communication stated by the data subject	
Any additional information (Please provide any additional information that may assist in the handling of the request e.g. any special needs of the data subject)	
Name and department of the receiver of the request	

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Should more information be required, please provide contact details via which you may be contacted to further discuss the request	
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