

Data Protection Act 1998

Policy and Procedure for Dealing with “Subject Access Requests”

Policy

This Authority holds personal data (usually information) about individuals from both within and outside the organisation. This information is ‘processed’ for a variety of reasons and is subject to the Data Protection Act 1998 (the Act).

Where specific information is held, disclosed or used concerning individuals, then the Authority is required by this legislation to ensure that such information is kept securely, only for as long as it is needed and, where necessary, is restricted to access by only appropriate and authorised personnel.

Where individuals ask to be given any personal information (data) relating to themselves, being processed by the Authority, the **policy** will be to treat these occurrences as “Subject Access Requests” as defined by the Act.

To ensure consistency the procedure for handling such requests will be as follows.

Procedure

1. Initial request

A request by an individual for information held about themselves, is known as a Subject Access Request and such requests should be dealt with in a maximum of **forty days** from receiving the initial request or, a further more specific request.

The request must be made in writing and accompanied by a fee of ten pounds.

Where the fee has not been enclosed then the individual concerned should be informed that this fee must be paid before any data is provided.

Requests for data must contain indicators regarding the data being sought and not just asking for “everything you have”. It is considered reasonable within the ‘guidance notes’ accompanying the Act, to request pointers to the data being asked for, such as:

- Approximate date or dates of incidents;
- The location of data sought;
- Dealings an individual has had with any particular department;
- Why they believe that their personal data are being processed (if it is reasonable to believe that this information would help locate the data);
- The subject of any documents or e-mails;
- The names and authors of the recipients of the messages;

2. Initial response

A letter should be sent acknowledging receipt of the letter and informing the individual that their request for personal information is being treated as a “Subject Access Request” under the Data Protection Act 1998.

Where the fee has already been supplied then this payment should be taken to the Finance Dept., a receipt obtained, and the receipt enclosed with the letter. Where the fee has not been supplied then the individual must be informed that such a fee is required before their request can be dealt with.

Where it is thought that the initial request does not include sufficient information to enable the data being sought to be located, without unreasonable time and effort, then the individual must be asked to be more specific. Further pointers should be requested, such as those detailed in the above list, in order to reduce the time and length of the data search.

The forty days completion date will apply from the receipt of the more specific request.

When the individual has given sufficient information then they should be informed of the maximum date for completion of their request (forty days after the receipt of a letter with suitable information) and given details of someone with whom they can discuss the matter further, should they so wish.

3. Information to be disclosed

Depending on the nature and formulation of a request, individuals are entitled to the following: -

- Told if any personal data is held concerning them;
- Given the description of the data;
- Informed as to the reasons behind the data being or, having been, processed;
- Details of the recipients or classes of recipient to whom the data may have been disclosed;
- A copy of the information with any unintelligible terms explained;
- Information from the controller about the source of the data;
- An explanation as to how any automated decisions taken about them have been or, are being, made.

Note: Sensitive Personal Data such as Medical notes contained within the Occupational Health unit can only be disclosed by members of that Unit under confidential cover to the individual direct.

4. Types and sources of data

e-mails e-mails fall within the Act and any *living* persons that are named in them (or any other means of identifying specific individuals) can request such data.

West Yorkshire Fire & Rescue Authority has an IT facility to do a search on all Authority common directories and systems and such a search is to be undertaken by the IT manager or his/her deputy.

Records Paper/electronic records and databases are also covered by the Act but where these documents only contain the individual concerned as one name on a routine list e.g. *a crew-member on a watch duty sheet*, then this data will not have to be disclosed.

However, address lists are covered by the Act.

You may inform individuals that routine data is kept and that it is available for inspection at the respective locations should they so wish, but it will not be included with documents supplied under their Subject Access Request.

Staff All members of staff identified, known, or suspected, to have been involved in activities detailed by the individual and that may have recorded in hard copy or otherwise personal details of them, must be asked to conduct a search for such material. This means looking on personal computer drives, Databases, Spreadsheets, Compact discs, Floppy discs, etc.. and in any paper format, either at work or at home.

PRF It is not unusual for employees to ask for a copy of their Personal Reference File and a senior member of staff in Employment Services should be contacted to have a copy made of this document.

CCTV CCTV footage of any individual is also considered personal data if clear and identifiable images of a person are gathered by such devices.

Dates and times of visits to the places where CCTV cameras operate on behalf of the Authority will be required to reduce the search time for images.

5. Vetting the material

Any documents or other material gathered under a Subject Access Request should be checked to ensure that no other individual is mentioned in the same material or image shown on the same CCTV footage. If this is the case, care must be taken that the information about someone else is not liable to violate that individual's rights under the Data Protection Act.

Where such rights may be affected, then names should be removed from documents and images made unrecognisable or removed from CCTV footage. Individuals should be told of the reasons for any gaps in documents they receive.

6. Completion of Request

Once all the data able to be located has been gathered then contact should be made with the individual concerned to inform them of how this information will be delivered.

Depending on the amount and format of the information it may be better to hand deliver the material rather than post it.

Any issues that the individual has with the content of the information are not the concern of the Authority employee that dealt with the Subject Access Request and he/she should not comment upon such.

It is up to the individual to take up any issues they have with the Authority and/or its employees direct.

Record Keeping

A box-file has been created in which to hold all the Subject Access Requests made.

A list of each Request in numerical order is attached to the inside cover of the box-file with details given of the name of the individual submitting the request and the date.

The correspondence connected with each individual Request is contained within separate manila folders within the box-file.

These records should be kept for 6 years from the conclusion of the response to the request

Further Information

More detailed information on Subject Access Requests and further explanation on the sort of data that can be included in such requests can be found in the "Guidance notes and associated material" folder kept within the box-file.

Further to that, the Data Protection Act 1998 and other related documents are available from the 'Information Manager' in Management Support at Fire and Rescue Headquarters.

Previously completed 'Subject Access Requests' located in the box-file can also be used for guidance and reference purposes.