



West Yorkshire
Fire & Rescue Service

Information Rights Policy

OFFICIAL

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1 Purpose

The purpose of this document is to specify and communicate to all personnel the West Yorkshire Fire & Rescue Service (WYFRS) policy and procedure for dealing with requests involving personal data. In particular:

- To ensure good practice in dealing with personal data requests.
- To ensure compliance with the General Data Protection Regulation (GDPR) and other applicable legislation and regulation related to personal data.

This document outlines internal policy in respect of Data Subject Requests, but this policy is subject to all the laws, rules and regulations that WYFRS is governed by. In the event this policy allows employees of WYFRS to exercise discretion, such discretion must be exercised within the confines of WYFRS's statutory obligations and must not contravene any of its legal, accounting or other regulatory requirements.

This policy should be read in conjunction with the Authority's Data Protection Policy, which can be found on the Corporate Services site via WYFirespace.

2 Scope

This policy applies to all those with authorised access to personal data processed by WYFRS irrespective of status, including employees, temporary staff, contractors, consultants and suppliers. It covers all requests involving personal data including, but not limited to personal data:

- access requests (GDPR Article 15);
- rectification requests (GDPR Article 16);
- erasure requests (GDPR Article 17);
- objections and restriction to processing requests (GDPR Articles 18 and 21);
- transfer requests (GDPR Article 20).

3 Policy Statement

It is the policy of WYFRS to ensure that all responses to subject requests comply with relevant local and international regulations on data protection and information security, and that responses are in the interests of both the subject and WYFRS. Specifically, that:

- WYFRS shall not refuse to act on any request of a data subject for confirmation as to whether or not personal data concerning him or her are being processed, unless not in a position to identify the data subject;
- Where data is being processed by WYFRS and the identity of the data subject has been confirmed, WYFRS shall respond to the request and provide the data subject with the response.

4 Role and Responsibilities

All personnel have a responsibility to adhere to the policy regardless of their status.

Managers are directly responsible for implementing this policy within their functional areas, and for adherence by their staff.

The Information Governance Manager has direct responsibility for maintaining this policy and providing advice on implementation.

5 Non compliance

Failure to comply with this Policy may result in disciplinary action being taken.

6 How to recognise a request

A request could be received by any department within WYFRS and could be a verbal or a written (email and post) request. If you are unsure of whether you have received a request, please contact the Information Governance Manager for advice.

7 Identification

The data subject must prove their identity prior to any disclosure of any information to them, in the form of a full valid driving licence, a birth certificate, a full valid current passport **and** a gas, electricity, water or telephone bill in your name for the last quarter.

Where there are any reasonable doubts concerning the identity of the data subject, additional information must be requested to confirm the identity of the data subject. If WYFRS is still not in a position to identify the data subject, the data subject shall be informed accordingly, if possible.

8 Response to Access Requests

Where data is being processed by WYFRS and the data subject makes a request to access the data, WYFRS shall provide the data subject with access to the personal data and, if requested:

- the purposes of the processing;
- the categories of personal data concerned;
- the recipients or categories of recipient to whom the personal data have been or will be disclosed (where transferred outside the EU, include the appropriate safeguards relating to the transfer);
- where possible, the envisaged period for which the personal data will be stored, or, if not possible, the criteria used to determine that period;
- the existence of the right to request from WYFRS the rectification or erasure of personal data or restriction of processing of personal data concerning the data subject or to object to such processing;

- the right to lodge a complaint with a supervisory authority;
- where the personal data are not collected from the data subject, any available information as to their source;
- any existence of automated decision-making, including profiling, and meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject.
- Where personal data are transferred to a third country or to an international organisation, the appropriate safeguards relating to the transfer.

9 Response to Rectification Requests

Where the request is for the rectification of inaccurate personal data, WYFRS shall carry this out without undue delay and in any event within one month of receipt of the request, where the request does not conflict with any legal, regulatory or other such constraints. This may include updating personal data to include a supplementary statement.

WYFRS shall inform third parties that have been sent personal data that the data subject has made a rectification request and what the rectification request was.

10 Response to Erasure Requests

When requested to do so by the data subject, WYFRS will erase personal data without undue delay where the request does not conflict with any legal, regulatory or other such constraints.

WYFRS shall inform third parties that have been sent personal data that the data subject has requested erasure (including any third parties holding data that has been made public).

11 Response to Objection and Restriction Requests

The data subject shall have the right to withdraw his or her consent to their personal data being processed at any time. Where a data subject objects to the processing of their personal data for a specific purpose, WYFRS shall no longer process the personal data for such purposes except where there are any legal, regulatory or other such constraints.

When requested to do so by the data subject, WYFRS shall restrict the use of their personal data where one of the following applies:

- the accuracy of the personal data is contested by the data subject, for a period enabling WYFRS to verify the accuracy of the personal data;
- the processing is unlawful and the data subject opposes the erasure of the personal data and requests the restriction of their use instead;
- WYFRS no longer needs the personal data for the purposes of the processing, but they are required by the data subject for the establishment, exercise or defence of legal claims;
- where the data subject has objected to processing and WYFRS are in the process of verification whether the objection is on legitimate grounds.

A data subject who obtained the restriction of processing shall be informed by WYFRS before the restriction of processing is lifted.

12 Response to Transfer Requests (data portability)

WYFRS shall carry out a request from a data subject to transmit personal data to another data controller without hindrance, where:

- the processing of the data is based on consent;
- the processing of the data is carried out by automated means; and
- the request does not conflict with any legal, regulatory or other such constraints.

Transmitted data shall be in a structured, commonly used and machine-readable format.

13 Response Format

WYFRS representatives shall provide a response to the data subject without undue delay and in any event within one month of receipt of the request.

This period may be extended by two further months where necessary, taking into account the complexity and number of the requests. WYFRS representatives shall inform the data subject of any extension within one month of receipt of the request, together with the reasons for the delay.

If it is not possible to action the request of the data subject, WYFRS shall inform the data subject without delay and at the latest within one month of receipt of the request of the reasons for not taking action and on the possibility of lodging a complaint to the Information Commission's Office (ICO) and seeking a judicial remedy.

14 Fees

One copy of the personal data shall be provided free of charge. For further copies of the data, WYFRS shall charge a reasonable fee to the data subject based on administrative costs.

15 Exceptions

Where requests from a data subject are manifestly unfounded or excessive, either:

- The data subject should be charged a reasonable fee; or
- The data subject should be informed that WYFRS will not act on the request and the associated reasons.

Any information sent to the data subject should not include any data about (or such that it would allow the data subject to identify) any third party unless permission has been sought and received from that individual. Care must be taken to ensure that either blanking out their names/addresses/identification or providing the information in another format (i.e. typed) does

not disclose the identity of a third party. Adobe Acrobat Pro will be used as a redaction tool. The only exception to this rule is where other legislation forces release of that information to the data subject.

Information held for the prevention and detection of a crime (e.g. benefit fraud) or information being used for a case currently under investigation does not need to be disclosed. However, once the investigation has been completed, then the information must be released if a data subject requests access to their data.

16 Requests Log

A log of requests is retained to ensure that WYFRS is able to track requests received and that it is responding to those requests within the correct timeframe.

17 Retention

A copy of all the data retrieved must be taken for reference should the data be challenged by the data subject. These should be maintained in line with WYFRS Records Retention Schedule.