

Subject Access Request (SAR) Procedure

Document Information

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| Title of document | Subject Access Request Procedure |
| Version number | V4.0 |
| Type of document | Procedure |
| Purpose of document | This procedure gives guidance to follow in order to respond to a Subject Access Request. |
| Target audience | All College staff and Members who undertake College business/function |
| Distribution | Intranet (electronic) |
| Consultation | SMT |
| Approved by | Paul Rees |
| Date of approval | April 2023 |
| Author | Kathryn Campling GDPR Consultant |
| Review date | 2 years or sooner is required |

Document Control

| Version Number | Reason for Change | Description of Change | Date of Change | Author |
|-----------------------|---|--|-----------------------|--|
| Draft | Original draft | Creation | June 2018 | Kathryn Campling GDPR Consultant |
| Second draft | Cover page, TOC & formatting | Updates | June 2018 | Susie Griffin GDPR Project Manager |
| V1.0 | Steering group members amendments | Addition of a template acknowledgement letter. | June 2018 | Kathryn Campling GDPR Consultant |
| V2.0 | Comments remained on final document | Accepted all comments | Nov 2018 | Rebecca Danks Committee Administrator and GDPR Project Co ordinator |
| V3.0 | Comments remained on final document | Deleted comments | Nov 2018 | Rebecca Danks Committee Administrator and GDPR Project Co ordinator |
| V4.0 | Procedure reviewed following the first SAR from a former staff member | Updates to procedure | April 2023 | Rebecca Danks Senior Committee Officer |

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1.0 Introduction

- 1.1 Data Subjects (individuals) have a number of statutory rights under the General Data Protection Regulation (GDPR). One of these rights is to request a copy of the personal data which is processed about them by the College. The following procedure supports the response to Subject Access Requests.

2.0 Procedure:

- 2.1 A Subject Access Request can be made either verbally or in writing. These requests are one of the legal rights of Data Subjects under GDPR and must be responded to within one calendar month.
- 2.2 All staff: When you receive an SAR, forward the request immediately to dataprotection@rcpsych.ac.uk.
- 2.3 Data Protection Officer (DPO): Record the date received in the SAR Log (this is important as the response time is limited to a calendar

month) and send an acknowledgement to the requester asking for clarification as necessary regarding timescales and scope.

- 2.4 DPO: Confirm the final date of response. The time limit for the request is one calendar month. The calculation starts the day after receipt of the request and ends on the corresponding day in the following month. E.g. a request is received on the 3rd October. The calculation starts on the 4th October and the request must be responded to by the 4th of November.

If this is not possible because the following month is shorter (and there is no corresponding calendar date), the date for response is the last day of the following month.

If the corresponding date falls on a weekend or a public holiday, you have until the next working day to respond. This means that the exact number of days you have to comply with a request varies, depending on the month in which the request was made.

In exceptional circumstances to be determined by the Data Protection team, the deadline may be extended to three calendar months.

- 2.5 DPO: The Data Protection team will then email SMT and Heads with the search details and deadline to check in with their teams.
- 2.6 All staff: Search for the individual's name in all locations including Outlook, OneDrive, SharePoint, and MS Teams (including Chat).
- 2.7 All staff: If you find items for the SAR in any form – such as emails, letters, documents, minutes, MS Teams Chat comments, or hard copies – notify your Head of Department and book a call with the Data Protection team.
- 2.8 DPO: The Data Protection team will then set up an individual confidential folder in the Data Protection SharePoint for each staff member to upload their items into. Each folder will only be accessible by that staff member and the Data Protection team to ensure confidentiality.
- 2.9 All staff: When you have your call, the Data Protection team will go through the following requirements for you to adhere to when sorting through items to upload:
- Only relevant search results should be included. It is not necessary to include generic emails unrelated to the requester to which they are only copied in, such as whole-department messages about internal matters.

- All items must be saved as PDF only, including emails, to enable redaction by the Data Protection team.
- All items must be easily accessible and should not be password protected. Each allocated folder is only accessible by the staff member and the data protection team so it is not necessary to take further security steps.
- Any potentially sensitive items should be placed in a sub folder within the individual staff member's SharePoint folder marked 'queries.'
- Duplicate emails should not be saved. Emails with the same subject line but containing different content should be numbered. Where lots of emails are part of one thread then only the final email should be saved containing the whole thread.
- Any hard copies should be scanned and saved in the folder.
- As soon as you have uploaded your search items, please inform dataprotection@rcpsych.ac.uk.

2.10 DPO: Should the SAR requestor specifically ask for Psychiatrists' Support & Remediation Services (PSS) data, the PSS should send this to the Data Protection team for redaction.

2.11 DPO: Review the documentation provided alongside the request. Identify anything which is covered by a restriction (Article 23 GDPR) and should not be disclosed e.g. third party personal data.

2.12 DPO: Redact all documents that contain data covered by a restriction using redaction software if responding electronically or a black marker pen and photocopy technique for hard copies to ensure it is not possible to read the redacted text.

Each redaction must have the relevant Article/Section of the GDPR/DPA 2018 attributed to it.

Keep a copy of the original documentation and the redacted copy for your records.

2.13 The final response to the Data Subject must also include the following:

- the purposes of the processing;
- the categories of personal data concerned;
- the recipients or categories of recipient the College discloses the personal data to;
- the retention period for storing the personal data or, where this is not possible, the criteria for determining how long you will store it;
- the existence of the data subject right to request rectification, erasure or restriction or to object to such processing;

- the right to lodge a complaint with the ICO or another supervisory authority and the contact details;
- information about the source of the data, where it was not obtained directly from the individual;
- the existence of automated decision-making (including profiling); and
- the safeguards the College provides if personal data is transferred to a third country or international organisation.

3.0 Refusing a request

- 3.1 DPO: You can refuse to comply with a request only if it is manifestly unreasonable or excessive taking into account whether the request is repetitive in nature. If this is the case, you can either charge a reasonable fee or refuse to deal with the request. If you want to charge for the request it should be based on administrative costs and you must inform the individual quickly.

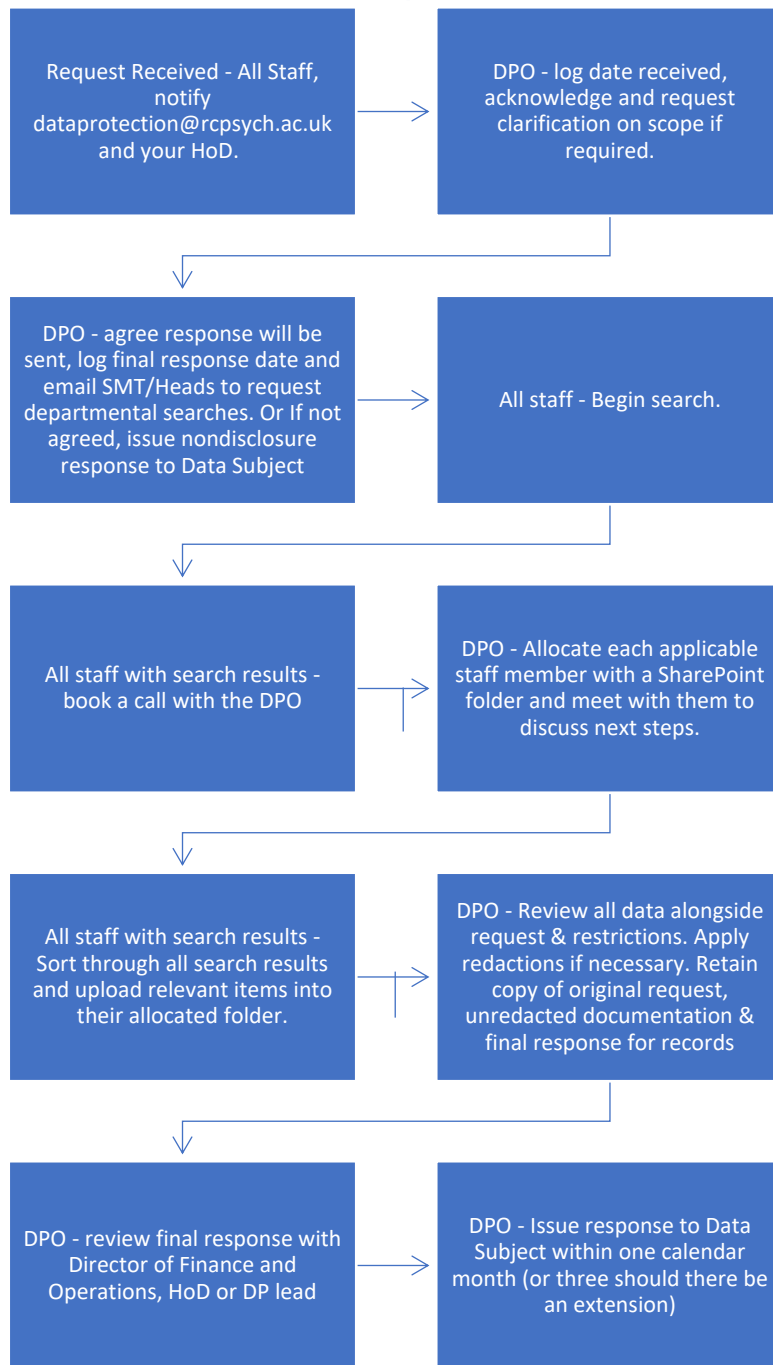
You must inform the individual without undue delay and within one month of receipt of the request.

You should explain to the data subject:

- the reasons you are not taking action;
- their right to make a complaint to the ICO or another supervisory authority; and
- their ability to seek to enforce this right through a judicial remedy.

You should also provide this information if you request a reasonable fee or need additional information to identify the individual.

Annex 1: Subject Access Request Flow Chart



Annex 2 Example Acknowledgement letter text

Dear **[insert name of applicant]**

Re: give reference that relates to request

I write in response to your recent letter/email/phone call of the [insert date] in which you requested the following:

[include clear summary of the request made by the applicant]

If the above does not reflect your request, please contact me using the above details.

Or

We have been unable immediately process your request with the information you have provided and would ask that you now provide the following as clarification:

[insert clarification question/s]

The Royal College of Psychiatrists takes the security of your personal data seriously and as such is required to obtain proof of identity before responding. **[use one of the following 2 paragraphs]**

1. As such we ask that you provide a copy of photographic identification and a recent utility bill which shows your name and address in the last 3 months.

Or

2. As you have an existing ongoing relationship with the college we do not require you to send proof of your identity.

We will not be asking you to pay a fee for the completion of this request.

We will aim to respond within a month; making the final day for our response the **[insert date based on the calculations provided in 1.5 within the SAR procedure document]**.

Yours sincerely