

Subject Access Request (SAR) Policy

Control box

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Version control

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Two Rivers Housing: Subject Access Request (SAR) Policy

1 Purpose

- 1.1 The policy defines Two Rivers Housing responsibilities for recognising, recording, and responding to requests for access to personal data, and establishes principles for ensuring requests are handled lawfully, consistently, and within statutory timeframes.
- 1.2 The policy will be reviewed and maintained in line with relevant legislation, regulatory requirements and guidance issued by the Information Commissioner's Office (ICO), including the ICO's Right of Access guidance.

2 Scope

- 2.1 This policy applies to all employees, workers, contractors and third parties who process personal data on behalf of the organisation. It also applies to any individual who wishes to exercise their right of access.
- 2.2 The policy applies to personal data held in any format, including electronic records, paper records, emails, and archived information.

3 Right of Access

- 3.1 Under the UK General Data Protection Regulation (UK GDPR), individuals have rights in relation to their personal data, including the Right of Access.
- 3.2 The Right of Access enables individuals to obtain confirmation as to whether their personal data is being processed and, where applicable, to receive a copy of that personal data.
- 3.3 Personal data is any information relating to an identified or identifiable individual (the data subject). An identifiable individual is a person who can be identified, directly or indirectly, from that information.
- 3.4 Individuals are also entitled to information about how their personal data is used and processed, including the purposes, any recipients or categories of recipients to whom the data has been disclosed, the retention period for the personal data (or the criteria used to determine that period), and the rights available to them in relation to their personal data.

- 3.5 A request made under the Right of Access is known as a Subject Access Request (SAR).
- 3.6 The Right of Access is not absolute and may be subject to restrictions or exemptions under applicable data protection legislation (information may be withheld, restricted and/or redact). In certain circumstances, we may withhold, restrict or redact information where permitted or required by law.
- 3.7 We may provide supplementary information alongside personal data where this supports understanding of the information disclosed, where appropriate and lawful to do so.

4 Subject Access Request Requirements

- 4.1 Requests for personal information are often fulfilled through our normal business interactions and routine customer service processes, particularly where the information requested is specific and readily available. However, requests will be treated as Subject Access Requests (SARs) where:
- The request is complex or covers a wider range of personal data;
 - The request is identified as a Subject Access Request (SAR); or
 - The individual is exercising their right of access under data protection law.
- 4.2 SARs may be submitted by a data subject, or by a person acting on their behalf, through any communication channel, including verbally or in writing.
- 4.3 We will provide a Subject Access Request (SAR) form to support the efficient submission and handling of requests.
- 4.4 We will take appropriate steps to verify the identity and authority of individuals making Subject Access Requests before any personal data is disclosed. Where a request is made on behalf of a data subject, sufficient evidence of authority to act on their behalf must be provided, in addition to a copy of identification for the requestor and the data subject.

- 4.5 Search criteria are mandatory to enable fulfilment of the SAR's request for example dates of search and what information is required, where there is uncertainty regarding the scope of a request, clarification will be needed and Any clarification sought will be limited to what is necessary for this purpose. If additional information is requested this will be deemed as a new SAR's request.
- 4.6 We will preserve information relevant to a Subject Access Request and will not knowingly amend, conceal or delete personal data that falls within the scope of a request while it is being considered or responded to, except where such processing occurs as part of established retention and disposal arrangements applied in the ordinary course of business.

5 Responding to a request

- 5.1 We will aim to acknowledge requests within 5 working days.
- 5.2 We will aim to respond to Subject Access Requests without undue delay and usually within one month of receipt.
- 5.3 The timeframe for responding to a request will commence once sufficient information has been provided to verify the identity of the requester and/or any clarification reasonably required to identify the information being requested has been received.
- 5.4 Where a request is complex or where multiple requests have been received from the same individual, we may extend the response period by up to two additional months, as permitted by data protection legislation. A request may be considered complex where there are difficulties locating or retrieving the information, specialist advice or assessment is required, or exemptions of sensitive information need to be considered.
- 5.5 Any extension and the reasons for it will be communicated within one month of receiving the request, or within one month of receiving any information required to verify identity or authority to act on behalf of another person.
- 5.6 We reserve the right to refuse a request, in whole or in part, where it is permitted to do so, including where a request is manifestly unfounded or manifestly excessive.
- 5.7 For privacy and security information disclosed in response to a Subject Access Request will be provided electronically via Mimecast secure email.
- 5.8 Where an individual requests a hard copy of their information, we will take reasonable steps to provide the information in the requested format.

- 5.9 Where personal data is provided in hard copy format, we will use Royal Mail Tracked services for delivery. We do not accept responsibility for any files once they leave the organisation.

6 Complaints

- 6.1 Individuals who are dissatisfied with the handling of their Subject Access Request may raise a complaint through our complaints process documented in our Complaints Policy.
- 6.2 Data subjects have a right to escalate their concerns to the Information Commissioner's Office (ICO) who can be contacted at ico.org.uk/global/contact-us/, if they remain dissatisfied and we will be guided by their recommendations.