

UPDATE / AMENDMENTS RECORD			
Version	Author	Nature of Change	Date authorised by Directors
V1	N Ashton	New policy based on NHS policy and GDPR regulations	

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1. INTRODUCTION

A Subject Access Request (SAR) is a request made by or on behalf of an individual for the information which he/she is entitled to under Article 15 of the GDPR 2018 (General Data Protection Regulations). An individual is entitled only to their own personal data and not data relating to other people, unless they are acting on behalf of that person. This could be a relative, carer with consent, or Power of Attorney, or it could be a Solicitor.

This information should be disclosed within 30 days from the date of the receipt, and organisations are no longer able to charge data subjects for the request of information.

2. REQUESTS FOR SUBJECT ACCESS

When making a request for subject access, the following should be applied:

- A valid SAR can be in writing or sent by email
- The request must have clear identity details and include name, address and date of birth as well as stating the exact data required and the specific period the data is regarding.
- It must be signed by the requester – the Data Subject
- Individuals making SAR must have 2 valid forms of identification, and must contain at least a driving licence, passport or birth certificate.

Anyone with a disability, or who finds it unreasonable or impossibly difficult to make a SAR in writing, reasonable adjustments can be made and the request may be accepted verbally with supporting identification.

It is acknowledged that the request may not clearly state SAR or the GDPR or DPA 2018 (Data Protection Act), in the case where it is clear the individual is requesting their own personal data, the request will be treated as a SAR.

All SAR's should be made to the Operational Business Manager.

3. ACKNOWLEDGEMENT OF SAR'S & TIMEFRAME

Once a valid SAR and completed form has been received, the Data Subject (DS) will be advised that their request will be dealt with within one month. Should the request be significantly complex, we will notify the DS of this within the first month.

All SAR's will be recorded on a database and monitored by the Administration team, and when the information is supplied, these will be marked as closed. The log and documentation relating to requests will be retained for a period of 3 years, and a copy of the disclosure letter which sets out the outcome of the request will be retained on the DS record.

All information supplied will be accompanied by a copy of /or link to the Company's Privacy Notice.

4. CHARGES

In most circumstances we cannot charge the DS for personal data. However, if the request is excessive, unfounded or a repeat request we can apply a reasonable administration charge. The

guidance around this is not explicit, but if a charge is to be applied the reason will be clearly documented and the DS/requester advised.

In some cases the data requester could be a solicitor or insurance company acting on behalf of the DS. In this case, written consent must be obtained and the third party requester should make it clear whether it is a SAR or a request under AMRA. If the request is under AMRA, it will be related to employment and insurance purposes and could include accident claims, life insurance etc. If the third party does not make this clear, they should be asked to confirm whether the data is requested under GDPR or AMRA.

It should be noted that it is important to check subject access / consent given to third parties to confirm exactly what data is requested. Excessive data must not be provided.

5. SAR EXEMPTIONS AND REFUSAL

The GDPR recognises there may be valid reasons for not disclosing personal data; known as exemptions. In these cases the disclosure of information may not be viewed as a SAR providing the exemption was valid. Therefore, these types of request should be considered individually to ensure relevant information is disclosed to satisfy exemption requirements.

Where information is found to The GDPR regulations do allow for SAR's to be declined, for example if the data has not changed since a previous request or the data could cause harm to the DS or any other person (exempt under Article 15 of GDPR). If a request is to be declined, the DS must be informed of the decision and the reason for it within one month of the request, and be advised how they can appeal against the decision.

For the release of medical records

6. REQUESTS TO HAVE DATA ALTERED / CORRECTED / ERASED

DS have the right to ask for personal data to be corrected / altered / erased; all such requests should be referred to the Operational Business Manager.

7. ACCESS TO HEALTH RECORDS ACT 1990 (AHRA) IN RESPECT OF DECEASED PERSONS

AHRA 1990 only relates to information relating to deceased persons. Access to records relating to the deceased may only be received from:

- The service users representative
- Any person who may have a claim arising from the service users death

However, access is not to be given to the record or any part of it if:

- A note is included in the record that the service user did not wish access to be given
- The service user had given information and would not have expected it to be disclosed
- It would disclose information that is not relevant to any claim.

The status of next of kin does not give the requester any automatic rights with regards to being granted access to the deceased records.

A copy of the death certificate and a copy of the letter of administration and a description as to the relationship with the person making the request / access should be sought.

APPENDIX A – SAR REQUEST FORM

Applicant check list – before returning your form please check you have	
Provided enough details in section 2 to allow us to locate the information you have requested	
Signed and dated the declaration in section 3	
Completed and signed the declaration in section 4, if you wish us to send this information to a third party	
Proof of your identity	
Proof of your current address	

Proof of your identity should be photo identification such as a Driving license or Passport, please contact us if you are unable to provide this.

Proof of your address should be a recent Bank/Building Society statement, Utility bill or a letter from a Solicitor / Social Worker / HMRC / Inland Revenue / Benefits Agency or employer.

When you have completed your form, please contact the Operational Business Manager to arrange an appointment to confirm your identity:

***Please do not attend the office if you have not made an appointment to have your application and identification verified as the Business Manager may not be available to meet with you.**

Address: Mrs N Ashton, Freshney Pelham Care Ltd, Freshney Green PCC, Sorrel Road, Grimsby, NE Lincolnshire, DN34 4GB

Email: fpc.enquiries@nhs.net

Please use **BLOCK CAPITALS** and **BLACK INK** when completing this form.

Section 1 – About yourself

Surname/ Family Name			
First name (s)			
Maiden / other names			
Title (Mr, Mrs, Ms, Dr etc)		Date of Birth (dd/mm/yyyy)	
Residential Address This is the address all replies will be sent to and must be the address you currently live at			
	Post Code:		
Time at this address		years	
* Telephone No			
* e-mail address			
* These fields are not mandatory, but will assist us to contact you if we need to discuss your request			
Previous Addresses If you have lived at any other addresses in the last two years, or during the period you are asking for information for, please give your previous addresses, including the dates you lived there. Please continue on a separate sheet if required			

Section 3 – Declaration

Declaration (to be signed by the applicant)			
<ul style="list-style-type: none"> The information, which I have supplied in this application is correct and I am the person to whom it relates I understand that a person who impersonates another or attempts to impersonate another may be guilty of committing a criminal offence and subject to prosecution 			
Signature		Date	
Your signature must match the one provided with your submitted identification documents. Applications will be rejected where signatures do not match			

Section 4 Third Party Applications

We can only provide personal information to the person to whom it relates. If you wish someone else to be provided with your information, you must complete the declaration below agreeing for the information to be provided to a third party. Please remember that you must still provide evidence of your identity and address, and sign and date the form in section 3.

Declaration (to be signed by the applicant where information is to be passed to a third party)			
<ul style="list-style-type: none"> I agree that the personal information I have requested in this application can be provided to the following person or company. 			
Name:			
Address			
		Post Code:	
Signature of applicant		Date	
Please be aware that even where you have given permission for the requested information to be provided to a third party, we may still provide this information directly to you, to pass on to them.			

APPENDIX B - SAR 30 DAY TIMELINE

