

Subject Access Request Policy



Last Updated: January 2022

Next Review: January 2024

Responsible: Data Protection Lead

This policy explains what to do if someone makes a ‘Subject Access Request’ under the General Data Protection Regulations (GDPR). A Subject Access Request is a formal request an individual can make for all the data an organisation holds about them.

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Purpose

The purpose of this policy is to ensure CLAPA staff are able to uphold best practice under GDPR and respond to any SARs in a timely and complete fashion.

Scope

This policy and the procedures within it define how the Cleft Lip and Palate Association will handle Subject Access Requests (“SARs”) made to the charity under the General Data Protection Regulations 2018 (“GDPR”).

Legal Framework

This policy is necessary for CLAPA to fulfil its legal obligations, legal frameworks and to operate under best practice, which is set out in the Data Protection Act 1998 and the General Data Protection Regulations (2018)

Responsibility

The Chief Executive has a statutory duty to ensure the organisation complies with all legal requirements surrounding data protection.

The Data Protection Lead is responsible for the implementation of this policy and for fulfilling all SARs with the assistance of other staff as appropriate.

All staff have responsibility for complying in full with any requests made by the Data Protection Lead with respect to a SAR, and for seeking clarification when necessary.

The Right of Access

Under GDPR (2018), individuals have the right to access any personal data and supplementary information an organisation holds on them. The purpose of this right is to allow individuals to be aware of and verify the lawfulness of how an organisation has collected, stored and processed their data.

Personal data is any information relating to a living individual who can be identified:

a. From that information,

or

b. from that information and other information which is in the possession of the organisation. This includes any expression of opinion about the individual and any indication of the intentions of the organisation in respect of the individual.

In practice, this includes all types of records held by CLAPA, including emails, letters, memos and messages of which the individual is the focus, as well as formal records on databases and spreadsheets.

This must be provided without delay, and at least within 1 month. It must be provided free of charge, but a 'reasonable fee' may be charged if the request is 'manifestly unfounded' or excessive, particularly if it is repetitive. A reasonable fee may also be charged if the same information is requested again. Any fee must be based on the administrative costs of providing this information.

A request may be refused, but the organisation must explain why and inform the individual of their right to complain to the supervisory authority.

Handling a Request

This section lays out how CLAPA will respond to SARs. The full process is laid out in **Appendix 1**.

- CLAPA will ensure that all Subject Access Requests are acknowledged in writing **within 5 working days** from when a staff member becomes aware of the request. At this time, the individual making the request will be told if any further information is required.
- To prevent unauthorised disclosures, individuals will be asked to provide proof of identity and address before information will be disclosed.
- Requests made on behalf of others:
 - Where a request is made on behalf of another individual, this third party will be asked to provide proof of authority to act on the individual's behalf (in addition to providing proof of identity and address). Wherever possible, the individual concerned will be contacted directly by CLAPA over the phone to verify this request. The third party will be asked to complete a **Subject Access Authorisation Form** as well as a **Subject Access Request Form** (see **Appendix 3 & 4**). Until these completed forms have been received, CLAPA will not disclose to the person who made the request whether or not we know of the person they made the request about.

- In cases of parents or carers making a SAR on behalf of their child (under 18 years old), we will not require proof of authority to act on the individual's behalf, as their proof of identity and address will be considered sufficient.
- CLAPA reserves the right to refuse a SAR from a parent, carer or other third party if there is a significant safeguarding concern. In these cases, we will seek advice from a local safeguarding board with reference to our safeguarding policies and will always look to act with the best interests of the subject in mind.
- Information in any records collected to fulfil the SAR which is not directly related to the individual the request concerns, or which mentions third parties, will be anonymised or removed. CLAPA's policy is to be as transparent as possible in these scenarios and to provide as much surrounding information as we are able to, but we will restrict information at our discretion to respect the privacy rights of others.
- The Data Protection Lead will fulfil all SARs, with the assistance of other key staff as appropriate to ensure requests are completed in full.
- Training around Data Protection for all CLAPA Staff will include information about SARs.

Monitoring and Review

This policy will be reviewed every two years along with other Data Protection Policies and procedures.

Any requests and actions taken will be recorded appropriately.

Support for this Policy

Contact the Data Protection Lead (currently Anna Martindale), your line manager or the Chief Executive if you have any questions or concerns about this policy.

Additional resources and support may be found at:

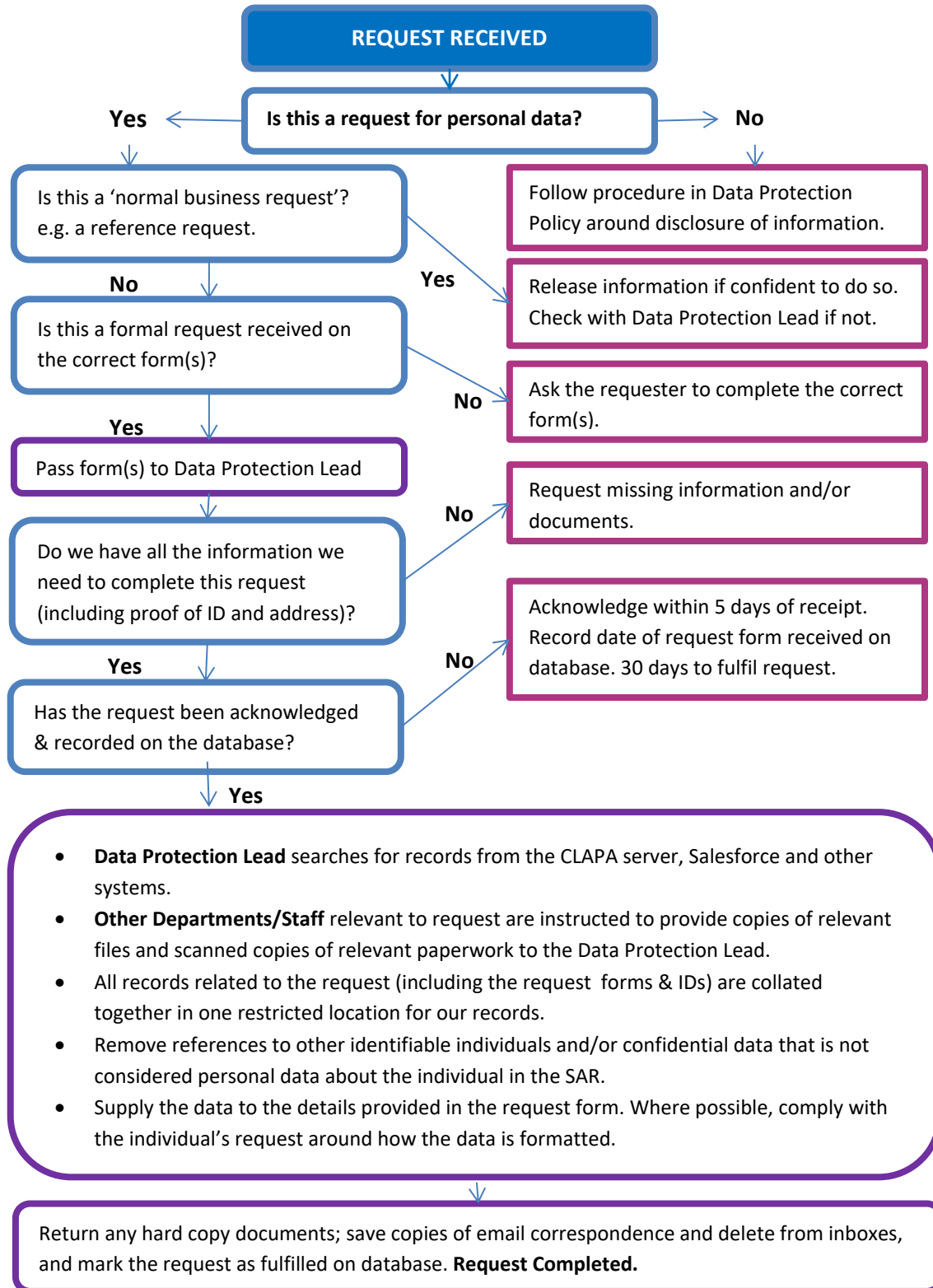
- [Information Commissioners Office \(ICO\)](#)
- [Guide to the General Data Protection Regulation \(GDPR\)](#)

Related Documents

[Data Protection Policies](#)

[Safeguarding Policies](#)

Appendix 1: Procedure for Handling Requests



Appendix 2: Subject Access Information

This information will be made available on CLAPA's website and linked from our Privacy Policy. It will also be provided on demand in a format requested by any individual.

The General Data Protection Regulations (2018) give you, the individual, the right to see what personal data any organisation like CLAPA holds on you. This information page will explain what your rights are and how you can make a Subject Access Request to CLAPA.

What is a Subject Access Request?

One of the key rights you have under data protection law is the 'Right to Access'.

This means you have the right to know if an organisation is holding any personal information on you, to be given a description of this data and how it's being processed, and be told what third parties or systems your data may have been shared with.

You are also entitled to be given a copy of any information concerning you, and to be given any information available to CLAPA about how we got this data.

What does 'personal data' include?

Your personal data is any information with you as the subject, and where you are personally identifiable.

For example, anything with your name, full address or other specific details about you would be considered personal data. Your postcode by itself would not, as this wouldn't identify you as an individual.

You're not entitled to see information about third parties, and in most cases mentions of third parties will be removed from any information we send you to preserve their privacy.

How much does it cost?

Subject Access Requests are free to make.

We reserve the right to charge a small administrative fee if the request is disproportionate, repetitive, or will be particularly expensive to fulfil (e.g. if you want a printed copy of several hundred pages worth of information). In these cases, we will advise you of this as soon as possible, and will explain any free-of-charge alternatives we can offer.

How long does it take?

We are required to fulfil any requests as soon as reasonably possible, and at least within one month. CLAPA will fulfil these requests as soon as we are able, and in most cases, this will be within a week. We will acknowledge your request within five working days from when a staff member becomes aware of the request. If possible, we'll let you know how long we expect it to take and whether or not we anticipate any delays. If we expect your request may take longer than one month, we will explain why and keep you updated as to our progress.

We'll need some information from you before we can start processing a Subject Access Request. We won't consider a request as having been formally made until we have all this information.

What information do I need to give you?

We'll ask you for proof of identity and address to make sure you're entitled to see the information you're asking for.

CLAPA requires the same proofs of identity as are currently required when applying for a Disclosure and Barring Service (DBS) Check. A full list and explanation can be found here: <https://www.gov.uk/government/publications/dbs-identity-checking-guidelines>

We need three forms of identification in total, including **one** 'primary identity document' such as a passport, driver's license or birth certificate, **and two** 'financial and social history documents', such as a bank or building society statement, P45, Council Tax Statement, Utility Bill, etc.

As an example, we would accept (1) a valid UK passport, along with (2) a credit card statement and mortgage statement.

We also require proof of your current address. If your current address is listed on one of your identity documents, please point this out to us and we will use this as proof of address.

These must be valid, current and original documents. They must not be a photocopy, or documentation printed out from the internet, such as internet bank statements. If you are unable to provide original documents, you may provide high quality scanned copies.

We might also ask you for any other information we may need to verify your identity and locate your data. This might include dates, locations, details of CLAPA Staff and/or Volunteers you've dealt with, and any relevant reference numbers. We'll explain why we need any supplementary information when we ask for it.

We reserve the right to deny your request if we are not able to reliably verify your identity using the documents and information you have provided us with. We will explain this to you clearly and will advise on any steps you can take at this point.

Can I make a request for someone else's data?

Yes, but you must have written authorisation and we will require you to complete a Subject Access Authorisation Form as well. It's your responsibility to ensure you have satisfactory evidence, and this will be decided by CLAPA on a case-by-case basis. We may also contact the individual in question to verify they've asked you to do this on their behalf.

Until we have confirmed you have the authorisation to make this request, we cannot confirm or deny if the person you've made the request about is known to us.

A parent or carer may make a request on behalf of their child or dependent without providing this proof of authorisation (though they must still complete a **Subject Access Authorisation Form**). We will fulfil these unless we have a specific safeguarding reason to withhold this information.

How do I make a request?

Please use the '**Subject Access Request Form**', and, if necessary, the '**Subject Access Authorisation Form**'.

You can send these along with your proofs of identification and address (see above) along with any supplementary information you wish to provide to:

FAO: Data Protection Lead
CLAPA
The Green House
244-254 Cambridge Heath Road
LONDON E2 9DA

Or info@clapa.com with the subject line 'CONFIDENTIAL: SUBJECT ACCESS REQUEST'

If you are sending these documents through the post we recommend you use **special delivery**.

PLEASE NOTE that while we take cyber security and data protection very seriously, we cannot guarantee any documents sent to our email server will not be vulnerable to a cyber-attack. If you choose to send your documents over email, you do so at your own risk.

If you have a preferred method for providing CLAPA with these documents, please email info@clapa.com or call us on 020 7833 4883 Monday-Friday 9am-5pm to discuss this. We will make every reasonable effort to accommodate your request.

CLAPA's current **Data Protection Lead** is Anna Martindale. You can contact Anna directly at anna.martindale@clapa.com or call the CLAPA Office 020 7833 4883.

Appendix 3: Subject Access Request Form

Please ensure you have read the **Subject Access Request Information Page** before completing this form.

Any information provided in this form will be used only for the purpose of responding to your request in line with your rights under the General Data Protection Regulations (2018).

Name and Contact Details of Subject

Name: [Type here]

Address: [Type here]

Daytime phone number: [Type here]

Previous Address (if you've moved in the past 12 months): [Type here]

Data Subject or Authorised Agent

Please delete as appropriate:

I am making this request for myself / I am making this request on behalf of another person

If you are making this request on behalf of another person, please complete and attach a Subject Access Authorisation Form. We cannot process a request from a third party until we receive this.

Identification:

Please list below the three forms of identification provided along with your request. Please see the Subject Access Information Page for specific guidance on what forms of identification we require.

Personal Identification:

1. [Type here]

2. [Type here]

3. [Type here]

Proof of Address (may also be listed above if appropriate):

1. [Type here]

Please note we will keep copies of your ID on file as proof they were submitted to us before we disclosed your data.

CLAPA can accept no responsibility for the delivery of your documents. You may either provide them in person, send them as scans over email, or have them sent to us by Special Delivery. If we receive your documents in the post, we will return them by Special Delivery, however CLAPA still accepts no responsibility should your documents be lost in the post.

Details of Your Request:

To help us fulfil your request in line with your expectations and desires, please state below what information you are seeking.

[Type here]

Other Information

Please provide any other information or specific details which might help us locate the data you've asked for. This might include dates, locations, details of CLAPA Staff and/or Volunteers you've dealt with, and any relevant reference numbers.

[Type here]

Statement

I have read and understood the information provided in the Subject Access Information Page. I am aware there is a full Subject Access Request Policy which is available on the Information Page.

I understand CLAPA may seek further information to confirm my identity to ensure my confidentiality and privacy are protected.

I confirm that the information I have provided is accurate.

Signature: [By typing your name here and returning this form to us, you accept the above statement as just as binding as if you signed it physically]

Date: [Type here]

Please return this completed form to: Data Protection Lead, CLAPA, The Green House, 244-254 Cambridge Heath Road, London E2 9DA, or info@clapa.com with the subject line 'CONFIDENTIAL: SUBJECT ACCESS REQUEST'.

Please call 020 7833 4883 or email info@clapa.com if you have any questions about this process.

Appendix 4: Subject Access Authorisation Form

Please ensure you have read the Subject Access Request Information Page before completing this form.

Any information provided in this form will be used only for the purpose of responding to your request in line with your rights under the General Data Protection Regulations (2018).

Name and Contact Details of Subject

Name: [Type here]

Address: [Type here]

Daytime phone number: [Type here]

Previous Address (if you've moved in the past 12 months): [Type here]

I confirm I am the above named person and authorise the Cleft Lip and Palate Association to give the information requested in the attached Subject Access Request Form to my authorised agent whose details are provided below. I understand I may be contacted directly to verify that I have given this authorisation.

Signature of Subject:

[By typing your name here and returning this form to us, you accept the above statement as just as binding as if you signed it physically]

Date: [Type here]

Name and Contact Details of Authorised Agent

Name: [Type here]

Address: [Type here]

Daytime phone number: [Type here]

Relationship with Subject: [Type here]

I confirm that I make this application on behalf of and solely in the interests of the subject named in the Subject Access Request Form attached. To ensure the confidentiality of the subject I understand CLAPA will be making further enquiries to prove I am authorised.

Signature of Agent:

[By typing your name here and returning this form to us, you accept the above statement as just as binding as if you signed it physically]

Date: [Type here]

Please return this completed form along with a completed Subject Access Request Form to: Data Protection Lead, CLAPA, The Green House, 244-254 Cambridge Heath Road, London E2 9DA, or info@clapa.com with the subject line 'CONFIDENTIAL: SUBJECT ACCESS REQUEST'.

Please call 020 7833 4883 or email info@clapa.com if you have any questions about this process.