

CARALINE GDPR POLICY: SUBJECT ACCESS REQUEST POLICY

DOCUMENT REFERENCE	
DOCUMENT NAME:	CARALINE GDPR POLICY - SUBJECT ACCESS REQUEST PROCEDURE - VERSION2.0 - AUG21
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Scope

All personal data processed by Caraline is in scope of this procedure. This procedure excludes personal data that is asked for as a matter of routine standard services offered by Caraline. An example of routine services offered within the customer agreement and expectations are an Example of routine service as part of the agreement with the customer.

SAR Overview

A SAR request can be made by Data subjects who understand that Caraline is processing any personal data about that individual. Caraline will respond within UKGDPR (one calendar month from verification). The initial SAR request is free of charge. Caraline may charge a 'reasonable fee' for any additional requests if they are deemed manifestly unfounded, excessive or repetitive (*this will be decided together with the DPO on a case by case basis *). Caraline may also extend the response time by a further two months where requests are complex or numerous. If this is the case the individual will be informed within a month from the initial request.

Responses

SAR responses will contain a description of the personal data that Caraline holds; the purpose of processing, details of which staff have access to the data, the source of the data.

Responsibilities

The Data Controller is responsible for handling all SARs, maintaining the procedure and ensuring UKGDPR compliance.

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Procedure

Subject Access Request procedure requires the individual to be verified. The verification process has three steps:

1. If SAR received by email check email matches records*
2. Request scanned copy of Driving Licence or Passport
3. Ask two verification questions (via phone or email) from the list below**:
 - Branch/Office location Data Subject registered details
 - Name of Therapist or Group the individual frequently liaised with
 - Year relationship commenced
 - Date of last transaction
 - Amount of last transaction

* If email does not match ask the individual to send request from email account registered – If he/she/they cannot refer to DPO

** Both questions must be answered correctly. If there is a doubt refer to DPO
Points 1,2, & 3 must be completed to action SAR

- The date will be recorded and one calendar month from this date to provide the requested information or a reasonable explanation that Caraline will be extending the response time to three months due to the complex nature of the request.
- Applications are sent to the Data Controller. The Data Protection Officer is responsible for ensuring the SAR is processed within the UKGDPR.
- The Data Controller is responsible for ensuring all company data is reviewed against the SAR request. This may include searching all databases, all relevant filing systems (manual files) in Caraline, including all backup and archived files, whether computerised or manual, all e-mail folders and archives.
- The Data Controller maintains an Asset Inventory that identifies where all data in Caraline is stored.
- The Data Controller maintains a record of requests.
- The Data Protection Officer is responsible for reviewing all provided documents to identify whether any third parties are processing data linked to the SAR request.
- Information that may be excluded from the SAR responses - Crime prevention and detection, Negotiations with the requester, Management forecasts, Confidential references, Information used for research or historical or statistical purposes, Information covered by legal professional privilege.
- The SAR response may be provided to the data subject in electronic format, paper format or a reasonable format.
- The electronic formats used for responses to SARs are: List common formats that are readily compatible or machine-readable

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Redactions

The Data Protection Act 2018, and the UK GDPR 2016 provides for several exemptions in respect of information falling within the scope of a SAR. In summary, information can generally be treated as exempt from disclosure and should not be disclosed, if:

- Under paragraph 2(1) of Schedule 3, Part 2 of the DPA 2018 it is likely to cause serious physical or mental harm to the patient or another person; or – it relates to a third party who has not given consent for disclosure (where that third party is not a health professional who has cared for the patient) and after taking into account the balance between the duty of confidentiality to the third party and the right of access of the applicant, the data controller concludes it is reasonable to withhold third party information; or
- Under Paragraphs 16 and 17 of Schedule 2, Part 3 of the DPA 2018 it is requested by a third party and, the patient had asked that the information be kept confidential, or the records are subject to legal professional privilege or, in Scotland, the records are subject to confidentiality as between client and professional legal advisor. This may arise in the case of an independent medical report written for the purpose of litigation. In such cases, the information will be exempt if after considering the third party's right to access and the patient's right to confidentiality, the data controller reasonably concludes that confidentiality should prevail (see below); or
- Under Schedule 4 of the DPA 2018 it is restricted by order of the courts; or
- it relates to the keeping or using of gametes or embryos or pertains to an individual being born as a result of in vitro fertilisation; or
- Under Schedule 4 of the DPA 2018 in the case of children's records, disclosure is prohibited by law, e.g. adoption records.

Document Management

This document is valid as of 18 August 2021.

This document is reviewed periodically and at least annually to ensure compliance with the following prescribed criteria.

UK General Data Protection Regulation

Legislative requirements defined by law, where appropriate

Lucian-Gabriel Burcea - Data Protection Officer

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