

GEM Partnership Ltd Subject Access Request Policy

1. Responsibility

- 1.1 The Data and Compliance Team responsible for this policy are:
 - 1.1.1 Annie Dorner – Compliance & Projects Manager
 - 1.1.2 Julie Hunter – HR & Compliance Manager
 - 1.1.3 Ruth Jackson – Audit & Compliance Manager

2. Introduction

- 2.1 The UK General Data Protection Regulation (GDPR) gives you a right of access to your personal data. The GDPR refers to this type of request as a subject access request (SAR).

3. Compliance

- 3.1 We process all SARs. We can provide information about this procedure in other formats and can help you make a request.
- 3.2 We log and acknowledge SARs, liaise with the relevant service(s) to gather the information, check files for third party and other exempt information and then collate the files. We then prepare and issue the final response.
- 3.3 We are also the central point of contact for the Information Commissioner's Office (the regulator of the Data Protection Act 2018 and GDPR).
- 3.4 You can contact the team by telephone, e-mail, in writing, in person or by any other reasonable means.
 - 3.4.1 Telephone: 0191 5872999
 - 3.4.2 E-mail: annie.dorner@gempartnership.com .

4. How do I make a request?

- 4.1 You must make your request in writing to GEM Partnership 2 Cook Way, North West Industrial Est, Peterlee, SR8 2HY OR by email to annie.dorner@gempatnership.com. You must:
 - 4.1.1 Describe the information you want;
 - 4.1.2 Provide proof of identification;

5. Telling us what you want

- 5.1 You need to specify the information you want so that we can locate it. It is helpful if you are able to limit the request to specific subject matter and dates and, in relation to emails, the persons sending or receiving the emails. If you are unclear as to which individuals were involved with the process for which you are requesting your personal data you can ask for clarification before you make a request. If we are unclear what information you require once we are in receipt of your request, we may need to check with you before we commence a search for your data.
- 5.2 If we reasonably determine your request to be clearly unfounded or excessive, we reserve the right to;
 - 5.2.1 charge a reasonable fee (taking into account the administrative costs of providing the information or taking the action requested)

- 5.2.2 refuse to act on the request, in which case we will provide you with reasons why we believe the request is unfounded or excessive and advise you that you have the right to complain to the Information Commissioner's office.

6. Proof of identification

- 6.1 We ask for proof of identification so that we can make sure that you are entitled to the information. We ask that you provide a photocopy of:
- 6.1.1 Something official with your photograph on, for example, your passport, driving licence, works ID badge, etc; and
- 6.1.2 Something with your address on, for example, a recent bank statement or bill (with the financial details blacked out if you prefer).

7. What if I do not have proof of identification?

- 7.1 We ask for proof of identification so that we can make sure that you are entitled to the information. If you do not have proof of identification, we cannot verify your identity and we cannot process your request.

8. What will I get?

- 8.1 We will provide a photocopy of the information we hold. If it is not clear from the documents you are given, we will also provide:
- 8.1.1 An explanation of why we have the data;
- 8.1.2 Details of who we may have given the data to;
- 8.1.3 An explanation of any technical terms or abbreviations;
- 8.1.4 Details of where the data came from;
- 8.1.5 Details of the period over which the data will be retained;
- 8.1.6 Information about your rights to complain, or to request correction or erasure of data, or restrictions on the processing of the data.

9. Will I always get what I ask for?

- 9.1 There may be reasons why we cannot provide the information that you have asked for, for example, if we are not the data controller, if it contains personal information about someone else, if we think that giving you the information would harm you, if there are ongoing court proceedings or if we can establish that the request (or part of it) is manifestly unfounded or excessive. If we tell you that we cannot provide the information you want, we will tell you why.
- 9.2 If you do not agree with our decision, you can ask us to reconsider our response. Please see the section 'What if I'm not happy with the response to my request?'

10. Can I see information about other people?

- 10.1 You only have the right to access your own personal information. You do not have an automatic right to access personal data about other people, e.g. your family, friends. You may, however, be able to make a request on behalf of another person if:
- 10.1.1 You are the parent of a child under the age of 12 years.
- 10.1.2 You have written permission to make a request on behalf of someone else.

10.1.3 You have Power of Attorney or an order from the Court of Protection, which gives you the right to make the request on behalf of someone who does not have capacity to make the request themselves.

10.2 Even if you meet these requirements, we may need to ask you for more information before we make a decision about whether to disclose information. This is because we have a duty to keep personal data confidential. In certain circumstances we may refuse to disclose data that refers to another person or meant we would need to disclose information relating to another person if we do not have permission to do so. Before refusing to disclose such data, we will consider all the relevant circumstances to assess if it would be reasonable to proceed in the absence of consent. We will also consider whether we can protect the rights of others by providing the data with redactions to protect the identity of others.

11. Requests for information made on behalf of an adult

11.1 If you have permission to make a request on behalf of someone else, we will ask you to provide us with a signed letter from that person telling us that they are happy for us to give their information to you.

11.2 If you are a solicitor making a request on behalf of your client, we will ask you to provide us with a signed form of authority.

11.3 If you are acting on behalf of someone who does not have capacity to make a request, we will ask you to prove that you have the authority to do so (e.g. Power or Attorney or an order from the Court of Protection).

11.4 If you do not have formal permission, we will consider whether responding to the request is in the person's best interests. If we have reason to believe you are not acting in that person's best interest, we will refuse your request and inform you of the reason for our decision. If we refuse your request and you are not happy with our decision you can ask us to reconsider our response. Please refer to the section called 'What if I'm not happy with the response to my request?'

12. How long will it take to get a response?

12.1 We have to respond to a SAR without undue delay and at the latest within one month from receipt of the request and proof of identification.

12.2 If the SAR is complex in scope or large in size it may not be possible to meet the deadline of one month, if this is the case, we will contact you to explain why it is necessary to extend the deadline by up to a further two months.

13. How will the information be given to me?

13.1 We prefer not to send personal information through the post or by e-mail as these are not secure ways of getting the information to you (e-mails can be misdirected or intercepted and things can go missing in the post). Instead, we will ask you to come in and collect the information once it is ready.

14. What will happen when you have submitted a Request.

14.1 We will send you an acknowledgement within 5 working days of receiving your request. In the acknowledgement letter, we will let you know when you can expect a reply (this will be 1 month from the date we receive your request).

- 14.2 If we need you to clarify your request or provide proof of identification, we will contact you as soon as possible. In this case, we will place your request on hold until we hear back from you. If you do not reply to us, we will contact you again to remind you that we need clarification. If we do not receive clarification from you within 1 month, we will close your request without responding. If you do provide us with clarification, the 1month timescale will restart from the day you provide it.
- 14.3 Once we are clear about the information you want and have proof of identification; we will work to collate the information.
- 14.4 You will receive a response to your request as soon as possible and, in any case, within 1 month, unless we have told you of a reason why we cannot respond within one month from the date we received your request, or date we received your proof of ID and/or clarification for scope of request at 13.2 above.

15. What if you are not happy with the response?

- 15.1 If we do not provide you with the information that you have requested, or we remove some information, you can discuss the matter with the Compliance Office.
- 15.2 You can also contact the Information Commissioner's Office (ICO). The ICO monitors how we deal with SARs and can ask us to justify our decisions. You can contact the ICO at:
 - 15.2.1 **Address: Information Commissioner's Office Wycliffe House Water Lane Wilmslow Cheshire SK9 5AF. Telephone: (01625) 545700. Website: www.ico.gov.uk**

16. Recording and reporting

- 16.1 We will record information about SARs to ensure that we are dealing with requests in line with the Data Protection Act and this procedure. We may also use this information to identify trends. We will anonymise any statistical information.

17. Record-keeping and sharing data

- 17.1 We will keep an electronic file containing your request, e-mails between servers, records of telephone calls about your request and, finally, the response letter.
- 17.2 We will scan any letters that you send in and save them in the electronic file. We will dispose of the original letter in the confidential waste.
- 17.3 We will scan any paper files that we use to respond to you into the electronic file and then dispose of the paper copy, unless there is a lot of information and it will take a long time to scan it, in which case we will store the paper copy in a locked cupboard.
- 17.4 We will keep the electronic files (and paper files if appropriate) for three years and then securely dispose of them. We will keep statistical information about requests for as long as we need it.
- 17.5 We may share information about you with third Parties so that we can deal with your request. If you submit a complaint to the ICO, we will provide them with information about your request and any additional information that may help them to decide whether we have handled your request appropriately.
- 17.6 We will store your information securely and process it in line with the requirements of the Data Protection Act 2018 and the GDPR.

Subject Access Request Flowchart

