



VHA Procedure Document

SUBJECT ACCESS REQUESTS

DRAFT

Reviewed: 2018

VHA Subject Access Request Procedure

1. INTRODUCTION

- Individuals who wish to gain access to personal data which VHA may hold and process, are required to make a subject access request (SAR). Under Section 7 of the Data Protection Act 1998, individuals can:
- Find out if we hold their personal information
- Gain an understanding of what we use this information for (purposes)
- Request a copy of any personal information we may hold
- Establish who we may share the information with
- Request that we update and /or delate any inaccurate information
- Make an application for data to be permanently deleted (this is subject to any statute which may apply)

An individual (data subject) is only entitled to receive copies of their own personal data. Third party personal data will not be disclosed under Subject Access Request and will be redacted (removed) prior to disclosure. The introduction of GDPR on 25th May 2018 means that there are two key changes regarding SARs; there will no longer be a fee, and the timescale in which we are required to respond will reduce from 40 days to one month. The waiving of the fee may mean that we see an increase in SARs.

2. CAN A THIRD PARTY MAKE A REQUEST?

Personal information will only be provided to a third party in two circumstances:

- If you have a representative acting on your behalf such as a Power of Attorney, Solicitor, Next of Kin etc. Data can only be released to the representative once we have received explicit consent from the data subject to do so. Explicit consent must be provided in writing.
- If the data is required by law e.g subject to a Police investigation

3. HOW TO RESPOND TO A SUBJECT ACCESS REQUEST

Requests need to be made in writing (email is also acceptable). Sarah Crosbie is the designated Data Officer responsible for SARs, however in the event of staff absence all staff members should be aware of the procedure.

You should send out the VHA Subject Access Request Form, along with the SAR Information sheet. Both documents can be found in Shared/Housing Management/Subject Access

Requests. The request needs to be noted in the Subject Access Request log which is saved in Shared/Activity Logs/Subject Access Request Log.

We will not start processing any SARs until we have received the completed form **PLUS** suitable identification which must be verified. The form should be date stamped, along with photocopies of the ID and the log updated.

The requested information needs to be compiled for response within the one-month time period and must be checked by two members of the management team before it is sent out. The log should be updated at each stage of the procedure.

If the information is being sent via email, then all documents must be password protected. If the information is being posted it should be sent via recorded delivery.

4. IS THERE A FEE?

No, under the new GDPR rules being introduced on 25th May 2018, there will no longer be a fee

5. WHAT SORT OF INFORMATION MIGHT BE REQUESTED?

We could be requested to send out any information that we hold and process in the data subject's name, including tenant file, tenancy agreement, support plans, next of kin information etc. In certain circumstances we may have to restrict the data we provide as there are certain exemptions under data protection regulations. For example; we would be unable to provide third-party data or data which could affect a Police investigation. If we do not hold the information that has been requested, we must confirm this in writing, detailing the reasons why.

6. HOW LONG DO WE HAVE TO RESPOND?

From the 25th May 2018 we will have one month to fully respond (previously this was 40 days). Please note that the time period of one month is from the date we receive the completed SAR form and identification.

witnesses must feel able to provide evidence in confidence and without fear. In serious cases, especially those which may end up in court, the lead officer will always consider compiling a "witness impact statement" detailing the effects of the alleged perpetrator's behaviour on the victim's life. This should be written to a standard that will allow it to be used as evidence in court.