# Subject Rights Request Procedure

## Issue sheet

Document reference: NHSBSADPN001

Document location: Developing Policy and Strategy\Develop or Review DPA Policy\Current and Final

Title: Subject Rights Requests procedure

Author: Chris Gooday

Issued to: All NHSBSA staff

Reason issued: For information / action

Last reviewed: 22 February 2023

Review Cycle: On significant change

Date of Wellbeing and Inclusion Analysis: No Impact

Date of Accessibility Review: 23 February 2023

## Revision details

| **Version** | **Date** | **Amended by** | **Approved by** | **Details of amendments** |
| --- | --- | --- | --- | --- |
| Initial release | 30.05.2007 |  | IGSG |  |
| a | 14.07.2009 | G Wanless | IGSG | Information Governance Manager (IGM) changed to Head of Information Governance (HoIG) |
| b | 28.02.2014 | C Gooday | A&PF | Reflect change of job titles and centralised process |
| c | 22.02.2023 | C Gooday | Information Rights Portal Project | Reflect process changes |

**1.** Receiving the request

All requests for access to an individual’s personal data held by the NHSBSA must be forwarded to the Information Governance Team (IG). Any request for correcting or deleting their personal data that will not be resolved through normal procedures must also be forwarded to IG.

If the request is received:

* **by letter/email/social media, -** forward the request toIG.
* **Through online Information Requests Portal –** this will be forwarded to IG by the Portal.
* **by telephone, the** member of staff taking the call will log details of the request and forward the call recording, or an email note if the call was not recorded to IG. **They must provide full details of the request and contact information for the requester**. If an email is provided we can send the information electronically through a secure web portal

## 2 Checking the Request

On receipt of the request, IG will ensure that:

* the full name, contact details and relevant unique personal identifiers of the requester is provided.
* an identification document is provided which confirms the personal data of the requester and the details shown on the request (or proof that they act on their behalf)
* the requester has provided sufficient information to identify which NHSBSA system needs to be searched to locate the personal data.

**3.** Logging the request

When all the necessary information has been received, IG will:

* allocate a unique reference number for future internal / external correspondence regarding the request.
* record the date the request was received.
* record the relevant details of the requester.
* send an acknowledgement to the requester.

If the request is unclear, or further proof of identity is required then IG will contact the requester via email or letter. If after two months no reply has been received, the request will be closed.

## 4 Initiating the search

IG will email the request details to the NHSBSA Team responsible for the relevant system(s) that needs to be accessed. Using the relevant email templat*e*, IG will advise the appropriate staff member of:

* the date the Request was received.
* the date the information needs to be provided to IG to comply with the one calendar month requirement.
* sufficient information required to search the relevant system(s) for a copy of information.
* Ask for any reasons why the personal a data cannot be deleted or updated if that is relevant to the request.

Any questions or anticipated delays in responding within the timescale quoted should be directed to IG.

## 5 Carrying out the search

The appropriate NHSBSA Team will search the relevant systems requested by the requester.

## 6 Handling not held search results

**6.1** Informing IG

The appropriate NHSBSA Team will respond to IG stating no information was found, the search parameters used and reasons (where appropriate) why the information was not found (i.e. not held for business purposes or beyond retention period).

 **6.2** Informing the requester

Having received the relevant information from the appropriate NHSBSA staff member, IG will issue a not held response to the requester.

**6.3** Retention

The files will be retained for three years.

## 7 Handling held search results

**7.1** Informing IG

The appropriate NHSBSA Team will, in the case of:

* **electronic information** – email the electronic information to IG or use a secure portal or if appropriate the reasons why the information cannot be deleted or updated.
* **paper or microfiche**– make photocopies or scan images, ensuring they are of good quality. They will then return the originals to the relevant system and forward the photocopies/images to IG. and if appropriate, the reasons why the information cannot be deleted or updated.

**7.2** Informing the requester

IG will ensure that:

* the information is what has been requested.
* the information is of a suitable quality for disclosure.
* the reasons for not correcting or deleting personal data are clearly explained.
* any third parties, whose information is included, are consulted by using the relevant template where appropriate, or that third party personal data is redacted from the documentation.

IG will also review the information. If there are any exemptions against disclosure or correcting/deleted the personal data, the requester will be informed.

If no exemptions are to be claimed, then a Full disclosure response will be issued to the requester with a copy of the information. For postal responses all envelopes will be marked as private and confidential and double enveloped.

**7.3** Retention

Files containing the subject access request, associate correspondence and a copy of the information supplied will be retained for three years.