

## Subject Access Request Policy

### Purpose

This document sets out the Police and Crime Commissioner's (PCC) policy for responding to subject access requests under the GDPR (General Data Protection Regulation), which came into force in May 2018. This document explains the rights of the data subject in relation to a data subject access request and the PCC's responsibilities when dealing with that request.

GDPR in the UK provides a framework to ensure that personal information is handled properly. This information must be:

- Processed fairly, lawfully and in a transparent manner
- Processed for specific, legitimate and lawful purposes
- Adequate, relevant and not excessive
- Accurate and up to date
- Not kept for longer than necessary
- Processed in line with an individual's rights
- Secure
- Not transferred other than in accordance with agreed terms and conditions

### Individual Rights

You have the right to see what personal information is held about you. You are entitled to be given confirmation as to whether your personal information is held and / or processed. You are entitled to access all your personal information as well as details of:

- The purposes for which we process your personal data;
- The categories of your personal data we process;
- The recipients, or categories or recipient to whom personal data has been or will be disclosed, in particular recipients in third countries or who are international
- How long we expect to store your data;
- Where you did not give us the personal data, the source from which we collected the personal data; and
- Whether we use any automated decision making in relation to the processing of your personal data.

You are entitled to have any mistakes in your personal data rectified, and to have the data deleted if you no longer wish for this to be stored or processed. You may also request the processing of your personal data be restricted.

Children have the same rights as adults over their personal data.



If you are not satisfied with how your personal data has been stored or processed, you have the right to lodge a complaint, by contacting [info@southyorkshire-pcc.gov.uk](mailto:info@southyorkshire-pcc.gov.uk) and/or the Information Commissioner's Office (ICO) at:

The Information Commissioner's Office,  
Wycliffe House,  
Water Lane,  
Wilmslow,  
Cheshire, SK9 5AF.  
Telephone: 08456 306060 or 01625 545745  
Website: [www.ico.gov.uk](http://www.ico.gov.uk)

### **What is personal information?**

Personal data means data relating to a living individual who can be identified from that data (or from that data and other information in our possession). Personal data can be factual (for example, a name, a unique reference number, address or date of birth) or it can be an opinion about that person, their actions and behaviour.

### **Providing information**

The PCC is committed to meeting all reasonable requests for access in accordance with GDPR.

### **What is a subject access request?**

A subject access request is a request for personal information held about an individual by the PCC.

A subject access request can be made by any means, including verbally, in writing or via social media.

Requests can be made by a solicitor or others on behalf of the data subject provided signed written authority is provided.

On receipt of a request for personal information you will be sent a subject access request form.

### **Requests about children**

If a request is made about a child the following will be considered:

- maturity of the child
- nature of personal data
- court orders relating to parental access
- duty of confidence to child
- consequences of disclosure to parent / guardian
- child's view

Consideration should also be given to the competency of the child. As a general rule of thumb:

- If they are over 16 years old, they are competent
- If they are under 12 years old, probably not
- If they are between 12-15 years old seek advice of a professional.

If a child is over 13 years old and consideration has been given to the above a consent form can be obtained from the child.

### **What do we do when we receive a subject access request?**

- Verifying identity. This can be undertaken by asking the requester for a piece of information held in the Office of the Police and Crime Commissioner's records that the requester might reasonably be expected to know. Alternatively, proof of identify can be requested.
- Collating information. Any manual or electronically held information will be gathered and any information provided by a third party or which identifies a third party will be identified.
- Third parties. Before sharing information that relates to third parties, where possible, information that affects another party's privacy will be anonymise or edit. Information may also be summarise rather than provide a copy of the whole document. The GDPR requires information to be provided, not documents.

### **Issuing a response**

The following information will be included when responding to a subject access request:

- The purpose(s) for processing;
- The categories of personal data concerned;
- The recipients or categories of recipients to whom personal data has been or will be disclosed, in particular in third party countries or international organisations, including any appropriate safeguards for transfer of data;
- The envisaged period for which personal data will be stored, or, if not possible, the criteria used to determine that period;
- The existence of the right to request rectification or erasure of personal data or restriction of processing of personal data concerning the data subject or to object to such processing;
- The right to lodge a complaint with the Information Commissioner's Office;
- If the data has not been collected from the data subject: the source of such data;



- The existence of any automated decision-making, including profiling and any meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the requestor.

Copies of the information will be sent electronically wherever possible or, if this is not technically possible, by post.

When answering a subject access request the PCC may have to redact parts of a document which are not liable for disclosure. (Further information can be found in the PCC's Redaction Policy).

### **Charging a Fee**

The PCC does not charge a fee.

If the data subject access requests are excessive or manifestly unfounded the PCC reserve the right to refuse a request.

### **Timeframe for responding to subject access requests**

The PCC has one month starting from when the information necessary to identify the requester is received, to identify the information requested, and provide the information. For example if a request is received on 3 September, the PCC has until 3 October to comply with the request.

If more time is needed to respond to complex requests, an extension of another two months is permissible, provided this is communicated to the data subject within one month of receiving their request and explain why the extension is necessary.

Wherever possible, the PCC will aim to complete the request in advance of the deadline.

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