

SUBJECT ACCESS REQUEST PROCEDURE (INCLUDING FOI REQUESTS)

JANUARY 2022

**1. Introduction**

- 1.1. Everybody has a right to access the personal data relating to them that is held by Elim. When someone asks to see that information, it is known as a subject access request (SAR). We would usually expect this person to be an Elim customer or member of staff but the request may be made by anybody who believes that Elim may either be storing or processing their personal data.
- 1.2. This document explains how Elim respond to SARs, including how we acknowledge a SAR, timescales for response and the information that the response should contain.

**2. Relevant legislation**

- 2.1. The Data Protection Act (2018), incorporating the UK General Data Protection Regulations (GDPR) provides instruction on all aspects of SARs.

**3. Responsibilities**

- 3.1. All staff are responsible for appropriately acknowledging a SAR from any party. The Data Protection Officer (DPO) is the staff member responsible for overseeing Elim's response and may delegate responsibility to different members of staff as part of the process. Elim's DPO is currently Dave Peregrine, Head of Operations.

**4. Freedom of Information Requests**

- 4.1. Elim is not a public authority and so does not have to respond to Freedom of Information (FOI) requests, however we will commit to operating in a transparent way where reasonably practicable.
- 4.2. On occasions, a statutory body may approach Elim with a request for information in order to respond to an FOI request they have received. Such requests should be passed to the DPO immediately. The DPO will determine the appropriate response, taking into account the Freedom of Information Act and Elim's existing Data Protection Governance.
- 4.3. Timescales for any response will be confirmed in agreement with the statutory body, with this procedure acting as a guideline.

**5. Procedure**

- 5.1. The table below details the procedure to be observed when a SAR is received from any party and provides guidance notes for each stage.

SAR Stage	Responsibility	Guidance
<b>Stage 1</b> Initial Request	<b>Staff member receiving request:</b> <ul style="list-style-type: none"> <li>• Gather additional information as required.</li> <li>• Advise subject that their</li> </ul>	<ul style="list-style-type: none"> <li>• The person making the SAR can do so verbally, in writing or digitally (by email, through website etc).</li> <li>• They do not need to specifically reference the GDPR or use the</li> </ul>

	<p>request is being treated as a SAR.</p> <ul style="list-style-type: none"> <li>• Pass information to the DPO</li> </ul> <p><b>DPO:</b></p> <ul style="list-style-type: none"> <li>• Within 2-working days of request acknowledge SAR in writing, providing a copy of SAR procedure and advising that a response will be provided by the date 28-days from the date of request.</li> </ul>	<p>term ‘Subject Access Request.’</p> <ul style="list-style-type: none"> <li>• The member of staff is responsible for recording the request if necessary and gathering relevant information, e.g. specific information requested, purpose of the request.</li> </ul>
<p><b>Stage 2</b> Gathering information</p>	<p><b>DPO:</b></p> <ul style="list-style-type: none"> <li>• Ensure responsibility for gathering information is clearly delegated where appropriate, with explicit instructions and timescales (note, timescales should allow for the response to be collated once the information has been received).</li> <li>• Ensure all relevant personal data is gathered from all possible sources</li> </ul>	<ul style="list-style-type: none"> <li>• Where there is a lack of clarity around what specific information has been requested, an assumption should be made that the request relates to all personal data held or processed.</li> <li>• Consideration should be given to all possible data locations. Elim’s <a href="#">Data Map</a> can be used for further guidance.</li> <li>• If the processing of the personal data is not covered in Elim’s <a href="#">Privacy Notice</a> then it should be noted, as this will form part of the final SAR response.</li> </ul>
<p><b>Stage 3</b> Providing the response</p>	<p><b>DPO:</b></p> <ul style="list-style-type: none"> <li>• The response must be provided by the date advised at Stage 1 and should include: <ul style="list-style-type: none"> <li>○ a cover letter (example letter in appendix)</li> <li>○ a SAR report (see appendix)</li> <li>○ a copy of Elim’s <a href="#">Privacy Notice</a></li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Responses should always be in writing but the DPO should use their discretion when deciding whether it should be sent by post or email, taking into account any specific communication needs or preferences of the subject.</li> <li>• The response must include: <ul style="list-style-type: none"> <li>○ Details of personal data</li> <li>○ Categories of personal data</li> <li>○ The recipients or categories of recipients that we disclose the data to (this will often be covered in the Privacy Notice)</li> <li>○ Confirmation of the existence of the subjects right to request rectification, erasure or restriction on the sharing of their data and to object to such processing</li> <li>○ Information about the source of the data, when it is not the subject.</li> <li>○ The fact that Elim do not use any automated decision making processes</li> </ul> </li> </ul>

		<ul style="list-style-type: none"><li>○ The fact that we don't share information with any foreign countries</li></ul>
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APPENDIX I – Example SAR Response Cover Letter (use headed paper)

[DATE]

Dear [SUBJECT NAME]

**Re: Your subject access request**

Thank you for your subject access request of [DATE REQUEST RECEIVED]. Attached to this letter you will find a Personal Data Form. This form details the personal data about you that Elim currently hold and/or process by sharing with other organisations or using it to make decisions. Where the personal data has not been provided by you this is indicated clearly, along with the identity of the person or organisation that has provided the data. In some cases we will have held the data for a significant period of time and it may not be clear from our records who originally provided the data. In such cases this will be clearly indicated.

Elim do not use your personal data for the purpose of any automated decision making and we do not transfer your data to any country outside the EU. Where your information is shared with a company based outside of the EU, this will be indicated clearly in the notes on your Personal Data Form and we will provide you with further information giving assurance that your data is being handled in accordance with the GDPR.

Please also find enclosed a copy of Elim's Privacy Notice. The details of this notice can also be accessed at [www.elimhousing.co.uk](http://www.elimhousing.co.uk). Where we have processed or shared your personal data in a way that is not covered by the Privacy Notice, this will be clearly stated on the Personal Data Form.

You have the right to request rectification of false personal data, erasure of your personal data or restriction on the sharing of your personal data and you have the right to object to processing of your personal data. If you wish to exercise this right please contact me on the details at the head of this letter. We will do our best to honour your request, however please note that in certain circumstances we may not be able to agree to a request where it would prevent us from fulfilling our responsibilities in providing a service to you or delivering a contract, e.g. a tenancy agreement.

If you have any further questions about the information provided with this letter, please do not hesitate to contact me.

Yours



Dave Peregrine  
Director of Housing Services  
Data Protection Officer  
Elim Housing

## APPENDIX II

## ELIM HOUSING – PERSONAL DATA FORM

<b>Data subject/person requesting report</b>	
<b>Relationship to Elim</b>	
<b>Date of request</b>	
<b>Date report produced</b>	

**Explanatory notes:**

- *Data Category*: this column identifies whether the data held falls into the category of personal data (PD) or sensitive personal data (SPD).
- *Data held*: where we hold information relevant to the data type indicated, it will be detailed here. Where we do not hold information it will state "Not held."
- *Processing/sharing of data covered by Privacy Notice?*: Where our processing or sharing of the data is not covered by our Privacy Notice, this will be indicated, and a note added below the table.
- *Data Provided by subject?*: Where you have not provided the relevant data, this will be indicated here. In some cases, particularly when data has been held for a long period of time, we may not know whether the data has been provided by the subject or an external organisation. If this is the case, it will be clearly indicated.
- *Data retention info*: This will advise how long the data will be retained by Elim and, in brackets, the retention guidelines that govern this timescale. You can view a full copy of our Data Retention Policy and Guidelines by request. Contact [info@elimhousing.co.uk](mailto:info@elimhousing.co.uk).
- Please note that not all personal data that you provide us with is recorded and stored as a matter of course. As such, you may be aware of information you have provided that does not feature in this report.
- Any additional information provided will be found below the table in the 'Notes' section, with the corresponding reference from the first column.

Ref	Data type	Data category	Data held	Processing/sharing of data covered by Privacy Notice (Y/N)	Data provided by subject? (Y/N/Unsure)	Data Retention info
1	Name	PD				
2	Signature	PD				

3	DoB	PD				
4	NI Number	PD				
5	Address	PD				
6	Telephone	PD				
7	Email	PD				
8	Image	PD				
9	Next of Kin	PD				
10	Ethnic/racial origin	SPD				
11a	Health/disability	SPD				
11b	Health/disability	SPD				
12	Political opinions/Trade union membership	SPD				
13	Financial information	SPD				
14	Sex life/sexuality	SPD				
15	Offending history	SPD				
16	Philosophical/religious beliefs	SPD				