

GDPR Subject Access Request (SAR) Procedure

Policy Contact	Subhash Goswami
Date Issued	29 th November 2019
Next Review Date	08 th June 2022
Target Audience	Staff
Approved by	Inna Care Policy Team

This Document defines Inna Care’s Subject Access Request Procedure (“Procedure”) and is to be used in conjunction with Inna Care’s Data Privacy and Retention Policies to adhere to the General Data Protection Regulation (GDPR) 2018.

The Procedure sets out the key features regarding handling or responding to requests for access to personal data made by data subjects, their representatives or other interested parties. It applies broadly across all entities or subsidiaries owned or operated by Inna Care but does not affect any local laws or regulations which may otherwise be applicable.

The Procedure consists of the following sections and applies to staff involved in processing Subject Access Requests (SARs).

1. Subject Access Request (SAR).
2. The Rights of a Data Subject.
3. Requirements for a valid SAR.
4. Internal SAR Process.
5. Exemptions
6. SAR Refusals.
7. Responsibilities

Inna Care’s Policy Lead has overall responsibility for this Procedure and its implementation.

1. Subject Access Requests (SARs).

A Subject Access Request (SAR) is any request made by an individual or an individual’s legal representative for information held by Inna Care about that individual.

A SAR should be made in writing to allow Inna Care to process it as quickly as possible and ensure they have the necessary consent. In general, an individual making a verbal request for their personal data should be recorded, passed to the Head of Compliance, and encouraged to put their request in writing on the SAR Request Form. In the event a formal SAR is made verbally to a member of staff, further guidance should be sought from Inna Care’s Head of Compliance, who will consider all SAR applications.

There are seven Subject Access Rights under the GDPR as, listed below:

- SAR 1. The right to be informed.



- SAR 2. The right to request access (the Subject Access Request).
- SAR 3. The right to rectification.
- SAR 4. The right to erasure.
- SAR 5. The right to restrict processing.
- SAR 6. The right to portability
- SAR 7. The right to object.

A SAR or exercise of another Subject Access Right can be made by sending a completed Subject Access Request Form by registered post to the address outlined on the Subject Access Request Form.

It is a legal requirement for Inna Care to keep a full log of all SARs that are invoked on them as covered by this procedure.

2. The Rights of a Data Subject.

Data Subjects have the legal right to invoke SARs on any organisation who holds their Personal Data, and the organisation has one calendar month to respond formally respond to the request. Failure to respond to the request within one calendar month entitles the Data Subject to log a complaint with the ICO, the GDPR's governing body.

3. Requirements for a valid SAR.

In order to be able to respond to a SAR in a timely manner, the Data Subject should:

- Submit his/her request using a Subject Access Request Form.
- Provide Inna Care with sufficient information to validate his/her identity (to ensure that the person requesting the information is the Data Subject or his/her authorised legal representative).

Subject to the exemptions referred to in this document, Inna Care will provide information to Data Subjects whose requests are in writing (or by some other method explicitly permitted by the local law) and are received from an individual whose identity can be validated by Inna Care.

However, Inna Care will not provide data where it is manifestly unfounded or excessive, taking into account also whether the request is repetitive in nature. Requests are more likely to be successful where they are specific and targeted at particular information.

Factors that can assist in narrowing the scope of a search include identifying the likely holder of the information (e.g. by making reference to a specific department), the time period in which the information was generated or processed (the narrower the time frame, the more likely a request is to succeed) and being specific about the nature of the data sought (e.g. a copy of a particular form or email records from within a particular department).

4. Internal SAR Process.

4.1. Request.

Upon receipt of a SAR, the Head of Compliance will acknowledge the request. The requestor may be asked to provide additional information to enable the Company to locate the relevant information.



The Head of Compliance will tell the requestor when Inna Care expect to provide the information, and whether Inna Care require a fee for providing it. When a fee is applicable, Inna Care will continue to process the SAR as soon as payment is made.

4.2. Identity verification.

The Head of Compliance needs to check the identity of anyone making a SAR to ensure information is only given to the person who is entitled to it. If the identity of a SAR requestor has not already been provided, the person receiving the request will ask the requestor to provide two forms of identification, one of which must be a photo identity and the other confirmation of address.

If the requestor is not the Data Subject, written confirmation that the requestor is authorised to act on behalf of the Data Subject is required and has his or her consent.

4.3. Information for Subject Access Request.

Upon receipt of the required documents, the person receiving the request will provide the Head of Compliance with all relevant information in support of the SAR. Where the Head of Compliance is reasonably satisfied with the information presented by the person who received the request, the Head of Compliance will notify the requestor that his/her SAR will be responded to.

4.4. Review of Information.

The Head of Compliance will contact and ask the relevant department(s) for the required information as requested in the SAR. This may also involve an initial meeting with the relevant department to go through the request if required. The department which holds the information must return the required information by the deadline imposed by the Head of Compliance and a further meeting may also be arranged with the department to review the information. The Head of Compliance will determine if there is any information which may be subject to an exemption and/or if consent is required to be provided from a third party.

The Head of Compliance must ensure that the information is reviewed / received by the imposed deadline to ensure the 30-calendar day timeframe is not breached. The Head of Compliance will escalate and involve the GDPR Owner as necessary to achieve this objective.

4.5. Response to Access Requests

The Head of Compliance will provide the finalised response together with the information retrieved from the department(s) and/or a statement that the Inna Care does not hold the information requested, or that an exemption applies. The Head of Compliance will ensure that a written response will be sent back to the requestor. This will be via registered post to the physical home address outlined on the Subject Access Request Form.

Inna Care will only provide information via channels that are secure. When hard copies of information are posted, they will be sealed securely and sent by recorded delivery.

4.6. Archiving

After the response has been sent to the requestor, the SAR will be considered closed and archived by the Head of Compliance



5. Exemptions.

An individual does not have the right to access information recorded about someone else, unless they are an authorized representative, or have parental responsibility.

Inna Care is not required to respond to requests for information unless it is provided with sufficient details to enable the location of the information to be identified and to satisfy itself as to the identity of the Data Subject making the request.

In principle, Inna Care will not normally disclose the following types of information in response to a SAR:

- Information about other people: A SAR may cover information which relates to an individual or individuals other than the Data Subject. Access to such data will not be granted unless the individuals involved consent to the disclosure of their data.
- Repetitive requests: Where a similar or identical request in relation to the same Data Subject has previously been complied with within a reasonable time period, and where there is no significant change in personal data held in relation to that Data Subject. Any further request made within a six- month period of the original request will be considered a repeat request, and the Inna Care will not normally provide a further copy of the same data.
- Publicly available information: Inna Care is not required to provide copies of documents which are already in the public domain.
- Opinions given in confidence or protected by copyright law: Inna Care does not have to disclose personal data held in relation to a Data Subject that is in the form of an opinion given in confidence or protected by copyright law.
- Privileged documents: Any privileged information held by Inna Care need not be disclosed in response to a SAR. In general, privileged information includes any document which is confidential (e.g. a direct communication between a client and his/her lawyer) and is created for the purpose of obtaining or giving legal advice.

6. SAR Refusals.

There are situations where individuals do not have a right to see information relating to them. For instance:

- If the information is kept only for the purpose of statistics or research, and where the results of the statistical work or research are not made available in a form that identifies any of the individuals; and
- Where the data is exempt from the SAR regime (see Exemptions, above).

If the Head of Compliance refuses a SAR on behalf of Inna Care, the reasons for the rejection will be clearly set out in writing. Any individual dissatisfied with the outcome of his/her SAR is entitled to make a request to the GDPR Owner to review the outcome and the individual will also be informed of their right to complain to the relevant supervisory authority (the Information Commissioner's Office) and of their right to a judicial remedy.

7. Responsibilities.

The overall responsibility for ensuring compliance with a SAR rests with the Head of Compliance.



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If Inna Care acts as a data controller towards the Data Subject making the request, then the SAR will be addressed based on the provisions of this procedure.

If Inna Care acts as a data processor the Head of Compliance will forward the request to the appropriate data controller on whose behalf Inna Care processes personal data of the Data Subject making the request

If you require further information regarding any aspect of this policy, please contact your line manager.

Review

This policy statement will be reviewed annually as part of our commitment to upholding professional standards. It may be altered from time to time in the light of legislative changes, operational procedures or other prevailing circumstances.

