Data Subject Access Request Procedure

May 2018 – 2021
CONTROL RECORD

<table>
<thead>
<tr>
<th>Reference Number</th>
<th>Version</th>
<th>Status</th>
<th>Author</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1.0</td>
<td>Final</td>
<td>Information Governance Officer</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Sponsor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Head of Information Governance</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Department</th>
</tr>
</thead>
<tbody>
<tr>
<td>Governance</td>
</tr>
</tbody>
</table>

Title

Data Subject Access Request Procedure

Amendments

Reflect the requirements of the EU General Data Protection Regulation

Purpose

To ensure that all staff are aware of their obligations and responsibilities in relation to Data Subject Access Requests.

Superseded Documents

- South Nottinghamshire CCGs Subject Access Request Procedure version 3.1
- Nottingham City CCG Access to Health Records October 2013

Audience

All employees and appointees of NHS Greater Nottingham Clinical Commissioning Partnership and any individuals working within the CCGs in a temporary capacity.

Consulted with

Senior Information Risk Owner
Ruth Lloyd, Head of Corporate Governance, Mansfield and Ashfield and Newark and Sherwood Clinical Commissioning Group.

Equality Impact Assessment

- 

Greater Nottingham Clinical Commissioning Partnership policies can be made available on request in a range of languages, large print, Braille, audio, electronic and other accessible formats from the Communications Team at ncccg.team.communications@nhs.net
Contents

1. Introduction .................................................................................................................................................4
2. Purpose ..........................................................................................................................................................5
3. Scope ............................................................................................................................................................5
4. Roles and Responsibilities ..............................................................................................................................5
   4.1. Individuals ................................................................................................................................................5
   4.2. Information Governance Team ................................................................................................................5
5. Receipt of a data subject access request ........................................................................................................6
6. Responding to a request ..................................................................................................................................6
7. Fees ...............................................................................................................................................................6
8. Timescales .....................................................................................................................................................7
9. Exemptions/refusal of a request .....................................................................................................................7
10. Complaints ..................................................................................................................................................7
11. Communication, Monitoring and Review .....................................................................................................8
12. Interaction with Other CCG Policies and Procedures ...............................................................................8
1. **Introduction**

1.1. This procedure applies to the four Clinical Commissioning Groups that form the Greater Nottingham Clinical Commissioning Partnership; NHS Nottingham City, NHS Rushcliffe, NHS Nottingham West and NHS Nottingham North and East, subsequently referred to in this document as the CCGs.

1.2. The EU General Data Protection Regulation and Data Protection Act 2018 which governs person-identifiable data/records provides that any living individual has the right to obtain from the data controller, confirmation as to whether or not personal data concerning them are being processed, and where that is the case, access to the personal data and the following information:

- a) the purposes of the processing;
- b) the categories of personal data concerned;
- c) details of those with whom the personal data are shared/disclosed, including recipients in third countries or international organisations;
- d) where known, the timescales for which the personal data will be stored, or, if not known, the criteria used to determine that period;
- e) the existence of the right to request from the controller rectification or erasure of personal data or restriction of processing of personal data concerning the data subject or to object to such processing;
- f) the right to lodge a complaint with a supervisory authority;
- g) where the personal data are not collected from the data subject, any available information as to their source;
- h) the existence of automated decision-making, including profiling, referred to in Article 22(1) and (4) [GDPR] and, at least in those cases, meaningful information about the logic involved, as well as the significance and the envisaged consequences of such.

1.3. An organisation must ensure that it has a procedure in place to respond to data subject requests under the EU General Data Protection Regulation (the Regulation).
1.4. Subject access under data protection relates only to living individuals. Requests for personal data relating to deceased individuals should be forwarded to the Information Governance (IG) Team without delay.

2. **Purpose**
   2.1. The purpose of this procedure is to:
   - Describe the process for receiving, processing and responding to Data Subject Access Requests;
   - Ensure all staff are aware of their responsibilities and the process for meeting legal obligations under Data Protection law in respect of Subject Access.

3. **Scope**
   3.1. This procedure relates to all employees and appointees of NHS Greater Nottingham Clinical Commissioning Partnership and any individuals working within the CCGs in a temporary capacity.

4. **Roles and Responsibilities**

4.1. **Individuals**

   All individuals within the organisation have a duty to ensure that Data Subject Access Requests are forwarded to the Information Governance team immediately.

   Where staff are requested by the IG Team to provide information in support of processing the request, they must respond within the set deadlines.

   As with all information assets staff must ensure access to information for which they are responsible is facilitated in their absence regardless of the nature of that absence.

4.2. **Information Governance Team**

   Requests received by CCG staff will be forwarded to the Information Governance Team processing. The IG Team is responsible for:

   - Processing the requests from initially recording the organisation’s receipt, through to disclosure of information. This will include:
     - liaising with CCG staff to identify information;
     - ensuring the Data Subject is entitled to the information (e.g. ID checks/ legal documentation, etc);
     - providing advice to staff as required.
- Screening and redaction of personal data as required and in liaison with the Information Asset Manager or relevant staff member, e.g. HR/ Caldicott Guardian as necessary prior to disclosure.
- Keeping full records of the request including timelines, data disclosed, data withheld and the reasons for withholding any personal data.

5. **Receipt of a data subject access request**
   5.1. To be valid, all data subject access requests need to be made in writing. This includes letter, email, fax, or even via social media.
   5.2. All Data Subject Access requests received by the CCG should be date stamped upon receipt and passed to Information Governance Team immediately at:
   Information Governance, 1 Standard Court, Park Row, Nottingham, NG1 6GN
   Email: ncccg.ig.greater-nottingham@nhs.net

6. **Responding to a request**
   6.1. Every reasonable effort will be made to locate the requested information.
   6.2. Personal data will be disclosed in line with Data Protection Law unless a valid exemption applies.
   6.3. If held, and a copy has been requested, the information will be given to the data subject, or their representative, in an intelligible form.
   6.4. If the request is made electronically, the CCGs will provide the information in a commonly used electronic format.
   6.5. Where possible, the CCGs will provide remote access to a secure self-service system to provide the individual with direct access to their information.
   6.6. The use of jargon, abbreviations, or codes contained within the information will be explained, or a summary will be provided.
   6.7. The CCGs will take into account the provisions of the Equality Act 2010 and offer information in large print, Braille, or audio format for data subjects with visual difficulties.
   6.8. In cases where the records may be very large and would require a disproportionate effort to provide in paper form the CCGs will work with the requester to find a compromise, or may offer a summary of the record.

7. **In circumstances where the personal data is not held by the CCGs, it will inform the requester as quickly as possible. The CCG will wherever possible, offer support to identify which organisation is the data controller.**
7.1 Fees are no longer charged for access to personal information except in specific and rare circumstances. These circumstances are detailed in the Information Commissioner’s Subject Access Code of Practice.

8. **Timescales**
8.1 All data subject access requests must be responded to within *one month* of receipt within the CCG and/or fee payable.
8.2 Where requests are complex or numerous the period of compliance can be extended.

The circumstances for extending the timescale for responding to a request are limited. The Information Commissioner’s Subject Access Code of Practice goes into more detail but in summary we will only extend a timescale if we have a valid reason to do so.

8.3 If the period of compliance is going to be extended the Information Governance team will inform the data subject within one month of the receipt of the request and explain why the extension is necessary.

9. **Exemptions/refusal of a request**
9.1 Circumstances where information may be withheld from release are;

- where there is a likelihood to cause serious harm to one or more individuals;
- where information contains personal information about third party.

These circumstances are detailed in the Information Commissioner’s Subject Access Code of Practice.

10. **Complaints**
10.1 It In the first instance, all complaints regarding the processing of a Data Subject Access request should be made in writing to the Corporate Director for resolution at local level;

**Greater Nottingham Clinical Commissioning Partnership, 1 Standard Court, Park Row, Nottingham, NG1 6GN.**

10.2 If the requester remains unhappy with any aspect of the handling of their subject access request, they can contact the Information Commissioner;

**Information Commissioner’s Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF**
11. Communication, Monitoring and Review
11.1. The Head of Information Governance/Data Protection Officer will be responsible for monitoring the use of this procedure on an ongoing basis.
11.2. This procedure will be reviewed by the Information Governance team in line with the Data Protection and Confidentiality Policy every 3 years or as other local, national or legislative changes require.

12. Interaction with Other CCG Policies and Procedures
This procedure should be read in conjunction with the following CCG documents:
- Data Protection and Confidentiality Policy