

SUBJECT ACCESS REQUEST PROCEDURE

1. OVERVIEW

This procedure details what will happen and the appropriate timescales for, when a Subject Access Request ('SAR') is made under the UK General Data Protection Regulation ('the UK GDPR').

This procedure is to ensure Luton Rising can comply with these requests in a quick, efficient and compliant manner.

2. SCOPE

Article 15 of the UK GDPR gives individuals the right to be told what personal information Luton Rising is holding about them and, to receive a copy of that information upon request unless an exemption applies.

This procedure applies to individuals whose personal information is processed by Luton Rising. That is people we process information about, whether that's collecting, archiving, storing or actively processing on a day-to-day basis. This includes members of the public, consultation participants, employees, workers, consultants, beneficiaries, campaigners, or partners, people across all business areas.

3. RESPONSIBILITY

This procedure is managed by the Data Protection Officer (DPO), who is also responsible for ensuring subject access requests under the UK GDPR are recorded and monitored to ensure they comply with the required timeframes.

All members of staff are responsible for subject access requests under the UK GDPR and reporting them to the DPO (within 1 working day of receipt) by email to DataProtection@lutonrising.org.uk.

4. SUBJECT ACCESS REQUESTS

4.1 RECOGNISING A SUBJECT ACCESS REQUEST

- (a) Individuals have the right to request access to their personal data processed by us. These requests are called subject access requests (**SARs**).
- (b) A SAR can come in any form either written, via phone, or electronic means including email, social media etc. Therefore, it is important that we are closely monitoring any social media activity to ensure that no valid requests are inadvertently ignored.
- (c) The request for information can be very broad (such as, "*give me a copy of information you hold about me*") or it can be very precise ("*give me a copy of the letter you wrote about me yesterday*"). A request does not need to include the words 'subject access request' or refer to the Data Protection Act or the UK GDPR.
- (d) A request is valid even if the individual has not sent it directly to the person who normally deals with such requests. It is important to ensure that all staff can recognise a SAR and treat it appropriately.

4.2 ACKNOWLEDGING AND RECORDING THE REQUEST

- (a) Any SAR received must be reported to the DPO (within 1 working day of receipt) by email to DataProtection@lutonrising.org.uk.
- (b) An email or similar communication should be made to acknowledge receipt of the request, within 2 working days of receipt of the request. This should include details in relation to the areas regarding: response time, requirements for personal identification and if appropriate refusal to process. Please see **Appendix One** in relation to handling each matter.
- (c) Before disclosing any personal information, the identity of the individual making the SAR must be verified. The UK GDPR requires you to take reasonable measures to verify their identity.

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You should keep a record of what measures you take. You will need to contact the individual making the SAR to request their proof of ID. We encourage that best practice would be to obtain two forms of identification being a form of photo ID and proof of address (see **Standard Forms and Letters – Letter 1 below**). If the SAR is being made on behalf of someone else, you will need to confirm they have authority to make the SAR as well as verifying their identity (see **Standard Forms and Letters – Letter 2 below**).

4.3 CLARIFY THE REQUEST (IF NECESSARY)

If the request is unclear or is very broad, contact the individual making the SAR to seek clarification or to provide further detail to enable you to locate the information. You may wish to request further information regarding the context of the information or dates when it was processed. This can be done by asking the individual to complete the standard Subject Access Request Form (see **Standard Forms and Letters – Letter 3 below**).

4.4 PROOF OF ID RECEIVED

Once the ID has been received, Luton Rising has 1 month in which to respond in full to the SAR. You will need to calculate the due date, diarise it and send confirmation to the IT provider that a SAR has been received and set a deadline date by which the documentation must be provided by.

4.5 RETRIEVAL OF INFORMATION

- (a) You will need to decide where personal information about the individual might be held and locate that information. You may need to search central filing systems, personnel records and shared databases. The Record of Processing (held by the Shared Services team) will be able to assist you in locating the information.
- (b) You may also need to speak to members of staff who might hold information about the individual in other business areas.
- (c) You should ensure that you undertake a search of all relevant email accounts, management systems, relevant paper records and files and the network folders. If relevant, you will also need to check CCTV records.
- (d) It is important to be thorough because upon receipt of their information the individual may believe there is further information held and then specifically request that information or for further searches to be carried out. This may then cause further work and or a complaint to be filed.

4.6 REVIEW THE INFORMATION

- (a) Once you have collected the information held about the individual, you must examine it in detail to establish if it can be released. This must be done on a case-by-case basis for each individual piece of information. In some cases, you might have to disclose only parts of documents.
- (b) Check that the information is about the person concerned and not someone else with the same name.
- (c) Screen out any duplicate records.

4.7 EXEMPTIONS

Consider whether any of the exemptions set out in the Data Protection Act 2018 are applicable to the information. The exemptions likely to be applicable to Luton Rising include:

i) Crime and Taxation - Schedule 2, Part 1, 2(1) DPA

Processing data for one of the purposes listed in Schedule 2, Part 1, 2(1) of the DPA is exempt from the subject access provisions if the application of the DPA would be likely to prejudice any crime prevention and taxation purposes. This means that you may

disclose data for an unrelated purpose to what it was collected for where it is justifiable to do so, or you could withhold the information from the response to a subject access request where the usual requirements of the DPA would prejudice the crime prevention and taxation purposes.

ii) Corporate Finance – Schedule 2, Part 4, 21 DPA

Personal information processed for the purposes of or in connection with a corporate finance service is exempt from the subject information provisions where disclosure could affect the price or value of particular instruments of a price sensitive nature or in order to safeguard an important economic or financial interest of the UK.

iii) Confidential References – Schedule 2, Part 4, 24 DPA

Personal information is exempt if it comprises a confidential reference that an organisation gives (or is to give) in connection with education, training or employment, appointing office holders, or providing services.

iv) Management Forecasts – Schedule 2, Part 4, 22 DPA

A further exemption applies to personal information that is processed for management forecasting or management planning. Such information is exempt from the subject information provisions to the extent that applying those provisions would be likely to prejudice the business or other activity of the organisation.

v) Negotiations – Schedule 2, Part 4, 23 DPA

Personal information that consists of a record of your intentions in negotiations with an individual is exempt from the subject information provisions to the extent that applying those provisions would be likely to prejudice the negotiations.

vi) Legal Advice and Proceedings Legal Professional Privilege – Schedule 2, Part 4, 19 DPA and Legal Proceedings – Schedule 2, Part 1, 5 DPA

Personal information is also exempt from the subject access provisions if it consists of information for which legal professional privilege could be claimed in legal proceedings.

Personal information is also exempt from the subject access provisions if the documents are created for the purpose of, or in connection with, legal proceedings.

4.8 THIRD PARTY DATA

- (a) Only disclose information about the person making the request. Where a document contains personal information about others, third party consent should normally be obtained (see **Standard Forms and Letters – Letter 6**). Where third party consent is not or cannot be obtained then you must consider whether it is reasonable to disclose the information. Alternatively, third party information can be redacted so that they cannot be identified.
- (b) If you have to redact information, you need to be satisfied that the redacted information is not legible. The ICO provides further guidance on redacting information, and this can be found at <https://ico.org.uk/for-organisations/uk-gdpr-guidance-and-resources/security/disclosing-documents-to-the-public-securely/>

4.9 DESTRUCTION OF DATA

You must not destroy information because it would be embarrassing to disclose. This is a criminal offence if it is done after a SAR has been made. As you put the information together, you may discover material which does not reflect favourably on Luton Rising. For example, you may find papers which show that standard procedures were not followed, or documented comments which may cause offence to the individual. You may wish to consider seeking legal advice to ensure that appropriate action is taken to address any issues they raise before disclosing them.

4.10 SEND THE RESPONSE TO THE INDIVIDUAL

- (a) Once the documentation has been reviewed and redacted as necessary it should be sent to the individual in the agreed format (see **Standard Forms and Letters – Letter 5**).
- (b) A note should be made that the information has been provided to the individual in the required format.

4.11 FAILURE TO COMPLY WITH SARs

- (a) The consequences of failing to comply with the UK GDPR and the DPA are serious. In the case of subject access requests:
 - i) Individuals have the right to compensation if they are damaged by a contravention of the of the GDPR and/or the DPA, for example, if we fail to supply them with the information they request (unless an exemption applies) within the 1-month time limit and their interests suffer as a result;
 - ii) Individuals may complain to the ICO about any decision we make regarding the disclosure or non-disclosure of their personal information. The Information Commissioner may serve an enforcement notice on us to release the information; iii) The individual making the request may make an order for disclosure from the courts.
- (b) It is therefore important we disclose any relevant information within the 1-month limit. In the case of any dispute, it is important that Luton Rising can demonstrate that good practice was followed.

5. IMPLEMENTATION AND REVIEW

This procedure takes effect immediately upon publication and will be subject to a review 2 years after its implementation.

6.CONTACT DETAILS

The Data Protection Officer can be contacted at Data Protection Officer, Hart House Business Centre, Kimpton Road, Luton, LU2 0LA or by email at: DataProtection@lutonrising.org.uk

Letter 1 Strictly Private and Confidential

[ADDRESSEE]

[ADDRESS LINE 1] [ADDRESS
LINE 2]

[ADDRESS LINE 3]

[POSTCODE]

[DATE]

Dear [NAME]

UK General Data Protection Regulation Subject Access Request

[I write to acknowledge receipt of your data subject access request under Article 15 of the UK General Data Protection Regulation.]

OR

[I write to acknowledge receipt of your request for personal information which we are responding to under Article 15 of the UK General Data Protection Regulation.]

Before I can process your request, I require confirmation of your identity. Please provide [one/two] form[s] of identity that show[s] your name, date of birth and current address. For example, your passport [and/or] driving licence.

The identification document[s] can be sent to [ENTER ADDRESS] or scanned and emailed to [INSERT EMAIL ADDRESS].

Once we have verified your identity, your request will be processed within 1 month, unless there are grounds for extending the statutory deadline.

Please specify whether you would like to receive a response in paper or electronic form. Your preference will be complied with where possible.

Yours sincerely

[NAME OF SENDER]

Letter 2 Strictly Private and Confidential

[ADDRESSEE]

[ADDRESS LINE 1] [ADDRESS
LINE 2]

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[ADDRESS LINE 3]

[POSTCODE]

[DATE]

Dear [NAME]

UK General Data Protection Regulation Subject Access Request

[I write to acknowledge receipt of your data subject access request under Article 15 of the UK General Data Protection Regulation on behalf of [INSERT NAME OF DATA SUBJECT].]

OR

[I write to acknowledge receipt of your request for personal information on behalf of [ENTER NAME OF DATA SUBJECT] which we are responding to under Article 15 of the UK General Data Protection Regulation.]

In order to deal with your request, I require proof of authority that [ENTER NAME OF DATA SUBJECT] has given consent for you to act on their behalf and to receive the requested information on their behalf. This can be done by a letter of consent signed by the data subject, in the form of a power of attorney or evidence of parental responsibility.

I also require confirmation of your identity and the identity of [ENTER NAME OF DATA SUBJECT]. Please provide [one/two] form[s] of identity that show[s] your name, date of birth and current address. For example, your passport [AND/OR] driving licence. Please also provide the same for [ENTER NAME OF DATA SUBJECT].

The identification document[s] can be sent to [ENTER ADDRESS] or scanned and emailed to [INSERT EMAIL ADDRESS].

Once I have verified that you have consent to act on behalf of [ENTER NAME OF DATA SUBJECT] and I have verified your identity, your request will be processed within 1 month, unless there are grounds for extending the statutory deadline.

Please specify whether you would like to receive a response in paper or electronic form. Your preference will be complied with where possible.

Yours sincerely

[NAME OF SENDER]

Letter 3 Strictly Private and Confidential

[ADDRESSEE]

[ADDRESS LINE 1] [ADDRESS

LINE 2]

[ADDRESS LINE 3]

[POSTCODE]

[DATE]

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Dear [NAME]

UK General Data Protection Regulation Subject Access Request

[I write to acknowledge receipt of your data subject access request under Article 15 of the UK General Data Protection Regulation.]

OR

[I write to acknowledge receipt of your request for personal information which we are responding to under Article 15 of the UK General Data Protection Regulation.]

In order to process your request, I would be grateful if you could provide me with further detail about the information you require. In order to assist us with your request, please provide as much detail as possible. This may be, for example, names of individuals, departments, location, times and details of particular incidents.

Under Recital 63 of the UK GDPR, we are entitled to seek clarification on what information you are requesting before we send it to you. Once we have received the information requested from you, your request will be processed within 1 month, unless there are grounds for extending the statutory deadline.

Please specify whether you would like to receive a response in paper or electronic form. Your preference will be complied with where possible.

Yours sincerely

[NAME OF SENDER]

Letter 4 Strictly Private and Confidential

[ADDRESSEE]

[ADDRESS LINE 1] [ADDRESS

LINE 2]

[ADDRESS LINE 3]

[POSTCODE]

[DATE]

Dear [NAME]

UK General Data Protection Regulation Subject Access Request

I write further to your subject access request which was received on [DATE].

Following careful consideration, I regret that we cannot provide the information requested. This is because [REASON FOR EXEMPTION WHERE APPROPRIATE].

Under the terms of the UK General Data Protection Regulation, you have the right to lodge a complaint to the Information Commissioner's Office, if you are dissatisfied with the decision made in relation to your request. The Information Commissioner does have an expectation that a complaint will be made

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to us and dealt with internally first. If you are still dissatisfied following our internal review, then a complaint can be to the Information Commissioner using the details below:

Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

0303 123 1113 (local rate) or 01625 545 745

Please note you are able to make a complaint to the Information Commissioner's Office without first going through our internal procedure.

If you have any further queries, then please contact [NAME].

Yours sincerely

[NAME OF SENDER]

Letter 5 Strictly Private and Confidential

[ADDRESSEE]

[ADDRESS LINE 1] [ADDRESS

LINE 2]

[ADDRESS LINE 3]

[POSTCODE]

[DATE]

Dear [NAME]

UK General Data Protection Regulation Subject Access Request I

write further to your subject access request, dated [INSERT].

Details of the Information Requested Your

request was for:

[INSERT DETAILS OF THE REQUEST]

Details of the Search Conducted

We have searched our systems and records in order to locate the personal data you have requested. A search was carried out of our systems and records using the following search terms:

[INSERT BRIEF DETAILS OF THE SEARCH TERMS USED].

Details of the Search Results

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We have now completed and reviewed our search for your records and as required by Article 15 of the UK GDPR and we confirm that the full details about the way in which your personal data is used, including organisations with whom your details may be shared and details of our retention periods, can be found in our privacy notice which is available to view at [INSERT LINK TO PRIVACY NOTICE].

Your Records

We enclose by way of response the following personal data:

- i. [INSERT DETAILS OF WHAT INFORMATION IS ENCLOSED I.E. EMAILS, DOCUMENTS].

Exemptions

Some of the information you have requested is exempt from being available to you and has been omitted or redacted for the following reasons:

- i. [it does not constitute your personal data and therefore is outside the scope of a subject access request;
- ii. it reveals the identity of third parties; or iii. it is subject to legal privilege.]

Please note that redaction has been used as a tool to remove information which does not constitute your personal data and therefore falls outside the scope of a subject access request and to remove any duplicate copies.

Your Rights

If you believe that further personal data exists which has not been provided to you, then please provide details of this information to aid us to locate it.

Under the terms of the GDPR, there is a right of complaint to the Information Commissioner's Office, if you are dissatisfied with the decision made in relation to your request. A complaint can be to the Information Commissioner by completing the following form online - <https://ico.org.uk/media/report-aconcern/forms/1523/information-handling-form.pdf> or telephoning 0303 123 1113 (local rate) or 01625 545 745.

We are obliged to inform you that you may have the right, in certain circumstances, to request rectification, erasure, restriction or objection of processing of your personal data under the terms of the GDPR. We are also obliged to inform you of your right to seek legal advice on your ability to seek to enforce your data protection rights through the courts.

If you have any further queries, then please contact [NAME].

Yours sincerely

[NAME OF SENDER]

Letter 6 Strictly Private and Confidential

[ADDRESSEE]

[ADDRESS LINE 1] [ADDRESS
LINE 2]

[ADDRESS LINE 3]

[POSTCODE]

[DATE]

Dear [NAME]

UK General Data Protection Regulation Subject Access Request

I am writing to inform you that we have received a data subject access request from [ENTER DATA SUBJECT'S NAME] for access to their personal information.

In compliance with the UK GDPR, I must disclose as much information as possible unless an exemption applies. One exemption that can be applied is where information requested contains third party data and the third party's rights of non-disclosure is greater than the data subject's right to the information.

In my search I have identified that some of the requested information involves you. It is our practice to seek the views of the third party concerned when considering whether to apply the exemption. In making my decision, I am required to consider whether the request is 'reasonable in all the circumstances'.

[NAME OF DATA SUBJECT] does have the right to challenge any refusal and so I cannot guarantee that the information will not be disclosed. However, it will aid my decision to consider your view.

The information concerned is as follows:

1. [ITEMISE THE DOCUMENTS WHERE POSSIBLE OR LIST PAGES WHERE THERE IS A LARGE QUANTITY OF INFORMATION]

[I enclose copies of the information for your reference].

I kindly ask that you confirm whether or not you have any objections to the disclosure of the above information. Please explain the nature of any objections. Where possible please complete and sign the consent section form below and return this to [INSERT EMAIL ADDRESS].

The UK GDPR requires us to respond to the data subject's request within 1 month of receipt. Therefore, please confirm your position by [DATE – ENSURE YOU LEAVE ADEQUATE TIME TO CONSIDER RESPONSE].

If you have any further queries, then please contact [NAME].

Yours sincerely

[NAME OF SENDER]

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Consent Authority

[*Delete as appropriate]

1. I [NAME].....confirm that the information *attached/above **can** be shared with [INSERT NAME OF DATA SUBJECT].

OR

2. I [NAME].....confirm that the information *attached/above **cannot** be shared with [INSERT NAME OF DATA SUBJECT] because:

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OR

3. I [NAME].....confirm that the information *attached/above **can** be shared with [INSERT DATA SUBJECT NAME] with the exception of the following:

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.....
.....

Signed.....

.Date...../...../.....