

YRH Finance Team Ltd (YRH)

Subject Request Policy

CONTENTS

1	Purpose.....	2
2	Scope	2
3	Policy Statement.....	2
4	Procedure	2
	4.1 How should SARs be processed after receiving	2
	4.2 Fees.....	3
	4.3 Subject access requests made by a representative or third party.....	3
	4.4 Complaints	3
5	Responsibilities	3
	5.1 Compliance, monitoring and review	3
	5.2 Records management	3
6	Terms & Conditions	3
7	Related documents and legislation	4
8	Feedback & suggestions	5
9	Schedule 1	6

This Policy has been approved and authorised by:

Name: Jane Ryan **Position:** Operations Director **Signature:** 

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Next review due by: 15/05/24

1 Purpose

This policy and procedure establishes an effective, accountable and transparent framework for ensuring compliance with the requirements for YRH Finance Team Ltd (YRH) by the General Data Protection Regulation, hereinafter referred to as GDPR.

2 Scope

This policy and procedure applies across all entities or subsidiaries owned, controlled, or operated by YRH and to all principals, consultants, agents, contractors, and/or employees, including part-time, temporary, or contract employees that handle personal data.

3 Policy Statement

- The GDPR details rights of access to both manual data (which is recorded in a relevant filing system) and electronic data for the data subject. This is known as a Subject Access Request (SAR).
- Under the GDPR, organisations are required to respond to SARs within one month. Failure to do so is a breach of the GDPR and could lead to a complaint being made to the Data Protection Regulator.
- This policy informs staff of the process for supplying individuals with the right of access to personal data and the right of access to staff information under the GDPR, as all staff need to be aware of their responsibilities to provide information when a SAR is received.

4 Procedure

4.1 How should SARs be processed after receiving?

When a SAR is received from a data subject it should immediately be reported to the Data Protection Team who will log and track each request. If you are asked to provide information, you will need to consider the following before deciding how to respond:

4.1.1. Under GDPR Articles 7(3), 12, 13, 15-22 data subjects have the following rights:

- to be informed;
- to access their own data;
- to rectification;
- to erasure (Right to be Forgotten);
- to restriction of processing;
- to be notified;
- to data portability;
- to object;
- to object to automated decision making.

4.1.2. Requests must be made in writing (template form is shown at Schedule 1, but it is not mandatory to use as long as all the relevant data is supplied by the person requesting access). All SARs received by email, mail, fax, social media, etc. must be processed.

4.1.3. The type of access you must provide and the fee you are allowed to charge may vary depending on how the records are held. It does not have to state 'subject access request' or 'data protection' to constitute a request under the GDPR.

4.1.4. If a request has already been complied with and an identical or similar request is received from the same individual a fee can be charged for the second request unless a reasonable interval has elapsed.

4.1.5. The statutory response time is one month.

4.1.6. Requests should include the full name, date of birth and address of the person seeking access to their information. To comply with the GDPR, information relating to the

individual must only be disclosed to them or someone with their written consent to receive it.

4.1.7. Before processing a request, the requestor's identity must be verified. Examples of suitable documentation include:

- Valid Passport
- Valid Identity Card
- Valid Driving Licence
- Birth Certificate along with some other proof of address e.g. a named utility bill (no longer than 3 months old)

4.2 Fees

No fee can be charged for providing information in response to a SAR, unless the request is 'manifestly unfounded or excessive', in particular because it is repetitive.

If YRH receives a request that is manifestly unfounded or excessive, it will charge a reasonable fee taking into account the administrative costs of responding to the request. Alternatively, YRH will be able to refuse to act on the request.

4.3 Subject Access Requests made by a representative or third party

Anyone with full mental capacity can authorise a representative/third party to help them make a SAR. Before disclosing any information, YRH must be satisfied that the third party has the authority to make the request on behalf of the requestor and that the appropriate authorisation to act on their behalf is included (see *Subject Access Request*).

4.4 Complaints

If an individual is dissatisfied with the way YRH have dealt with their SAR, they should be advised to invoke the YRH complaints process. If they are still dissatisfied, they can complain to the Data Protection Regulator.

5 Responsibilities

5.1 Compliance, monitoring and review

- 5.1.1 The overall responsibility for ensuring compliance with the requirements of the related legislation in relation to performing subject access rights at YRH rests with the Data Protection Team.
- 5.1.2 All operating units' staff that deal with personal data are responsible for processing this data in full compliance with the relevant YRH policies and procedures.

5.2 Records management

- 5.1.3 Staff must maintain all records relevant to administering this policy and procedure in electronic form in a recognised YRH recordkeeping system.
- 5.1.4 All records relevant to administering this policy and procedure will be maintained for a period of 6 years.

6 Terms & Conditions

Data Controller

The entity that determines the purposes, conditions and means of the processing of personal data

Data Processor

The entity that processes data on behalf of the Data Controller

Data Protection Authority

National authorities tasked with the protection of data and privacy as well as monitoring and enforcement of the data protection regulations within the Union

Data Protection Team (DPT)

A team of experts on data privacy who works independently to ensure that an entity is adhering to the policies and procedures set forth in the GDPR

Data Subject

A natural person whose personal data is processed by a controller or processor

General Data Protection Regulation (GDPR)

General Data Protection Regulations and the Data Protection Act 2018 as amended by the Data Protection, Privacy and Electronic Communications (Amendments etc.) (EU Exit) Regulations 2020 which merge the previous requirements of the Data Protection Act with the requirements of the General Data Protection Regulation ((EU) 2016/679) when dealing with personal data ("GDPR").

Personal Data

Any information related to a natural person or 'Data Subject', that can be used to directly or indirectly identify the person

Privacy Impact Assessment

A tool used to identify and reduce the privacy risks of entities by analysing the personal data that are processed and the policies in place to protect the data

Processing

Any operation performed on personal data, whether or not by automated means, including collection, use, recording, etc.

Profiling

Any automated processing of personal data intended to evaluate, analyse, or predict data subject behaviour

Regulation

A binding legislative act that must be applied in its entirety across the Union

SAR

Subject Access Request

Subject Access Right

Also known as the Right to Access, it entitles the data subject to have access to and information about the personal data that a controller has concerning them

7 Related documents and legislation

General Data Protection Regulations and the Data Protection Act 2018 as amended by the Data Protection, Privacy and Electronic Communications (Amendments etc.) (EU Exit) Regulations 2020

which merge the previous requirements of the Data Protection Act with the requirements of the General Data Protection Regulation ((EU) 2016/679) when dealing with personal data (“GDPR”).

Data Protection Policy

8 Feedback & suggestions

YRH principals, consultants, agents, contractors and/or employees may provide feedback and suggestions about this document by emailing data@yourrighthand.co.uk.

9 Schedule 1

SUBJECT ACCESS REQUEST

If you want us to supply you with a copy of any personal data we hold about you, please complete this form and send it the address below. You are currently entitled to receive this information under *General Data Protection Regulations* and the *Data Protection Act 2018* as amended by the *Data Protection, Privacy and Electronic Communications (Amendments etc.) (EU Exit) Regulations 2020* which merge the previous requirements of the *Data Protection Act* with the requirements of the *General Data Protection Regulation ((EU) 2016/679)* when dealing with personal data (“GDPR”). We will also provide you with information about any processing of your personal data that is being carried out, the retention periods which apply to your personal data, and any rights to rectification, erasure, or restriction of processing that may exist

The information you supply in this form will only be used for the purposes of identifying the personal data you are requesting and responding to your request.

Please send your completed form and proof of identity to: data@yourrighthand.co.uk

Section 1: Details of the person requesting information

Your full name:	
Your postal address:	
Your telephone no.:	
Your email address:	

Section 2: Are you the data subject?

Please tick the appropriate box.

- YES: I am the data subject. I enclose proof of my identity (see below). Please proceed to Section 4.
- NO: I am acting on behalf of the data subject. I have enclosed the data subject’s written authority and proof of the data subject’s identity and my own identity (see below). Please proceed to Section 3.

To ensure we are releasing data to the right person we require you to provide us with proof of your identity and of your address. Please supply us with a photocopy or scanned image (do not send the originals) of one of both of the following:

- 1) **Proof of Identity.** We need one of the following: passport, photo driving license, national identity card, birth certificate.
- 2) **Proof of Address.** We need one of the following: utility bill, bank statement, credit card statement (no more than 3 months old); current driving license; local authority tax bill.

If we are not satisfied you are who you claim to be, we reserve the right to refuse to grant your request.

Section 3: Details of the data subject

Your full name:	
Your postal address:	
Your telephone no.:	
Your email address:	

Section 4: Details of information requested

Please describe the information you are seeking. Please provide any relevant details you think will help us to identify the information you require. Please also state if you are seeking to rectify, erase or restrict processing of this data.

.....

Please note that if the information you request reveals details directly or indirectly about another person we will have to seek the consent of that person before we can let you see that information. In certain circumstances, where disclosure would adversely affect the rights and freedoms of others, we may not be able to disclose the information to you, in which case you will be informed promptly and given full reasons for that decision.

While in most cases we will be happy to provide you with copies of the information you request, we nevertheless reserve the right, in accordance with Article 12 of the GDPR to charge a fee or refuse the request if it is considered to be “manifestly unfounded or excessive”. However, we will make every effort to provide you with a satisfactory form of access or summary of information if suitable.

Section 5: Information about the data collection and processing

If you want information about any of the following, please tick the boxes:

- Why we are processing your personal data
- To whom your personal data are disclosed
- The source of your personal data

Section 6: Declaration

Please note that any attempt to mislead may result in legal action.

I confirm that I have read and understood the terms of this Subject Access request and certify that the information given in this application to YRH Finance Team Ltd (YRH) is true. I understand that it is necessary for YRH to confirm my/the data subject’s identity and it may be necessary to obtain more detailed information in order to locate the correct personal data.

.....
 Signature Date

Attachments:

I am enclosing the following copies as proof of identity:

.....

