

SUBJECT ACCESS POLICY

Fitzroy Presbyterian Church

Fitzroy Presbyterian Church is committed to complying with data protection legislation. Under the legislation individuals can access the personal data that an organisation holds about them. The individual is entitled to be:

- told whether any personal data is being processed;
- given a description of the personal data, the reasons it is being processed, and whether it will be given to any other organisations or people;
- given a copy of the information comprising the data; and given details of the source of the data (where this is available).

Individuals also have a number of other rights which we must comply with including the rights to:

- rectify personal data which is incomplete or inaccurate and if necessary inform third parties that this has been done.
- be informed of how personal data is processed in a transparent manner.
- have their personal data deleted unless if there is a valid reason not to do this.
- restrict processing of personal data for certain purposes.
- object to the processing of personal data in a certain way.
- have data transferred to a third party so it can be reused (data portability).
- have a say in whether automated decisions are being made using the personal data and insist on an actual person intervening.

Children also have the same rights as adults in this regard. In the case of young children these rights are usually exercised through their parents. However, if we are satisfied that the child in question is mature enough to understand their rights then we will respond to the child directly. We will encourage the child to discuss the matter with his or her parents. When responding to a request from a child we will take particular care to ensure that the response is given in a way which the child can understand.

There is no set fashion in which the individual has to make these requests and if such a request is made you should always seek advice from the Data Protection Lead.

[Insert name of Presbytery or Congregation] will aim to provide the relevant data within 14 days and in any event within 1 month of receipt of the request. If the nature of the request is particularly complex then we may need an extension of time to comply with the request. We will inform the individual if this is the case and the reasons why this is necessary. Also we may need to ask for information that we reasonably need to find the personal data covered by the request.

Previously we had the right to charge a fee for these requests. Now this is no longer usually permitted. Individuals will not have to pay a fee to access their personal information (or to exercise any of the other rights). However, we may charge a reasonable fee if their request for access is clearly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances.

A number of precedent documents have been prepared which may be of use. **However, please note that it may be advisable to seek legal advice in some situations.**

Appendix A contains a precedent Subject Access Request form. We can suggest (but not insist) that individuals complete this form so that we can process their request more easily. **We must always ensure that we know who is making the request and what they are requesting before providing any information, otherwise we may be in breach of data protection law.**

Appendix B contains a precedent letter which can be sent when a request for personal data is received without the necessary information.

Appendix C contains a precedent letter acknowledging the request and informing the individual of the expected response timeframe

Appendix D contains a precedent response to a subject access request.

Appendix A

Data Subject Access Request Form

How to apply for personal held about you by [Insert name of Presbytery or Congregation]

Under data protection law you can ask for copies of paper and computer records that an organisation holds, shares or uses about you. In order to deal with your request we can ask for proof of identity and enough information to enable us to locate the personal data that you request. Please complete this form and return it to us with proof of your identity to [Insert appropriate correspondence address of Presbytery or Congregation]. We will acknowledge safe receipt and respond within one month.

Part 1: Person that the request relates to (the Data Subject)

Title: Mr / Mrs / Miss / Ms / Other

Surname:

Forenames:

Any other names that you are known by that may assist in the search:

Address:

Postcode:

Telephone:

E-mail:

Date of birth:

If you are an employee or former employee of [Insert name of Presbytery or Congregation] please provide your staff number:

Part 2: Proof of identity

To help us establish your identity your application must be accompanied by **two** pieces of identification that between them clearly show your name, date of birth and current address.

Please enclose a photocopy of **one** of the following as proof of identity:

- passport,
- photocard driving licence,
- birth or adoption certificate

and a copy of a bank statement or utility bill dated within the last three months.

This is to ensure that we are only sending information to the data subject and not to a third party. If none of these are available, please contact [Insert contact details for Data Protection Lead] for advice on other acceptable forms of identification.

Part 3: Information requested

To help us to deal with your request quickly and efficiently please provide as much detail as possible about the information you want. Please include time frames, dates, names or types of documents, any file or incident reference and any other information that may enable us to locate your data, for example, for e-mails, the names of senders and recipients and approximate dates.

Please continue on a separate sheet of paper, if necessary.

I, _____, confirm that the information provided on this form is correct and that I am the data subject whose name appears on this form. I understand that [Insert name of Presbytery or Congregation] must confirm proof of identity and that it may be necessary to contact me again for further information to locate the personal data I want. I also understand that my request will not be valid until all of the information requested is received by [Insert name of Presbytery or Congregation]

Signature: _____

Date: _____

Appendix B

[On headed notepaper of Data Controller i.e. Presbytery or Congregation]

[ADDRESSEE]

[ADDRESS LINE 1]

[ADDRESS LINE 2]

[POSTCODE]

[DATE]

Reference: [DATA SUBJECT ACCESS REQUEST NUMBER]

I write to acknowledge receipt of your request for personal information on [DATE OF RECEIPT] made on [DATE]

So that we may process your request, I would be grateful if you could provide confirmation of your identity in the form of:

A photocopy of one of the following as proof of identity:

- passport,
- photocard driving licence,
- birth or adoption certificate

and a copy of a bank statement or utility bill dated within the last three months.

Please also provide as much detail as possible about the information that you require, for example, include time frames, names of individuals, organisations, events, dates, names or types of documents, any file or incident reference and any other information that may enable us to locate your data (for example, for e-mails, the names of senders and recipients and approximate dates).

Please note that we cannot provide any information until we have received the above.

I enclose our standard subject access request form and I would be grateful if you could complete and return this to me, together with the information requested above.

The reference for your request is [DATA SUBJECT ACCESS REQUEST NUMBER] and please quote this on all correspondence concerning this request.

Yours sincerely,

.....

[NAME OF SENDER – printed under signature]

For and on behalf of [Insert name of Presbytery or Congregation]

Appendix C

On headed notepaper of Data Controller i.e. Presbytery or Congregation]

[ADDRESSEE]

[ADDRESS LINE 1]

[ADDRESS LINE 2]

[POSTCODE]

[DATE]

Reference: [DATA SUBJECT ACCESS REQUEST NUMBER]

I write to acknowledge receipt of your request for personal information which we are responding to.

Your request was received on [DATE] and, unless there are grounds for extending the statutory deadline of one month, we expect to be able to give you a response by [DATE].

The reference for your request is [REFERENCE NUMBER], please quote this on all correspondence concerning this request.

Yours sincerely,

.....

[NAME OF SENDER – printed under signature]

For and on behalf of [Insert name of Presbytery or Congregation]

Appendix D

On headed notepaper of Data Controller i.e. Presbytery or Congregation

[ADDRESSEE]

[ADDRESS LINE 1]

[ADDRESS LINE 2]

[POSTCODE]

[DATE]

Reference: [DATA SUBJECT ACCESS REQUEST NUMBER]

We write further to your request for details of personal data which we hold [and our acknowledgment of [DATE WHEN REQUEST FIRST ACKNOWLEDGED BY LETTER]].

We enclose all of the data to which you are entitled under the data protection legislation, in the following format:

[DETAILS OF FORMAT IN WHICH DATA IS PROVIDED, WITH REASONS FOR CHOOSING THE FORMAT: PAPER COPIES OR ELECTRONIC COPIES ON A CD OR MEMORY STICK OR A NEW DOCUMENT WHICH HAS BEEN CREATED AND SETS OUT THE INFORMATION THAT CONSTITUTES PERSONAL DATA]

We have contacted the following organisations and individuals in order to locate personal data held which is within the scope of a data subject access request under the data protection legislation:

[LIST OF DEPARTMENTS AND METHODOLOGY FOR IDENTIFYING PERSONAL DATA]

We can confirm the following in relation to the areas covered under the data protection legislation and data existing on the date when your request was made:

The purposes for which the personal data is processed:

[LIST OF PURPOSES FOR WHICH DATA IS PROCESSED]

The recipients or classes of recipients of personal data to whom the data was or may have been disclosed:

[LIST OF RECIPIENTS (BY NAME OR GENERIC CLASS) TO WHOM DATA DISCLOSED]

The information that comprises personal data:

[LIST INFORMATION]

Any information available to [DATA CONTROLLER] as to the source of the data:

[SOURCES OF DATA HELD]

[Some names and identifying particulars have been deleted to protect the identity of third parties.]

Yours sincerely,

.....

[NAME OF SENDER – printed under signature]

For and on behalf of [Insert name of Presbytery or Congregation]