

# SUBJECT ACCESS REQUEST (SAR) POLICY

<b>Effective Date</b>	October 2021		<b>Version Number</b>	5.0	
<b>Recommended Review</b>	October 2024		<b>Review Frequency</b>	3 years	
<b>Classification</b>	Public	<b>Equality Impact Assessment</b>	n/a	<b>Data Protection Impact Assessment</b>	n/a
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<b>Approved By</b>	Executive Management Team				

## 1. PURPOSE

- 1.1 The purpose of this policy is to set out The Barnet Group's approach to dealing with Subject Access Requests from individuals who wish to see a copy of the information held about them. It replaces any previous versions endorsed by The Barnet Group and its subsidiaries.

## 2. SCOPE

- 2.1 This policy applies to all requests under data protection legislation for personal information (including CCTV and body-worn video camera images) held by or on behalf of The Barnet Group's subsidiaries Barnet Homes, Your Choice (Barnet), Opendoor Homes, Bumblebee Lettings, and TBG Flex – referred to collectively as 'The Barnet Group' within this policy, including requests from customers, staff, and the public.
- 2.2 In implementing this policy The Barnet Group will:
- comply with relevant legislation;
  - ensure customers receive a fair and consistent service; and
  - provide a clear and transparent approach that can be effectively tracked and monitored.
- 2.3 This policy is supported by the Subject Access Requests (SARs) Procedure, the Redaction Procedure, and the Data Protection Policy.
- 2.4 This policy does not cover requests for non-personal information; these will be dealt with, as appropriate, as a Freedom of Information (FOI) request, a request under the Environmental Information Regulations (EIR), or a generic request for information. The Barnet Group's FOI and EIR Policy sets out the approach to dealing with such requests, to which responses will exclude any personal data.

## 3. POLICY STATEMENT

- 3.1 The UK-GDPR (General Data Protection Regulation) and the Data Protection Act 2018 give every living person (or their authorised representative) the right to request access to information held about them by an organisation, irrespective of when it was compiled. This is known as a 'Subject Access Request' (SAR).
- 3.2 A record can be computerised (electronic) and / or manual form (paper files). It may include such documentation as hand written notes, letters to and from other professionals, reports, imaging records, printouts, photographs, and DVD and sound recordings.
- 3.3 Enabling individuals to find out what personal data we hold about them, why we hold it, and to whom we may disclose it to is fundamental to good information-handling practice, and The Barnet Group will respond to SARs in line with current legislation and the terms of this policy.

## 4. RESPONSIBILITIES

- 4.1 Adhering to the data protection laws is the responsibility of every officer acting for or on behalf of The Barnet Group. Subject Access Requests fall within the data protection statutory framework and the ability to identify and appropriately handle a request for information is considered to be part of every employee's role. Whilst The Barnet Group has put in place a network of SAR coordinators this does not remove the responsibilities from other officers. All officers should provide help and assistance to SAR coordinators when asked to enable them to meet the statutory deadlines on behalf of The Barnet Group.
- 4.2 **The Barnet Group's Boards** are ultimately responsible for ensuring that The Barnet Group and its subsidiaries are compliant with data protection legislation.
- 4.3 The **Executive Management Team** have overall responsibility for this policy, and along with **Heads of Service** for ensuring that the services for which they are responsible comply with this policy and the data protection law.
- 4.4 **Managers** are responsible for ensuring their employees are aware of, understand, and comply with this policy. Line Managers should ensure their SAR coordinator has appropriate time and resources allocated to them to facilitate their role.
- 4.5 **Subject Access Request coordinators** are responsible for:
- identifying and retrieving all requested information;
  - checking SAR responses before they are sent to ensure they are happy that the request meets the statutory duty and the information being disclosed and/or redacted is in line with The Barnet Group's duties under the data protection laws; and
  - providing the Complaints and Information team with all requested case data and additional information to enable the completion of the SAR process.
- 4.6 **All members of staff** are responsible for:
- ensuring full compliance with this policy;
  - promptly forwarding all initial SARs to the Complaints & Information team; and
  - flagging any concerns or inability to comply with this policy to their manager or the Complaints and Information team;
  - identifying, retrieving, and providing requested information and case data to SAR coordinators and/or the Complaints and Information team.
- 4.7 The **Complaints and Information team** (or the **Data Protection Officer** in the event of a SAR for CCTV footage or video) is responsible for:
- coordinating requests and reviews of information;
  - offering clear advice and assistance;
  - sending information to the data subject (the requester); and
  - reviewing and updating this policy as required.
- 4.8 The **Human Resources (HR) team** is responsible for responding to SARs for personnel information submitted by current and former employees or job applicants.
- 4.9 **CCTV scheme operators** are responsible for providing requested CCTV images or footage to the Data Protection Officer, and for taking reasonable steps to put a hold on the automated deletion of footage on being made aware of a SAR.

## 5. POLICY

### 5.1 Requests for personal data

5.1.1 A Subject Access Request (SAR) is any written or verbal request made by or on behalf of an individual for the information they are entitled to ask for under data protection law. For information to be personal data, it must relate to a living individual and allow that individual to be identified from it, either on its own or along with other information likely to come into the organisation's possession.

5.1.2 For a SAR to be considered valid, a requester does not:

- need to mention data protection law specifically, nor include the words 'subject access request';
- need to tell us their reason for making the request or what they intend to do with the information requested, although it may help us to find the relevant information if they do explain the purpose of the request; or
- need to send it directly to the person who normally deals with such requests. It is important that all members of staff can recognise a SAR and deal with it in accordance with our SAR Policy and Procedure.

#### Requests from customers

5.1.3 The Barnet Group can choose to deal with such a request as either a routine enquiry, or more formally. If we can, we treat requests that are easily dealt with as routine matters in the normal course of business, for example:

- *how many repairs were carried out to my bathroom last year?*
- *what is my rent account number?*

The following are more likely to be treated formally:

- *please send me a copy of my house file.*
- *I am a solicitor acting on behalf of my client Mr X and request copies of his correspondence with you in relation to his application to succeed his mother's tenancy. Appropriate authority is enclosed.*

5.1.4 The Barnet Group supplies a standardised form to make it easier for the individual to include all the details we might need to locate the information they want, and to make it easier for us to recognise the request; however, its use is not compulsory and a SAR can be made by letter, email, social media, or verbally. Please see the Contact Us page on our website for details. A separate form is provided for requests for CCTV or body-worn video camera images.

[Subject Access Request form – for online completion \(e-form\)](#)

[Subject Access Request form – for printing](#)

[CCTV Subject Access Request form](#)

5.1.5 Information relating to the deceased is not covered by data protection laws and should not be treated as a SAR. A request for information about a deceased person can be treated as business as usual, a discrete disclosure, or as a Freedom of Information Act (FOI) Request depending on the circumstances.

## Requests from staff

5.1.6 Requests for personal data from current and former employees should be made to the Human Resources team. Current staff should send their request to the Outlook mailbox 'Human Resources The Barnet Group', or contact a member of the HR team directly by telephone or in person, and former employees should contact the main Customer Contact Team for either Barnet Homes or Your Choice (Barnet). Please see the Contact Us page on our websites for details.

## 5.2 Confirming an individual's identity

5.2.1 We must not knowingly give personal information to the wrong person, and we must do our best to ensure that the personal information we have been asked for is given only to the person to whom this information refers, or their authorised representative. We therefore require proof of the requester's identity before we can disclose personal data. Examples of acceptable name identification include:

- current driver's licence;
- current passport; or
- birth certificate.

5.2.2 Address identification is also necessary to ensure that personal data is posted to the right place if it is not being sent electronically. If the requester would rather collect their data in person, they should let us know this when they make the request. Examples of acceptable proof of address:

- utility bill (dated within the last 3 months);
- bank statement (dated within the last 3 months); or
- council tax bill (valid for the current year).

5.2.3 We may request additional information to confirm an individual's identity if we have reasonable doubts as to whether they are the data subject.

5.2.4 The Barnet Group does not have to start working on a SAR until the requester has provided enough information for us to find the personal data. Where The Barnet Group processes a large quantity of information concerning the data subject, before the information is delivered, we may request that the data subject specifies the information or processing activities to which the request relates.

## 5.3 Requests made on behalf of others

5.3.1 SARs may be made by a third party, such as an advocate acting on behalf of an individual. In these cases, we need to be satisfied that the third party making the request is entitled to act on behalf of the individual; however, it is the third party's responsibility to provide evidence of this entitlement. This may be a written authority to make the request (e.g. a consent form signed by the data subject and setting out what information may be released) or it may be a more general power of attorney.

5.2.2 Anyone with parental responsibility can obtain their children's records; however, once a child reaches an age where they can understand the implications of their data being shared, their consent will be sought.

5.2.3 If we believe that an individual may not understand what information would be disclosed to a third party who has made a SAR on their behalf, we may send the response directly to the individual rather than to the third party. The individual may then choose to share the information with the third party after having had a chance to review it.

5.2.4 The consent of an individual is not required to disclose their personal information to an elected member (an MP or Councillor), as long as:

- the elected member represents the ward in which the individual lives;
- the elected member makes it clear that they are representing the individual in any request for their personal information; and
- the information is necessary to respond to the individual's complaint.

### 5.3 Fees

5.3.1 The Barnet Group will not usually charge a fee for dealing with a SAR. However, if a request is manifestly unfounded or excessive, we may consider charging a fee; this fee will be based on administration costs.

5.3.2 We may also charge a reasonable fee based on administration costs to comply with requests for further copies of the same information. This does not mean that we can charge for all subsequent access requests, and the fee will be based on the administrative cost of providing the information.

### 5.4 Time Limits

5.4.1 We must comply with a SAR promptly and in any event within one month of the date on which the request is received or (if later) the day on which we receive:

- any requested location information; and
- any information requested to confirm the requester's identity

5.4.2 We may have an extension of up to two months when necessary, taking into account complexity and number of requests.

### 5.5 What information needs to be provided?

5.5.1 An individual who makes a valid SAR and requests personal information about themselves is entitled to be:

- told whether any of their personal data is being held;
- given a description of the personal data and the reasons it is being held;
- told whether it will be transferred to any other organisations or individuals;
- given a copy of the information comprising the data and given details of the source of the data (where this is available);
- told what the retention schedule is;
- told of the legal basis for processing their personal data.

An individual can also request information about the reasoning behind any automated decision, such as a computer-generated decision.

5.5.2 There are some types of personal data that are exempt from the right of subject access which means that The Barnet Group is not obliged to grant subject access if either an exemption or a restriction applies.

5.5.3 Some files may contain information about people other than the data subject. This information is known as 'third party data' and will be removed from the file or redacted unless it is known that the third-party data subject is aware of it or consent for disclosure has been obtained.

5.5.4 Subject access provides a right for the requester to see their own personal data, rather than a right to see copies of documents that contain their personal data. Often, the easiest way to provide the relevant information is to supply copies of original documents, but we are not obliged to do this.

## 5.6 When and why can requests be refused?

5.6.1 The Barnet Group will not respond to a SAR if we are unable to identify the individual to our satisfaction. We may also withhold information where it contains information that relates to another living person unless that person has given their permission or it is reasonable to provide the information without permission; this will be decided on a case-by-case basis.

5.6.2 Data protection law includes several specific exemptions. Information that is exempt and is pertinent to The Barnet Group includes:

- employment references written by a previous employer;
- management planning or forecasting information;
- any ongoing / yet-to-be-concluded negotiations with the data subject;
- legal professional privilege;
- prevention or detection of crime; and/or
- information that would adversely affect the rights and freedoms of others if disclosed.

5.6.3 The Barnet Group is also not required to comply with the request if it estimates it to be manifestly unfounded or excessive, but it must demonstrate clearly to the requester how it is manifestly unfounded or excessive

5.6.4 The Barnet Group does not obscure images within its systems; therefore, if identifiable third parties are present in CCTV footage or video, a request to view this is likely to be refused. The CCTV and Body-Worn Video (BWV) Policy provides further information about requests for footage or video.

## 5.7 Repeated or vexatious SARs

5.7.1 The Barnet Group is not obliged to comply with a SAR from an individual if the request is considered to be vexatious or is similar or identical to a request from the individual with which The Barnet Group has already complied.

5.7.2 Should it be felt that an individual is abusing their rights under data protection law and this undermines the credibility of the system and/or diverts resources away from more deserving requests and/or other public business, The Barnet Group may refuse to comply on the grounds that the request is vexatious. This may include the refusal to confirm or deny whether information is held.

5.7.3 A repeat request for information will not be refused if a reasonable interval has elapsed between the two requests and further information has been processed since the first request.

5.7.4 If a decision is made to refuse to respond to the SAR, a written refusal notice will be sent to the requester, stating that we have found their request to be vexatious or repeated (as appropriate) and a record will be kept of the reasons for our decision.

5.7.5 Should The Barnet Group refuse to respond to a SAR on the grounds of the request being considered vexatious or repeated, this does not mean that all future requests from this individual will be ignored, but rather will be considered on a case-by-case basis.



## 5.8 Appeals

- 5.8.1 If the requester is not happy with the response they receive following their request, they should in the first instance contact The Barnet Group to explain why they are not happy.
- 5.8.2 If the requester believes that we have failed to share all of the information that was requested, we will investigate this and provide a response within one month; we will require further information from the requester to help us understand what they believe is missing and why (for example, a clear list of the information they believe is also held). If the requester is unable or refuses to do this, our ability to investigate may be limited.
- 5.8.3 If the requester believes the information in their records is wrong, they may request that it be corrected. We will provide a response within one month. If the information was correct at a particular point in time, we may not be able to remove it; however, we may be able to add a note to our records to reflect that the data subject disagrees with it.
- 5.8.4 If the requester remains unhappy with the handling of their request following our review, they have the right to make a complaint to the Information Commissioner's Office, which will decide whether the request has been handled properly by The Barnet Group in accordance with the statutory duties set out in data protection law.

Information Commissioner's Office (ICO)  
Website: [www.ico.org.uk/global/contact-us](http://www.ico.org.uk/global/contact-us)  
ICO Helpline: 0303 123 1113

## 6. EQUALITIES

- 6.1 The Barnet Group is committed to promoting equality of opportunity, fairness, and accessibility. We recognise that all customers should be treated equally and fairly regardless of their age, disability, gender reassignment, marriage and civil partnership status, pregnancy and maternity, race, religion or belief, sex, and sexual orientation, and we will not directly or indirectly discriminate against any person or group in implementing this policy and its associated procedure.
- 6.2 We will act sensitively towards the diverse needs of individuals and communities, and may provide communications in alternative formats where practicable and appropriate to assist customers with distinct communication needs. The Barnet Group will make reasonable adjustments to provide appropriate assistance to requesters with disability-related access requirements.

## 7. MONITORING AND REVIEW

- 7.1 We will monitor the effectiveness and implementation of this policy and will recommend changes to improve service delivery where appropriate.

## 8. COMMUNICATION

- 8.1 This policy is available on the intranet for staff and The Barnet Group's websites for customers and other interested parties.

## 9. CONFIDENTIALITY AND ACCESS TO INFORMATION

- 9.1 If any person wishes to inspect the information about them that is held on file, they may contact us and request to do so electronically or by appointment during normal working hours.

**10. RELEVANT LEGISLATION**

- UK-GDPR (General Data Protection Regulation)
- Data Protection Act 2018

**11. LINKS WITH OTHER POLICIES AND DOCUMENTS**

- Subject Access Request Procedure
- Redaction Procedure
- CCTV and Body-Worn Video Camera Policy
- Data Protection Policy
- Data Subjects' Rights Procedure
- Equality, Diversity, and Inclusion Policy
- Freedom of Information (FOI) and Environmental Information (EI) Requests Policy
- Records Retention and Disposal Policy and schedule
- Secure Email Policy and Procedure

**DOCUMENT CONTROL**

Version	Type of Change	Date	Revisions from Previous Issues
0.1	Document creation	Feb 2014	
1.1	Update	Sept 2014	Updated in line with legislation
1.2	Annual Review	Dec 2015	Updated in line with legislation
2.1	Annual Review	Nov 2016	Update following consultant review
3.1	Update	May 2018	Updated in line with new legislation
4.1	Annual Review	April 2021	Updated for clarity and to reflect good practice