

Subject Access Request Policy

This document sets out ASCL's policy for responding to "subject access requests" under the Data Protection Act 1998 (DPA).

A subject access request is a written request for personal information (known as personal data) held about you by ASCL. Generally, you have the right to see what personal information we hold about you.

The DPA gives individuals the right to know what information is held about them. It provides a framework to ensure that personal information is handled properly. However, this right is subject to certain exemptions that are set out in the DPA.

The DPA works in two ways. Firstly, it states that anyone who processes personal data must comply with eight principles, which make sure that personal data is:

- Fairly and lawfully processed
- Processed for specific and lawful purposes
- Adequate, relevant and not excessive
- Accurate and up to date
- Not kept for longer than is necessary
- Processed in line with the individuals' rights
- Secure
- Not transferred to other countries without adequate protection

Secondly, it provides individuals with important rights, including the right to find out what personal data is held on computer and most paper records.

Personal data will cover basic details and will include details such as name, address, telephone number, trade union membership and information held about that person in files, etc.

When we receive a subject access request we will first check that we have enough information to be sure of your identity. Often we will have no reason to doubt a person's identity, for example, if we have regularly corresponded with them. However, if we have good cause to doubt your identity we can ask you to provide any evidence we reasonably need to confirm your identity.

We will gather any manual or electronically held information (including emails) and identify any information provided by a third party or which identifies a third party.

If we have identified information that relates to third parties, we will write to them asking whether there is any reason why this information should not be disclosed. We do not have to supply the information to you unless the other party has provided their consent or it is reasonable to do so without their consent. If the third party objects to the information being disclosed we may seek legal advice on what we should do.

We have 40 calendar days starting from when we have received all the information necessary to identify you, to identify the information requested, and any fee required, to provide you with the information or to provide an explanation about why we are unable to provide the information. In many cases, it will be possible to respond in advance of the 40 calendar day target and we will aim to do so where possible. Copies of the information will be sent to you in a permanent form.

Under the DPA we are able to charge a maximum £10 fee. If we do charge a fee we will inform you promptly of this.

The DPA contains a number of exemptions to our duty to disclose personal data and we may seek legal advice if we consider that they might apply. An example of an exemption is information covered by legal professional privilege.

If we agree that the information is inaccurate, we will correct it and where practicable, destroy the inaccurate information. If we do not agree or feel unable to decide whether the information is inaccurate, we will make a note of the alleged error and keep this on file.

If you are not satisfied by our actions, you can seek recourse through our internal complaints procedure. If you remain dissatisfied, you have the right to refer the matter to the Information Commissioner. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 01625 545745 Fax: 01625 524510
Email: enquiries@ico.gsi.gov.uk