

Procedure for Subject Access Requests

Article 15 of the Applied General Data Protection Act (GDPR) 2018 provides you with the right to access personal information about you, you can authorise someone else to make the request on your behalf such as a solicitor, parent or guardian. If you are requesting information for someone you care for, proof of authorisation and written permission is required, such as signed consent, power of attorney, or proof of parental responsibility. This is called your right of access and is known as a Subject Access Request or SAR.

The Council makes every effort to ensure that personal information requests are provided promptly and in any event within one calendar month of the request being made starting from the day we receive your request.

Councillors are their own Data Controllers and are responsible in their own right. However, the Council processes data on their behalf due to the Council providing an email system, storing, and managing their data unless they use their own equipment or software applications or forward information to an alternative email whereby, they will be responsible under the Act. In relation to CCTV Councillors do not have access to CCTV data and are not the Controller or the processor.

Compliance with the GDPR Act is a legal duty and is overseen by the Information Commissioner's Office (ICO).

Making a Subject Access Request

We ask that you submit your SAR to the Data Protection Officer and give as much detail as possible to identify your records such as:

- your full name and current address including any other names by which you have been known and previous addresses from the last five years if applicable.
- date of birth
- contact email and/or phone number
- a detailed description of the information you are requesting, including what service this is in relation to and any names and contact details you may have. The more information you give will help us provide your information more quickly and efficiently.
- proof of identity may be requested

- any relevant time periods - make sure to give a date range or specific timings, for example, the time of a phone call or CCTV footage.

Be specific about what you are requesting such as (Please refer to Annex for sample wording):

- 'my employee file'
- 'emails containing my name between person A and person B'
- 'my social housing tenancy record'.

You are only entitled to your personal data and not necessarily to a copy of the documents containing that information. You do not need to justify why you are making the request.

We will always try to supply the information in its original format. However, it may be that we will either have to extract your information from documents or remove other people's personal information from documents in order to supply your own to you. This is known as 'redaction.'

Electronic Surveillance data (for example CCTV)

You have the right to request access to CCTV footage of yourself under the GDPR Act but not to access that of any third parties.

Council CCTV footage is held only for a maximum of 28 days from the time of recording (for some systems this time limit is 14 days), so you must make your request promptly following any incident.

If the request is related to a crime, this request must be directed to the Police, and they will review and extract the footage directly or make a request to the Council for the footage.

If your request relates to damage to your motor vehicle while it was parked and unattended, you should ask your insurance provider/solicitor/accident assessor to make an access request on your behalf.

If there are other people in the footage who have not given their consent for the footage to be made available, to protect their identity, no footage will be provided.

If we cannot clearly identify the person requesting is the person in the footage, the data will not be available under a SAR.

Due to the time and resources needed to view and extract information, speculative requests for CCTV footage which cannot give precise details of the location, date and time of the incident cannot be processed.

If the request for footage is manifestly unfounded or excessive the request may be refused, and the Councils' reasons will be justified and documented.

We will make the footage available either by inviting you to arrange a mutually convenient appointment in the Council offices for you to view it or we may provide you with a copy of the

footage instead. If we provide a copy a charge may be made for any materials, plus the cost of postage and packing required to fulfil your request.

If you wish to access CCTV footage of only yourself (no third parties included) that you believe may have been captured by cameras owned by the Council complete the request form below: -

[SAR CCTV](#)

Please supply the following information:

- what you look like (provide a recent photograph)
- the date and time of the incident – requests for footage are limited to a search of 15 minutes in duration, so be as precise as you can for example 'Friday 25 May 2020 at 1.24am'
- the exact location of the incident
- a description of what happened.
- a description of what you were wearing at the time.
- if the request is in relation to a crime
- if you were the only person present
- have you contacted any other agency regarding the incident, and if so, who have you contacted (for example police, insurance provider, Council staff, other)

How to submit a request?

You must put your request in writing or electronically via e-mail (if you need help writing a request please contact the authority).

Please contact:

Data Protection Team

Douglas City Council

City Hall

Ridgeway Street

Douglas

Isle of Man

IM99 1AD

Email: dataprotection@douglas.gov.im

Requests made on behalf of others

You can authorise someone else to make a subject access request for you. However, you should consider whether you want the other person to have access to some or all your personal information.

Depending on the nature of your request, the other person could gain access to information that you may not want to share with them.

We will need to be satisfied that the other individual is allowed to represent you and therefore they will need to supply us with either:

- written authorisation from you; or
- a more general power of attorney.

Requests from or on behalf of children

If you are a child under age 12, we may need to establish that you understand your rights and you will need to provide us with proof of your identity. If you are making a request on behalf of a child, we need to be satisfied that you are entitled to act on their behalf and you will need to provide us with proof of this.

Proof of a child's identity can be:

- proof of parental responsibility - for example, the child's full birth certificate and/or the relevant court order

Proof of acting on behalf of a child's identity can be:

- proof of parental responsibility - for example, the child's full birth certificate and/or the relevant court order.

Requests on behalf of older children

For any child aged 12 and above, the legislation of the GDPR Act applies to them in the same way it applies to adults. As such we must obtain their consent to share any information which we hold about them, in addition to the documents required above to confirm their identity.

However, where they do not have sufficient understanding of their rights or the implications of exercising them, a parent or person with parental responsibility may usually exercise their rights on their behalf.

Requests involving information about other individuals

Sometimes there may be information relating to other people contained in the information that you have requested about yourself. Alternatively, there may be information about you contained in records relating to other people.

You are only legally entitled to your own personal information and not that of other people unless they have given their written consent for us to disclose their information to you.

In addition, you are only entitled to the actual information and not necessarily to a copy of the documents containing that information.

We will always try to supply the information in its original format. However, it may be that we will either have to extract your information from documents and/or remove other people's personal information from documents in order to supply your own to you. This is commonly known as 'redaction.'

What happens next?

- It will be acknowledged promptly and within 3 working days of receipt
- Requests will be dealt with as soon as possible, and in any event, will be dealt with within one calendar month of receipt, in accordance with the GDPR Act.
- In exceptional circumstances or when submitting multiple SAR's, it may be necessary to extend the deadline for response by a further two calendar months. If that is the case, you will be informed and given an explanation for the delay.

What can you do if you are not satisfied with our response?

If your request for information, or handling of this, is not resolved to your satisfaction, you have the right to request an Internal Review to the Council by emailing dataprotection@douglas.gov.im or by post to:

Data Protection Team

Douglas City Council

City Hall

Ridgeway Street

Douglas

Isle of Man

IM99 1AD

An Internal Review will be submitted to the Chief Executive for review.

If you are not content with the outcome of your Internal Review, you may contact the Information Commissioner (ICO). You can contact the ICO online or by post to:

The Information Commissioner

P.O. Box 69

Douglas

Isle of Man

IM99 1EQ

Website: www.inforights.im

Email: ask@inforights.im

Telephone: 01624 693260

<https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/accountability-and-governance/contracts/>

Sample wording

[Your full address]

[Phone number]

[The date]

[Name and address of the organisation]

Dear Sir or Madam

Subject Access Request

[Your full name and address and any other details to help identify you and the data you want.]

Please supply the personal data about me that I am entitled to under data protection legislation relating to:

[give specific details of the personal data you want, for example:

my personnel file.

emails between 'person A' and 'person B' about me (from 1 June 2017 to 1 Sept 2017)

my medical records (between 2014 and 2017) held by 'Dr C' at 'hospital D'.

CCTV camera situated at ('location E') on 23 May 2017 between 11am and 5pm

copies of statements (between 2013 and 2017) held in account number xxxxx.]

If you need any more information from me, please let me know as soon as possible. It may be helpful for you to know that data protection law requires you to respond to a request for data within one calendar month.

If you do not normally deal with these requests, please pass this letter to your Data Protection Officer, or relevant staff member.

Yours faithfully

[Signature]

Douglas City Council – Data Subject Access Request Process

A data subject can make a number of requests to the Council, these include a request to receive all of their data, a request for deletion or a request to stop processing. It is important that when dealing with the request a standard process is followed. This process defines high level steps that need to be taken when processing a request.

All requests should be dealt with within one calendar month.

Request received?

All received requests should be passed to the Data Protection Officer (DPO) immediately. Please phone the DPO officer **immediately** so they are aware a request has arrived. The email address is dataprotection@douglas.gov.im

Request reviewed by Data Protection Officer

The DPO will review the request for validity and will also confirm if the identity of the requester or any other information needs to be confirmed.

Instruction request issued

The DPO will now instruct the relevant Officer to carry out the request. The details required to carry out the task need to be delivered to the Officer for the purpose of the action only. Depending on the request type the DPO will define the period of time by which the request or part request needs to be completed.

Capture the record of request

The Data Protection Officer will log the details of the request. The request should be responded to within one month.

Request can now be delivered to the department(s) who hold the data

Request should be managed by one responsible Officer who can co-ordinate the actions.

We need to make sure we have searched thoroughly

It is the responsibility of the Officer to make sure the request is completed in its entirety. In most situations the request will relate to the information of the Data Subject and therefore completeness in the search for their data is very important.

DPO review the action plan for the request

The DPO will review the request and look to resolve any issues. The DPO will also review if there are any exemptions that will need to be applied to the request.

Prepare for the request action

It is important to determine how and if the request can be processed. In certain circumstances there may be the opportunity to do part but not all of the request, pull together a plan of actions for performing the request and submit to the Councils DPO.

Action the request

Following confirmation from the DPO the Officer should action the request. This may range from a SAR search to processing a suspension and therefore different actions will require different time periods to implement. Once complete the DPO should be informed.

DPO to inform data subject

The DPO will review the output of the actions and inform the data subject of the results. This may involve the delivery of information. The DPO must also explain to the data subject their rights of appeal.

Data subject receives response

The Data Subject may decide to appeal any response.

KEY



Data Subject



DPO Officer



Council Officer

Notes:

Apply the exemptions carefully

We need to be careful how we apply any exemptions, making sure there is clarity around the reasoning. If part of the data can be provided then we must do this.

Respond on time

We need to respond within 1 calendar month; a search should be performed as soon as possible to give time to ask questions and consider exemptions.

Respond fully and accurately

Make sure the requester is explained to fully in relation to any exemptions and the reasons why. Also make sure that the right of appeal is fully stated. There are templates on the Council intranet to assist with the format and wording of responses.

Document the process

Document all decisions and reasoning, timelines, time spent and any specifics about the request.

If you have any queries, please email dataprotection@douglas.gov.im