North East Ambulance Service NHS
NHS Foundation Trust

Subject Access Request Procedure

Document Control Sheet

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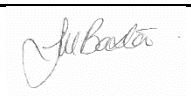
Head of Department signature	
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Target Audience	All staff, patients

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1. Scope

The General Data Protection Regulation (GDPR) 2016 and Trust Policy, gives a data subject (patient/staff) the right to obtain confirmation that their data is being processed, and where that is the case, access to the personal data.

The right of access to this information is referred to as Subject Access Request (SAR). This procedure explains the process to ensure SARs are handles line with the GDPR.

2. Responsibility

2.1 The Information Governance Manager is responsible for:

- Advising on day-to-day data protection matters and for developing specific guidance notes on data protection for members of the Trust.
- Ensure the rights of the Trust, data subjects and employees are upheld.

2.2 The Clinical Records Officer is responsible for processing all patient SARs from the data subject or their authorised representative. The Clinical Effectiveness Manager/Advanced Practice and Pathway Development Manager or Clinical deputy is responsible for reviewing and authorising the disclosure of the SAR before release.

2.3 The HR Administrator is responsible for processing all SARs relating to employment and training records. The HR Advisor is responsible for reviewing and authorising the disclosure of the SAR before release.

2.4 The Occupational Health Administrator is responsible for processing all SARs relating to Occupational Health. The Occupational Health Nurse is responsible for reviewing and authorising the disclosure of the SAR before release.

2.5 All staff are responsible for recognising a SAR and redirecting it to the relevant person so it may be processed in line with this procedure.

3. Procedure

3.1 Who can make a request?

Persons who are entitled to access personal data under this procedure are:

a. The data subject.

b. A representative of the data subject who has written consent (e.g. solicitor; a court appointed representative if the subject could no longer manage his or her own affairs; a person with enduring power of attorney or quite simply anyone else an individual wants acting for them).

c. The parent or guardian of a child under 16 years of age: In cases where the child agrees, or it was in the child's best interest for access to the data to be granted.

3.2 What is a valid subject access request?

An organisation is not obliged to comply with a Subject Access Request unless it has received:

a. A request in writing.

b. Enough information to identify the data subject.

c. Enough information to identify the information sought.

d. Any request from a personal representative of the data subject should be accompanied by an authority from the data subject consenting to that individual or organisation acting on their behalf.

3.3 Understanding the types of requests

There are two types of request that the Trust is likely receive:-

a. Routine informal requests for information which may be managed without recourse to the General Data Protection Regulation 2016, for example, "can I have a copy of my course certificate".

b. Formal requests for access to information under GDPR. e.g. "can I have a copy of all information held the HR Department". This is a formal Subject Access Request.

3.4 Receiving a Subject Access Requests

3.4.1 When you receive a valid (see 3.2) formal request (see 3.3), it will be logged by the relevant department on Ulysses. You can confirm receipt using letter template in Appendix A.

3.4.2 If the request is not yet valid and you need more information in line with section 3.2:

Information needed	Letter template
Confirm the identity of the requester	Appendix B
Further information	Telephone or Appendix C
Consent of the data subject	Appendix D and E

3.4.3 Where a request is made online (e.g. Trust Internet site or social media) or via telephone the requester can be asked to complete a NEAS Subject Access Request Form in Appendix F.

3.5 Collating the information

3.5.1 Once you have collated all the requested information, the SAR must be reviewed by the relevant person identified in section 2.

3.5.2 The review will ensure that:

a. The information is checked for clarity. All coded data is decoded and any business or medical terms are explained.

b. Any information in relation to a third person is removed unless:

- The third party is a professional who has compiled or contributed to the record or who has been involved in the care of the patient.
- The third party, who is not a health professional, gives their consent to the disclosure of that information.
- All reasonable steps have been taken to contact the third party without success, and ensuring any duty of confidentiality owed to that person.

c. Any information likely to cause serious harm to the physical or mental health of the data subject or any third person if it were to be released be removed.

3.5.3 Once reviewed, a response can be prepared using the standard letter in Appendix G.

3.5.4 If any information has been removed e.g. relating to another person OR all the information asked for is not given, an explanation needs to be included in the letter. If additional advice is needed, contact the IG Manager.

3.5.5 The completed SAR will be sent to the requester in the format they have asked for e.g. email, post, CD, applying appropriate security, within 1 month of receiving the valid request as per section 3.2. All relevant information will be completed in Ulysses including details of the information provided.

3.6 Repeat requests

3.6.1 Where requests from a data subject are manifestly unfounded or excessive, in particular because of their repetitive character, the Trust may:

a. Charge a reasonable fee taking into account the administrative costs of providing the information or communication or taking the action requested; or

b. Refuse to act on the request.

3.6.2 Advice should be sought from the Information Governance Manager before responding to the individual.

3.7 Appeals and complaints process

3.7.1 Data subjects have the right to appeal against a decision to refuse access to their information. If the data subject wishes to complain, this should be referred to the Information Governance Manager. The data subject should be given the opportunity to either write their letter of complaint or express their complaint orally with a possible satisfactory outcome.

3.7.2 Data subjects are also free to contact the Information Commissioner, who is the compliance lead on Data Protection:

Post: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Tel: 0303 123 1113 (local rate) or 01625 545 74 (national rate)

web: https://www.ico.gov.uk

3.7.3 The individual raising a complaint about the way their subject access request has been dealt with should be encouraged to raise the matter with the Trust before raising the matter with the Information Commissioner.

Appendix A: Letter Confirming Receipt Template

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Appendix B: Letter Confirming the Identity of the Requester Template

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Appendix C: Letter for Further Information Template

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Appendix D: Letter Confirming Consent of the Data Subject Template

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Appendix E: Data Subject Consent Form

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Appendix F: Subject Access Request Form

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Appendix G: Subject Access Response Letter Template

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