

IG004 Subject Access Request Procedure

Introduction

This procedure seeks to ensure that KEMP Hospice receives and processes Data Subject Access requests in accordance with the General Data Protection Regulations (GDPR), the Data Protection Act 2018 (DPA 2018), and the Data (Use and Access) Act 2025 (DUAA 2025).. The procedure outlines the steps to be followed, the records to be kept and the rules which must be applied.

Although UK GDPR provides for Data Subject Access Requests, it is not necessary to follow this procedure for every request for information. UK GDPR only applies to personal information, ie. Information about identifiable individuals. If the Data Subject specifically makes the request under the GDPR, then this procedure must be followed.

1. Types of Requests

There are two types of requests likely to be received by KEMP Hospice:

- Routine requests for information which can be satisfied without recourse to GDPR (e.g. Could I have a copy of the letter I sent you last week?)
- Formal requests for access to personal information under GDPR. These are Subject Access Requests (SARs)

When a formal request is received it is intended that the Data Subject should complete a standard Subject Access Request Application Form (Appendix 1) when requesting information. However, an applicant's own written request is acceptable if it provides the information required to enable the data to be located. When all the necessary information has been received from the Data Subject, the request must be processed as outlined in the following procedure. Under the DUAA 2025, KEMP Hospice is only required to conduct a reasonable and proportionate search in response to a SAR — not an exhaustive search of all records.

2. Rights of the Data Subject.

The data subject has the right to:

- Have a copy of any data processed by reference to them.
- Have an accompanying description of the data that has been processed
- Have a description of the purposes for which it is being processed
- Have a description of any potential recipients of their data.
- Have any information as to the source of their data (where available and subject to certain exception).
- Know the logic involved in any decision making where their data is processed automatically and is likely to form the sole basis for any decision significantly affecting the data subject.
- Not have significant decisions based solely on the results of automatic processing e.g. psychometric testing for employment purposes.
- Prevent processing likely to cause damage and distress

- Prevent processing for the purposes of direct marketing. The Data Subject is able to 'opt out' of having their data used for this purpose and explicit consent ('opting in') may be required where more sensitive data is concerned.
- Claim compensation for damage caused by any breach of GDPR and also for the distress in certain circumstances.

3. Obligations.

The person requesting the information (the data subject) should:

- Submit a request for subject access
- Provide satisfactory proof of identity and address (e.g. driving licence, council tax or utility bill)
- Provide sufficient information to enable the data to be located (e.g. name, address, and relevant reference numbers)

4.1 The SLT member at KEMP Hospice should:

- Be satisfied as to the identity of the Data Subject.
- Obtain sufficient information to enable the data to be located.
- Inform the Data Subject whether data is held about them.
- Any information sent to the Data Subject should not include any data about a third party, or such that it would allow the Data Subject to identify any third party unless permission has been sought and received from that individual.
- Provide the Data Subject with a copy of the personal data which relates to the Data Subject together with an interpretation of any terms or codes used by the KEMP Hospice relating to the data.
- Respond within one month (or three months in the case of complex requests) of receiving all the information required to process the request (a valid request)
- Retain a copy of the information supplied (for use in case of the information being challenged).
- Record all subject access request in the Subject Access Requests Log, to enable the progress of such requests to be monitored and to produce statistics.

4. Procedure for Data Subject Access Requests

4.1 Receive Request:

The request can be received from the Data Subject through any department of the Hospice in either letter format or on a KEMP Hospice Subject Access Information Request Form. Where a verbal request is received, it should be recorded in writing immediately by the member of staff who received it, ensuring that the date and time is noted, and forwarded to the DPO without delay. The request is valid from the date it was first made.

The member of staff receiving the request must ensure that the request is forwarded to the Data Protection Officer (DPO) immediately.

The SLT member will then escalate the request on to a relevant member of staff if necessary.

4.2 Verify Request:

The DPO will then check the request to verify that it has been completed correctly and that all

information relevant for the request has been given.

If the application form / letter does not contain all the information necessary to carry out the request, an Additional Information Required Letter (Appendix 2), requesting additional information, along with the original application must be sent to the applicant. Details of the request should still be recorded in the Subject Access Requests Log.

An applicant cannot request information on behalf of another individual unless written authorisation has been obtained from the Data Subject. This authorisation must be verified and, where necessary, identification of the applicant must be obtained. In all cases, however, the information must be sent to the Data Subject.

Where an individual has power of attorney, proof must be obtained, and in this case, the data must be sent to that individual.

4.3 Log Request:

If the request has been received before (i.e. returned to the applicant for more information and returned) the Subject Access Request Log should be updated to reflect this. Otherwise the details of the request should be recorded in the Subject Access Request Log and assigned a reference number. When a valid request has been received, the one calendar month time limit begins from the date of receipt (including weekends and bank holidays). , Note: under the DUAA 2025, the clock may be paused ("stopped") where clarification is reasonably required — resuming the day after clarification is received. at this point a Letter of Acknowledgement (Appendix 3) must be sent to the applicant.

4.4 Process Request:

The information that the Data Subject has requested will be retrieved into a suitable format for presentation to them. This should include definitions of any codes/references where the explanation is not apparent.

Care must be taken to ensure that the identity of a third party is not disclosed by either blanking out their names/ addresses/ identification or providing the information in another format i.e. typed. The only exception to this rule is where other legislation forces you to release that information.

The DPO should keep a copy of the data retrieved for reference should the information provided be challenged by the Data Subject at a later date. All supporting evidence should be placed into a folder created and titled with the corresponding date and reference number for that request entered into the Subject Access Requests Log.

4.4.1 Provide Data:

- An appointment should be arranged with the Data Subject where it would be preferable or necessary to explain the information or when the Data Subject has requested a meeting to discuss the details of their request.
- If an appointment is not necessary, the information along with a Supplementary Letter (Appendix 4) and any other guidance should be sent to the Data Subject by the DPO.
- The information may be sent to the Data Subject as a computer print-out, in a letter or on a form. However, the data must be in a format that will be understood by the Data Subject.
- The information must be provided to the applicant within one calendar month of receiving a valid request (i.e. all the information necessary to process it).

- If data could not be found to satisfy the application, an Information Unavailable Letter must still be sent to the Data Subject stating this.

4.4.2 Close Request:

When all details have been passed to the applicant the Subject Access Request Log must be updated accordingly by the DPO.

5. Documenting the Process

The following details should be recorded in the Subject Access Request Log. This will enable the progress of requests to be monitored and will allow statistics to be produced.

- Reference number
- Name and address of Data Subject
- Name and address of applicant (if not the same as the Data Subject)
- Date the request was received.
- Date the valid request was received (may be the same as above)
- Date the request was returned to applicant for further details.
- Date the request must be completed by (i.e. 28 days after valid request received)
- Name of staff member and department that received the request.
- Name of Line Manager the request was initially passed to.
- Date the letter of acknowledgement was sent.
- Date request completed and information passed to applicant.
- Comments
- Details of proof of identity
- Type of information requested i.e. payroll, personnel details, etc.
- Copy of the information provided to applicant.
- Any other relevant information

6. Complaints and Appeals

KEMP Hospice must ensure that its procedures set out the individual's right to appeal against a decision to refuse access to their information and the way in which an appeal or a complaint about the subject access procedures should be made.

KEMP Hospice will provide all individuals who submit a valid subject access request for information as to the role and contact details of the Information Commissioner's Office.

KEMP Hospice Subject Access Information Request Form

Under GDPR, you are entitled to request access to personal information held about you by KEMP Hospice. Completing this form will help to locate your information quickly and efficiently. Please return the completed form to: The Data Protection Officer, KEMP Hospice, 41 Mason Road, Kidderminster, DY11 6AG

Section 1 - Proof of identification

In the boxes below, give details of the name of the person completing this form:

Surname:
Forename (s):
Previous / Alternate Name (s):
Date of Birth:

Current Address:

Address:
Postcode:
Preferred Phone Number:
E-Mail Address:

If you are the data subject or acting on behalf of the data subject please provide original proof of your identity bearing your name and address (i.e. passport, driving licence, birth certificate (or certified copy) or at least 2 official letters – e.g. from a utility company).

If you are acting on behalf of the data subject please see section 2. Please state below what evidence you have enclosed (please X appropriately):

- Birth Certificate ☐
- Passport ☐
- Driving Licence ☐
- Two official letters ☐

Section 2 - Acting on behalf of data subject (if applicable)

If you are acting on behalf of the data subject with their written or other legal authority, please state your relationship with the data subject e.g. parent, legal guardian, or solicitor and the purpose for which the data is being collected (see notes attached)

Please enclose proof that you are legally authorised to obtain this information. The proof could be a letter of authority, letters or official forms addressed to you on behalf of the data subject. Photocopies cannot be accepted. Once entitlement has been established, we will take a copy of the documents you have supplied to us and will return the originals to you.

Please state below what proof of authority you have enclosed (please tick):

Letter of authority ☐

Correspondence ☐

Official Forms ☐

Data subject's details (if different from Section 1)

In the boxes below, give details of the name of the person of the data subject request

Surname:
Forename (s):
Previous / Alternate Name (s):
Date of Birth:
Address:
Postcode:
Preferred Phone Number:
E-Mail Address
Please provide details of any additional information you feel may be of assistance with this request:

Section 4 - Declaration

Please read the following declaration carefully, then sign and date it. Please note that any attempt to mislead may result in prosecution.

I, _____(name) certify that the information provided on this application to KEMP Hospice is true. I understand that it is necessary for KEMP Hospice to confirm my/the data subject's identity and that it may be necessary for KEMP Hospice to request more details from me in order to be able to locate the correct information.

Print Name:
Signature:
Date:

NOTES:

Consent to application by a Third Party: Under GDPR (Article 15), an individual is entitled to ask KEMP Hospice for a copy of personal information which it holds about him/her for the purposes of providing services to the individual. The information, which the individual is entitled to receive from KEMP Hospice includes a description of these purposes, recipients to whom the data are disclosed and the sources of the data. This entitlement is known as the 'Right of Access to Personal Data'. This access may also be granted by another person acting on behalf of the data subject providing written consent is given by the data subject. Please note that in general requests for information about a person other than yourself will be rejected except in the following situations:

- Parents can request information about their children if they are under 16 years of age although there is not automatic right to the data.
- A solicitor may request information on behalf of a client.

Reference:

Recipient Name

Address

Post Code

Date:

Dear *****

We have recently received a Subject Access Request from you, however before the request can be processed additional information is required.

[Description of what further information is required]

KEMP Hospice takes Subject Access Requests very seriously. If at any point you wish to complain or appeal against any decision we make you may contact the Information Commissioner's Office who are the UK's independent authority set up to uphold information rights in the public interest, promoting openness by public bodies and data privacy for individuals. Their contact details are shown below:

Website: <https://www.ico.org.uk/concerns/>
Address: Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Telephone: 0303 123 1113

If you have not made this Subject Access Request please immediately contact the Data Protection Officer, using the above telephone number.

Yours sincerely,

Data Protection Officer
KEMP Hospice

Reference:

Recipient Name

Address

Post Code

Date:

Dear *****

This is a letter of acknowledgement to confirm we have received a Subject Access Request from you on ##/##/####.

[Description of what information was requested]

We will, to the best of our ability, provide you with the information you have requested and aim to ensure you receive this no later than ##/##/####.

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Water Lane
Wilmslow
Cheshire
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If you have not made this Subject Access Request please immediately contact the Data Protection Officer, using the above telephone number.

Yours sincerely,

Data Protection Officer
KEMP Hospice