

**Office of the
Police and Crime Commissioner
for Hampshire and Isle of Wight**

**Subject Access Request
Policy**

Business

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Name	Role	Versions authored
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Location	Hyperlink
Intranet:	Link to PCC's intranet site: http://intranet/Intranet/PCC/Default.htm
Website:	Link to PCC's website: <a href="https://www.hampshire-PCC.gov.uk/<insert location>">https://www.hampshire-PCC.gov.uk/<insert location>
Folders:	Link to <subject area> folder within OPCC folders: \\ousvr\users\Office of the Police & Crime Commissioner\ Link to Policy and Procedures folder within OPCC folders: \\ousvr\users\Office of the Police & Crime Commissioner\OPCCPolicy and Procedures

Related document(s):

[Data Protection Policy - Hampshire Police and Crime Commissioner \(hampshire-pcc.gov.uk\)](https://www.hampshire-pcc.gov.uk)

Groups/individuals who have overseen and contributed to development of this policy:

Data Protection Officer

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1. Introduction

The role of the Police and Crime Commissioner for Hampshire and Isle of Wight is to ensure that there is efficient and effective policing for the Hampshire policing area. The Police and Crime Commissioner sets the strategic direction for policing and holds the Chief Constable to account for the policing service delivered.

For the purposes of this policy, the term PCC is used to encompass the person elected as the PCC and any staff authorised to work for or on their behalf or under their direction and control (*i.e.* the Office of the Police and Crime Commissioner or "OPCC").

The PCC is committed to making information accessible in accordance with data protection law.

The purpose of this policy is to explain a data subject's rights to access personal information that the PCC holds about them and to explain how the PCC deals with subject access requests.

The policy is supported by the guidance issued by the Information Commissioner's Office and relevant Government departments from time to time.

2. Subject Access Requests

Under the General Data Protection Regulation (GDPR), data subjects have a statutory right to have access to personal data the PCC holds about them unless an exemption applies.

For the purposes of the GDPR, "personal data" is information that relates to a living identifiable person. The person or organisation who controls the purpose and manner in which data is processed is the "data controller".

Where the PCC is the data controller, data subjects are entitled to be told whether data is held about them, and if it does:

- To be given a description of the data in question;
- To be given a copy of the data;
- To be given other supplementary information, *e.g.*
 - To be told for what purposes the data is processed.
 - To be told the recipients, or classes of recipients, to whom the data is or may be disclosed.

- To be told the retention period.

Data subjects are also entitled to a copy of the information with any unintelligible terms, acronyms or codes explained. Individuals will also be given any information available to the PCC on the source of the data. The data will be in its latest form.

A request for access to personal data will be dealt within one month from the day of receipt of the request unless the PCC is unable to do so due to the scale or complexity of the request.

Under GDPR, data subjects have a number of other rights. These include:

- The right to rectification
- The right to erasure
- The right to restrict processing
- The right to data portability
- The right to object
- Rights in relation to automated decision making and profiling

Any requests requested that fall into the above categories will be considered as a Subject Access Request and handled in accordance with this policy.

Please read our General Privacy Notice: <https://www.hampshire-pcc.gov.uk/privacy-policy>

More information on the GDPR and the Data Protection Act can be found on the ICO's website: <https://ico.org.uk/>

3. How to make a subject access request.

If data subjects wish to apply for access to their personal data or any of their other rights under GDPR, they should complete the relevant form on the PCC website using this link: <https://www.hampshire-pcc.gov.uk/privacy-policy>. There are two forms. One is for personal CCTV images and the other for all other personal data.

Whilst we encourage use of our forms, a request is valid if it is submitted by any means, *i.e.* a letter, an email or verbally.

The PCC will make reasonable adjustments to how it deals with requests in accordance with the Equality Act 2010. For example if a requester has a disability we will consider reasonable adjustments such as Braille, large print, email or audio formats.

The PCC will request certain information from an individual to verify their identity before responding to a subject access request. The timeframe for responding to the subject access request will not begin until verification has been completed.

The PCC may not hold the personal information that you want. If you want personal data held on the Police National Computer (*i.e.* information on prosecutions, convictions and cautions) or other personal information held by Hampshire Constabulary you will need to use this link:

<https://www.hampshire.police.uk/contact-us/request-information/subject-access/>

4. Fees and other matters

As a general rule the PCC cannot charge for supplying any information requested in a subject access request application. The PCC may charge a reasonable fee for:

- any further copies of the information that are requested by the data subject;
- any additional costs resulting from the data subject's requirements;
- a request which is considered to be 'excessive' for the purposes of the GDPR.

The PCC is responsible for ensuring information is sent to a requester securely, for example where information is sent by post it may be necessary to send it by special delivery.

5. Complaints

If a person making a subject access request is dissatisfied with the response they have received, they should contact the Data Protection Officer at the PCC and see if they can resolve their concerns.

If the person remains dissatisfied following that review they are entitled to complain to the Information Commissioner's Office (see section 6 below).

If the individual's complaint is complex and extends beyond how their subject access request was dealt with (for example includes complaints about the services they have received), then it may be appropriate for it to be dealt with under the PCC's Complaints Procedure.

6. Complaining to the Information Commissioner's Office

If once a complaint regarding a request for information has been considered by the PCC and the requestor is not satisfied with the outcome, then they are

entitled to complain to the regulator, the Information Commissioner's Office.
The website is:

<https://ico.org.uk/>

7. Training and Information for Employees

Training and information will be made available to employees of the PCC.

Employees should be able to recognise a subject access request, know what to do if they receive a request and understand they may be asked to assist with a request if it relates to their area.

Employees should pass any requests to the Data Protection Officer as soon as possible.

8. Performance and Management Reporting

The PCC is obliged to respond to requests for information within one month. The time frame is calculated from the day the request is received (whether it is a working day or not). If any additional information is needed to confirm the identity of the requester the period for responding begins when the additional information is received and the requester will be advised as such.

The PCC may extend the time limit by two further months where necessary taking into account the complexity and scale of the request. The PCC will inform the requester before the expiry of the first month that the time period is to be extended and give reasons for the delay.

Data is collected by the PCC on the number of subject access requests, any fees collected and our performance in responding to those requests within timescales.

Where exceptions and exemptions apply, this information will be recorded in order to build a knowledge base to help with future enquiries

Review: This policy will be reviewed at least every two years.