

DATA SUBJECT RIGHTS POLICY

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1 INTRODUCTION

- 1.1 The term 'data subject' refers to any individual person who can be identified, directly or indirectly, via an identifier such as a name, an identification number (ID), location data, or via factors specific to the person's physical, physiological, genetic, mental, economic, cultural or social identity.
- 1.2 Personal data is the information by which the data subject may be identified as per in the criteria above.
- 1.3 Data subjects (individuals whose personal data is being processed) have specific rights as provided by data protection legislation. This policy sets out how the Group will comply with those rights.

2 STRATEGIC LINKS

- 2.1 This policy will detail how the organisation will comply with aspects of the following legislation:
 - Data Protection Act (DPA) 2018
 - UK General Data Protection Regulation (UKGDPR)
 - Privacy and Electronic Communications Regulation (PECR) 2003
 - Freedom of Information Act (FOIA) 2000
- 2.2 The policy is closely linked to the Groups internal policies and procedures:
 - Information Governance Policy
 - Privacy Policy

3 RIGHT TO BE INFORMED: PRIVACY NOTICES

- 3.1 Data subjects have the right to be informed when and how their personal data is being used by organisations. Compliance with this right is achieved through issuing a privacy policy / notice to describe and explain the processing that is taking place.
- 3.2 SHG has a Privacy Policy available to all stakeholders on its website [here](#). This provides a broad overview of how SHG processes personal data lawfully, fairly, and transparently.
- 3.3 This will be kept up to date¹ as the Group and service delivery functions change and evolve. In some instances, data subjects shall be provided with a more specific privacy notice relating to the processing which is taking place.
- 3.4 Where data subjects do not have access to the internet a copy of the Privacy Policy shall be made available upon request and free of charge. This document

¹ The Assurance Team will ensure that this Policy remains up to date

shall be provided by staff within in a reasonable time of receiving the request. Documents can be provided in the most suitable format required upon request.

- 3.5 Teams processing personal data are responsible for the issuing of privacy notices to comply with the right to be informed. These notices should be more specific and relevant to the processing activity and can be issued verbally or in writing. Further guidance can be obtained from the Assurance Team.
- 3.6 A privacy notice must be:
- concise,
 - transparent,
 - intelligible, and
 - accessible
- 3.7 The most effective and efficient method of delivering privacy notices is through a 'layered approach'. This is where several short information notices are issued to data subjects to avoid one large mass of overwhelming information.
- 3.8 The Groups Privacy Policy acts as the overarching layer of the information that is provided to data subjects.
- 3.9 Subsequent privacy notices created by teams act as more detailed and specific layers of privacy information however they need not be overly complex or onerous. A guidance template is below:
- We are collecting this information in order to provide a service to you.

The data will not be shared with any other companies / agencies unless there is a legal reason to do so. The data will be stored in line with our retention policies and kept secure at all times.

More information, including your individual rights, can be found in the Stockport Homes' Privacy Notice which is available here: <https://www.stockporthomes.org/privacy-policy/>. Should you require a paper copy, please ask a member of staff.

4 RIGHT TO ACCESS: SUBJECT ACCESS REQUESTS

- 4.1 A data subject has the right to make a verbal or written request to understand how an organisation is processing its personal data. The right enables data subjects to obtain a copy of their personal data. This is known as the right to

access (subject access request or 'SAR'). These requests are coordinated by the Assurance Team and must be responded to within one calendar month.²

- 4.2 The data subject is entitled to be:
- Informed as to whether any personal data is being processed by the Group
 - Given a copy of any personal data held, where possible
- 4.3 Staff can direct customers towards the [Subject Access Request page on the website](#) in the first instance. This allows customers to make a request online and be guided through the process, enabling them to submit all of the information required to make their request valid. A printable version of the Subject Access Request [form](#) can also be accessed on the staff intranet and provided to Data Subjects free of charge.
- 4.4 Completion of the Subject Access Request form is not compulsory when submitting a SAR, as any request made verbally or in other written form, this includes social media or online, must be acted up. The document aims to simplify the process and maximise efficiency.
- 4.5 SAR forms completed online are directed to the Assurance Inbox, there they are recorded and dealt with. Should a SAR form be received by another staff member, they are required to ensure the document is complete and send it to the Assurance Team.
- 4.6 If there is uncertainty regarding the identity of the person making the request SHG may ask for more information. This is to ensure that a personal data breach does not occur by providing personal data to a person that is not authorised to receive it. ID requests will be made on a proportionate basis, and only when there is no other way to validate who the person is.
- 4.7 When a third party is acting on behalf of a data subject, it will be necessary to ensure that the ID of both parties has been validated appropriately and that the data subject has given their written consent to the third party acting on their behalf. Any concerns related to third parties will be escalated to the Head of Assurance
- 4.8 Where more information is needed to validate a request, SHG will inform the requestor as soon as possible. The period for responding to the request begins when SHG receive the additional information (the request will be placed on hold in between).
- 4.9 Where verification is not received within one month of the request shall be closed. Correspondence with the requestor shall make them aware of their relevant rights and the option to submit a new request.

² The time limit should be calculated to start from the day after receipt of the request (whether the day after is a working day or not) until the corresponding calendar date in the next month. If the date (e.g. 31st) does not exist in the next month then work to the last day of that month. E.g. a request received on 30th January will need to be responded to by 28th February.

- 4.10 All requests should be directed to the Assurance Team where they will be recorded on a SAR register and coordinated / complied with centrally. Requests can be directed to the mailbox: assurance@stockporthomes.org. Other teams that are required to provide information for the request should do so without undue delay. Timescales will be agreed to ensure SAR deadlines are complied with.
- 4.11 The Assurance Team will consider whether any exemptions apply or whether any other GDPR / DPA 2018 terms apply. They will also coordinate the release of the information to the requestor in a secure format.

5 RIGHT TO RECTIFICATION

- 5.1 Data subjects have the right to have any inaccurate information that is held by an organisation rectified, or completed if it is incomplete. An individual can make a request verbally or in writing and the inaccuracy must be amended within one month.
- 5.2 This right applies when information held on record is incorrect or misleading as to any matter of fact.
- 5.3 The right does not apply to information that is a record of a mistake as the information itself is not misleading and the records sole function is to record the mistake.
- 5.3.1 For example, a customer may have been misdiagnosed with an ailment that affected their Disabled Facilities Grant. This information was recorded electronically and the customer would now like the reference to it deleting. In this case the right would not apply as the customer was given such a diagnosis at that point in time.
- 5.4 The request can be refused if it is manifestly unfounded, unreasonable, or excessive. This assessment shall consider the frequency of requests and whether they are of a repetitive or debilitating nature.
- 5.5 All requests for rectification should be dealt with by the relevant staff member using a common sense approach. More complex requests for rectification should be directed to the Assurance Team (assurance@stockporthomes.org) where they will be recorded on a register and coordinated / complied with centrally.

6 RIGHT TO ERASURE

- 6.1 Data subjects have the right to request the deletion of their personal data. This is not an absolute right and is only applicable in certain circumstances³ and so there is no assumed deletion of records without the request being considered fully by the Assurance Team.

³ The Head of Assurance will determine whether the circumstances have been met

6.2 This right is applicable when:

- The personal data is no longer necessary for the purpose it was originally collected / processed for (unless there is a new purpose which enables the information to be retained, e.g. to respond to a court case)
- When the processing is reliant on consent as the lawful basis, and, the data subject withdraws that consent
- When the processing is reliant on legitimate interests as the lawful basis, and, the data subject objects to the processing, and, there is no overriding legitimate interest
- When the processing is for direct marketing purposes and the individual objects to the processing
- When the processing is deemed to be unlawful
- When the processing is to offer information society services to a child

6.3 Where any of the above apply the data subject has the right to have the relevant pieces of personal data deleted.

6.4 All requests should be directed to the Assurance Team by emailing the team inbox at: assurance@stockporthomes.org. Request for deletion will be recorded on a register and coordinated / complied with centrally.

7 RIGHT TO RESTRICTION

7.1 Data subjects have the right to request the restriction or suppression of their personal data. This is not an absolute right and therefore only applies in certain circumstances⁴.

7.2 Individuals can make the request verbally or in writing and are entitled to receive a response within one month.

7.3 When an individual makes a request for erasure it may be unlikely that all personal data can be deleted. Where a right to erasure request (as per Section 6) is refused, it may be likely that the scope of the processing could be restricted to ensure it is adequate, relevant, and limited to what is needed.

7.4 Data subjects may request the restriction of their processing when:

- The accuracy of the data is being contested
- The data has or is being unlawfully processed and the data subjects requests restriction in place of erasure
- SHG no longer require the personal data but it is needed in order to establish, exercise, or defend a legal claim
- The individual has objected to the processing and SHG are considering whether there is an overriding legitimate interest

⁴ The Head of Assurance will determine whether the circumstances have been met

7.5 All requests should be directed to the Assurance Team by emailing the team inbox at: assurance@stockporthomes.org where they will be recorded on a register and coordinated / complied with centrally.

8 RIGHT TO DATA PORTABILITY

8.1 Data subjects have the right to have their personal data transported from one IT environment to another. This is not an absolute right which means it is only applicable in certain circumstances.

8.2 This right is applicable when:

- The lawful basis for processing is consent or for the performance of a contract, and;
- The processing is being carried out by automated means (i.e. does not use physical paper files).

8.3 If both of these criteria are met then the right will apply and data subjects can request for information to be transported. The information that can be transported is limited to the data subjects personal data that the data subject themselves provided (issued to the Controller) and will be transported in a secure manner at all times.

8.4 All requests should be directed to the Assurance Team by emailing the team inbox at: assurance@stockporthomes.org where they will be recorded on a register and coordinated / complied with centrally.

9 RIGHT TO OBJECT

9.1 Data subjects have an absolute right to object processing that is being carried out for direct marketing purposes. This objection must result in the cessation of that processing activity. Objections to direct marketing shall be directed towards The Assurance Team who will liaise with the Marketing and Communications Team (and any other relevant teams) as required.

9.2 Data subjects may also object, and the organisation will consider the request in full, when the processing is for:

- A task carried out in the public interest
- The exercise of official authority vested in the organisation; or
- The legitimate interests of the organisation (or a third party)

9.3 All objections should be directed to the Assurance Team by emailing the team inbox at: assurance@stockporthomes.org where they will be recorded on a register and coordinated / complied with centrally.

10 RIGHTS RELATED TO AUTOMATED DECISION MAKING

10.1 Data subjects have the right to not be subject to a decision that is made solely by automated means, including profiling, so long as the decision produces a

legal effect. Where relevant, the data subject has the right to obtain human intervention in that decision in place of automated decision making.

- 10.2 All requests should be directed to the Assurance Team by emailing the team inbox at: assurance@stockporthomes.org where they will be recorded on a register and coordinated / complied with centrally.

11 RIGHT TO LODGE A COMPLAINT

- 11.1 If a data subject is unhappy with the service received they may make complaint. More information on SHG's complaints process is available [here](#).
- 11.2 Individuals also have the right to lodge a complaint with the supervisory authority: the Information Commissioners Office (ICO). To make a complaint, the data subject will need to visit: www.ico.org.uk/make-a-complaint/

12 EQUALITY IMPACT ASSESSMENT (EIA)

- 12.1 As a result of the EIA we have made clear in section 3.4 that any request for the privacy policy will be provided in the most appropriate and reasonable format.

13 OWNERSHIP, MONITORING & REVIEW

- 13.1 This policy will be reviewed every three years to ensure that it remains fit for purpose. However, it will be updated more frequently should new guidance / legislation be published.