



Data Subject Rights and Requests: Response procedures

Data subjects have certain rights in respect of their personal data. When a data subject's personal data is processed, those rights will be respected. These procedures provide a framework for responding to requests to exercise those rights. These procedures only apply to data subjects whose personal data is processed by the Society.

All requests by Data Subject's must be forwarded to the Data Protection Officer or Member. No Officer must act on these requests without first referring to the DPO.

Responding to Requests to Access Personal Data

Data subjects have the right to request access to their personal data processed by us (Subject Access Requests (SARs)). When a data subject makes an SAR the DPO will take the following steps:

- log the date on which the request was received
- confirm the identity of the data subject who is the subject of the personal data
- search databases, systems, applications and other places where the personal data which are the subject of the request may be held
- confirm to the data subject whether or not personal data of the data subject making the SAR are being processed.

If personal data of the data subject are being processed, The DPO shall provide the data subject with the following information:

- the purposes of the processing
- the categories of personal data concerned
- the recipients or categories of recipient to whom the personal data have been or will be disclosed
- where possible, the envisaged period for which the personal data will be stored, or, if not possible, the criteria used to determine that period

- the existence of the right to request rectification or erasure of personal data or restriction of processing of personal data or to object to such processing
- the right to lodge a complaint with the Information Commissioner's Office (ICO)
- where the personal data are not collected from the data subject, any available information as to their source
- the existence of automated decision-making and meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject

Unless there is an exemption (see **Exemptions** below), the data subject will be provided with a copy of the personal data processed in a commonly used electronic form (unless the data subject has specifically requested not to be provided with the copy in electronic form) within three months of receipt of the request. If the request is complex, or there are a number of requests, the DPO may extend the period for responding by a further three months. If the period for responding is extended the data subject will be informed within one month of receipt of the request and an explanation given for the delay.

Before providing the personal data to the data subject making the SAR, the DPO shall review the personal data requested and redact the personal data of those other data subjects prior to providing the data subject with their personal data, unless those other data subjects have consented to the disclosure of their personal data.

If the SAR is manifestly unfounded or excessive, for example, because of its repetitive character, the Society may charge a reasonable fee, taking into account the administrative costs of providing the personal data, or refuse to act on the request.

If the Society is not going to respond to the SAR the data subject will be informed of the reason(s) for not taking action and of the possibility of lodging a complaint with the ICO.

Responding to Requests to Rectify Personal Data

Data subjects have the right to have their inaccurate personal data rectified. Where such a request is made the Society will rectify the personal data without undue delay unless there is an exemption (see **Exemptions** below).

Responding to Requests for the Erasure of Personal Data

Data subjects have the right, in certain circumstances, to request that the erasure of their personal data. Unless there is an exemption (see **Exemptions** below), where such a request is made, the DPO will arrange erasure of the personal data without undue delay if:

- the personal data are no longer necessary in relation to the purposes for which they were collected or otherwise processed
- the data subject withdraws their consent to the processing of their personal data and consent was the basis on which the personal data were processed and there is no other legal basis for the processing
- the data subject objects to the processing of their personal data on the basis of our performance of a task carried out in the public interest or in the exercise of official authority vested in us, or on the basis of our legitimate interests which override the data subject's interests or fundamental rights and freedoms, unless we either can show compelling legitimate grounds for the processing which override those interests, rights and freedoms, or we are processing the data for the establishment, exercise or defence of legal claims
- the data subject objects to the processing of their personal data for direct marketing purposes
- the personal data have been unlawfully processed
- the personal data have to be erased for compliance with a legal obligation to which we are subject

When a data subject makes a request for erasure in the circumstances set out above, the DPO will:

- log the date on which the request was received
- confirm the identity of the data subject who is the subject of the personal data. Additional information may be requested
- search databases, systems, applications and other places where the personal data which are the subject of the request may be held and erase such data within one month of receipt of the request, unless the Member has been subject to a Disciplinary in which case the data will be kept for a period of 50-Years.
- If the request is complex, or there are a number of requests, this period may be extended by a further three months. If the period is extended the

DPO shall inform the data subject within one month of receipt of the request and explain the reason(s) for the delay;

- where the personal data has been made public, the Society will take reasonable steps to inform those who are processing the personal data that the data subject has requested the erasure by them of any links to, or copies or replications of, those personal data
- communicate the erasure of the personal data to each recipient to whom the personal data have been disclosed unless this is impossible or involves disproportionate effort. The DPO shall also inform the data subject about those recipients if the data subject requests it.

If the request is manifestly unfounded or excessive, for example, because of its repetitive character, the Society may charge a reasonable fee, taking into account the administrative costs of erasure, or refuse to act on the request.

If the Society is not going to respond to the request, the DPO shall inform the data subject of the reasons for not taking action and of the possibility of lodging a complaint with the ICO.

In addition to the exemptions listed below, the Society can also refuse to erase the personal data to the extent processing is necessary:

- for compliance with a legal obligation which requires processing by law and to which the Society member
- for the establishment, exercise or defence of legal claims.

Responding to Requests to Restrict the Processing of Personal Data

Data subjects have the right, unless there is an exemption (see **Exemptions** below), to restrict the processing of their personal data if:

- the data subject contests the accuracy of the personal data, for a period to allow the Society to verify the accuracy of the personal data
- the processing is unlawful and the data subject opposes the erasure of the personal data and requests the restriction of their use instead
- the Society no longer needs the personal data for the purposes collected them, but they are required by the data subject for the establishment, exercise or defence of legal claims

- the data subject has objected to the processing, pending verification of whether the Society has legitimate grounds to override the data subject's objection.

Where processing has been restricted, the Society shall only process the personal data (excluding storing them):

- with the data subject's consent
- for the establishment, exercise or defence of legal claims
- for the protection of the rights of another person

Prior to lifting the restriction, the DPO shall inform the data subject of the lifting of the restriction.

The DPO shall communicate the restriction of processing of the personal data to each recipient to whom the personal data have been disclosed, unless this is impossible or involves disproportionate effort. The DPO shall also inform the data subject about those recipients if the data subject requests it.

Responding to Requests for the Portability of Personal Data

Data subjects have the right, in certain circumstances, to receive their personal data that they have provided to the Society in a structured, commonly used and machine-readable format that they can then transmit to another company. Where such a request is made, the DPO shall, unless there is an exemption (see **Exemptions** below), provide the personal data without undue delay if:

- the legal basis for the processing of the personal data is consent or pursuant to a contract
- the processing of those data is automated.

When a data subject makes a request for portability in the circumstances set out above, the DPO shall take the following steps:

- log the date on which the request was received
- confirm the identity of the data subject who is the subject of the personal data
- search databases, systems, applications and other places where the personal data which are the subject of the request may be held and

provide the data subject with such data within three months of receipt of the request. If the request is complex, or there are a number of requests, the Society may extend the period for responding by a further two months. If the period is extended the DPO shall inform the data subject within one month of receipt of the request and explain the reason(s) for the delay.

If the request is manifestly unfounded or excessive, for example, because of its repetitive character, the Society may charge a reasonable fee, taking into account the administrative costs of providing or transmitting the personal data, or refuse to act on the request.

If the Society is not going to respond to the request the DPO shall inform the data subject of the reasons for not taking action and of the possibility of lodging a complaint with the ICO.

Responding to Objections to the Processing of Personal Data

Data subjects have the right to object to the processing of their personal data on the basis of our legitimate interests which override the data subject's interests or fundamental rights and freedoms, unless the Society either:

- can show compelling legitimate grounds for the processing which override those interests, rights and freedoms
- are processing the personal data for the establishment, exercise or defence of legal claims

Data subjects also have the right to object to the processing of their personal data for scientific or historical research purposes, or statistical purposes, unless the processing is necessary for the performance of a task carried out for reasons of public interest.

Where such an objection is made, the Society shall, unless there is an exemption (see **Exemptions** below), no longer process a data subject's personal data.

Where personal data are processed for direct marketing purposes, data subjects have the right to object at any time to the processing of their personal data for such marketing. If a data subject makes such a request, the Society shall stop processing the personal data for such purposes.

Responding to Requests Not to be Subject to Automated Decision-Making

Data subjects have the right, in certain circumstances, not to be subject to a decision based solely on the automated processing of their personal data. The Society does not process data in this way.

Exemptions

Before responding to any request the DPO shall check whether there are any exemptions that apply to the personal data that are the subject of the request. Exemptions may apply where it is necessary and proportionate not to comply with the requests described above to safeguard:

- the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties
- the enforcement of civil law claims.