

Subject Access Requests

Application procedure

Issue sheet

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Author	Gordon Wanless
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Revision details

Version	Date	Amended by	Approved by	Details of amendments
Initial release	30.05.2007		IGSG	
a	14.07.2009	G Wanless	IGSG	Information Governance Manager (IGM) changed to Head of Information Governance (HoIG)
b	28.02.2014	C Gooday	A&PF	Reflect change of job titles and centralised process
c	24.03.2015	C Gooday	A&PF	Reflect use of recorded telephone conversations and issue Letter 1 and 14 if work priorities permit
d	21.03.2016	C Gooday	A&PF	Amended for fee being charged

1. Receiving the request

All requests for access to an individual's personal information held by the NHSBSA must be directed to either the NHSBSA's Information Governance Manager or the Information Governance Assistant (IGM) or nhsbsa.data.protection@nhs.net .

If the application is received:

- **by unrecorded telephone call**, the IGM will advise the applicant that an application must be made in writing. If the applicant wishes to make a request, the IGM will log details of the request and allocate a unique reference number for future internal / external correspondence regarding the applicant. A Subject Access application form (*NHSBSADPN002*) will be customised and issued with a covering letter (*Letter Template 5*). If after three months no reply has been received, the IGM will inform the applicant using *Letter Template 14* then class the request as a negative result and go to step 16.
- **by letter/email/fax, recorded telephone call**, the IGM will ensure sufficient information has been included to locate the information requested, as well as a copy of an identification document (e.g. driving licence) **and a cheque or bank transfer payment of £10**. See step 2. If either is incomplete, the IGM will log details of the request, allocate a unique reference number for future internal / external correspondence regarding the applicant, and customise and issue a Subject Access application form (*NHSBSADPN002*) with a covering letter (*Letter Template 5*). If after three months no reply has been received, the applicant will be informed that their request has been closed (*Letter Template 14*). The IGM will class the request as a negative result and go to step 16.
- **on the correct application form**, see step 2.

2. Checking the application

On receipt of the application, the IGM will ensure that:

- the full name, address and date of birth of the applicant is provided
- an identification document is enclosed which confirms the personal data of the applicant and the details shown on the application
- the application is signed and dated by the applicant. Should someone be acting on behalf of the applicant (i.e. solicitor or parent etc.) the IGM will ensure the additional agent's authorisation section of the application form is completed
- the applicant has provided sufficient information to identify which NHSBSA system needs to be searched to locate the personal data.

- the £10 fee has been received by cheque payable to 'NHSBSA' or by bank transfer quoting their name or SAR reference number in the payment reference details.

If the application has not been completed correctly, then the IGM should log details of the request and allocate a unique reference number for future internal / external correspondence regarding the applicant, then contact the applicant via email or letter, using *Letter Template 5*. If after three months no reply has been received, if working priorities permit, the IGM will inform the applicant that their request has been closed using *Letter Template 14*. He / she will class the request as a negative result and go to step 16.

3. Logging the request

When all the necessary information has been received, the IGM will:

- allocate a unique reference number for future internal / external correspondence regarding the applicant, if one has not already been allocated in the previous requests.
- record the date the application was received
- record the name, address and date of birth of the applicant
- send an acknowledgement to the applicant using *Letter Template 1* when working priorities permit,
- identify which NHSBSA system requires searching. The applicant will have indicated one of the following categories (shown on the application form):
 - Prescriptions
 - Dental
 - Pensions
 - CCTV – the IGM holds a list of NHSBSA CCTV locations. The list will be checked to ensure that the NHSBSA CCTV cameras cover the location requested by the applicant. If the NHSBSA CCTV location is not covered, the IGM will issue a negative response letter to the applicant (*Letter Template 9*).
 - Other – this could include access to personal files, email etc.. If the applicant has asked for copies of his / her own references provided by the NHSBSA, the request will be refused using *Letter Template 8*. Go to step 16.
- record date request was sent to the appropriate NHSBSA staff member responsible for the system
- record date request to the appropriate NHSBSA staff member responsible for the system was returned.
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4. Initiating the search

The IGM will email the request details to the NHSBSA staff member responsible for the relevant system(s) that needs to be accessed. Using *Letter Template 4*, the IGM will advise the appropriate staff member of:

- the date the Subject Access Request was received
- the date the response needs to be issued to comply with the legal 40 day requirement
- sufficient information from the application form (or the passport photo for a CCTV search), which should provide sufficient information to search the system(s).

Any questions or anticipated delays in responding within the timescale quoted should be directed to the IGM.

5. Carrying out the search

The appropriate NHSBSA staff member will search the relevant systems requested by the applicant.

In the case of CCTV, the security officer may be required to search the system on behalf of the appropriate NHSBSA staff member. The search of the CCTV footage will initially be undertaken in date / month order, as provided on the Subject Access application form. The footage will be searched 15 minutes either side of the times indicated on the Subject Access application, using the circumstances of the 'incident' and individual description shown on the subject access application along with the passport photograph.

6. Fee payment

The IGM will check each day to confirm if a payment has been paid. If payment is not cleared within 2 working days then a Fees notice will be issued (*Letter Template 15*) advising that the application will not proceed until further payment is received. The request will be closed if no payment is received within 3 months.

7. Handling negative search results

The appropriate NHSBSA staff member will respond to the IGM stating no information / CCTV footage was found, the search parameters used and reasons (where appropriate) why the information / CCTV footage not found (i.e. out of date and weeded / destroyed). The appropriate internal staff member will also return the original Subject Access application forms (and in the case of CCTV, the passport photograph) to the IGM. See 7.3.

6.1 Informing the applicant

Having received the relevant information from the appropriate NHSBSA staff member, the IGM will issue a negative response letter (*Letter Template 9*) to the applicant.

6.2 Retention

The files will be retained for three years.

8. Handling positive search results

The appropriate internal staff member will, in the case of:

- **electronic information** – email the electronic information to the IGM. See 7.3.
- **structured manual files / prescriptions etc.** – make photocopies or scan images, ensuring they are of good quality. They will then return the originals to the relevant system and forward the photocopies/images to the IGM with the Subject Access application. See 7.3.
- **CCTV footage** – hold the CCTV footage securely. If the applicant wants to view the footage, please see 7.1. If the applicant has asked for a copy of the footage, please see 7.2.

7.1 Viewing the CCTV footage

If the applicant has indicated they wish to view the CCTV footage, the appropriate NHSBSA staff member will issue *Letter Template 13* to the applicant to arrange a mutually convenient appointment.

One other person may accompany the applicant to view the CCTV footage. The applicant and the other person must be signed into the building and accompanied at all times. The applicant and the other person must provide proof of identity (e.g. driving licence) before viewing the CCTV footage. The applicant's proof of identity details must correspond to those on the Subject Access application form. If there are any doubts or problems regarding the identity of the applicant, the NHSBSA staff member will either question the applicant regarding the discrepancy or seek advice from the IGM. The viewing of the footage will only begin when the NHSBSA staff member is satisfied that the applicant and the individual presenting themselves to view the CCTV is the same person.

There are restrictions to the viewing of the CCTV footage (as outlined in *Letter Template 13*). These restrictions are in place to ensure the safety of personnel and premises as well as causing the least disruption to operational work:

- Viewing will be in a separate room to the security screening of CCTV footage, or operational areas.

- Only the actual times when the subject access applicant appears in the CCTV footage will be played.
- The recorded 'incident' will be played through no more than twice.
- The footage will be played at normal speed.
- The footage will not be paused, played in slow motion or 'shuffled' back and forth.
- The operator will not enter into any dialogue, or offer an opinion on the contents of the CCTV footage.

7.1.1 If the applicant is happy with viewing the CCTV footage, the appropriate NHSBSA staff member and the applicant will complete the *NHSBSADPN004 - CCTV Completion Form*. The NHSBSA staff member will forward the completed form and the subject access application documents to the IGM, then return the CCTV master tape to the system. See 7.3.

7.1.2. If the applicant has finished viewing the CCTV footage but has requested a copy, the internal staff member will:

- indicate the request on the *NHSBSADPN004 - CCTV Completion Form*
- advise the applicant that requests for copies of the CCTV footage are dealt with by the IGM (the internal staff member will not provide a copy)
- explain to the applicant that extra cost may be involved and the IGM will advise further
- the applicant and the other person will be escorted offsite.

The internal staff member will retain the CCTV master tape in a secure manner with the original subject access application, identification document and passport photograph until the IGM makes contact. See 7.2.

7.2 Providing a copy of the CCTV footage

If the applicant has requested a copy of the CCTV footage either on their application form or after viewing the footage onsite, the IGM will ask the internal staff member to provide two separate copies of the CCTV footage. The copies will only contain the footage which refers to the applicant.

The internal staff member will forward the CCTV tape copies to the IGM in a secure manner. The IGM will review the CCTV tapes determining the category of CCTV footage and action necessary before the footage is provided to the applicant. CCTV footage will fall into the following categories:

- **In a public place** – this could include images taken from cameras positioned outside NHSBSA premises as well as communal areas within NHSBSA premises (e.g. teapoints, canteens etc.).

Images of the applicant and other individuals who have been innocently captured upon CCTV footage will be issued without technical means to delete identities. See 7.3.

- **In a less public place (images captured in offices etc.) where the applicant is the sole image upon CCTV.**

The footage will be issued. See 7.3.

- **In a less public place where the subject access applicant and easily identified third parties are innocently captured on CCTV footage.**

The IGM will contact the third parties using *Letter Template 6* to obtain permission to disclose the CCTV footage with their images on. If all third parties agree, the CCTV footage will be issued, replies will be sent to third parties using *Letter Template 3*. See 7.3.

Should any of the third parties disagree to their image being disclosed, *Letter Template 2* will be issued to each dissenting third party and:

- **Wherever the CCTV footage places third parties innocently captured in a compromising or inappropriate situation, or the third party has requested their image be ‘processed out’ of the CCTV prior to provision to the applicant.**

The IGM will take the decision to ‘process out’ the third parties’ images (e.g. *pixel out*). The decision to process out the images from CCTV footage is subject to:

- the applicant agreeing to pay the fee as outlined in *Letter Template 12*, issued by the IGM
- the applicant forwarding a cheque covering the estimated cost of pixel out and this clearing through the banking system.

One copy of the CCTV footage will be submitted to the agreed commercial organisation to pixel out the images. The processed CCTV footage will be returned to the IGM with the invoice detailing the actual cost of the process. If necessary, a refund of any overpayment by the applicant will be made.

The IGM will review the processed CCTV footage to ensure all is in order prior to issue. See 7.3.

7.3 Informing the applicant

The IGM will ensure that:

- the information (electronic/structured manual files / CCTV footage / CCTV footage with ‘pixelled out’ images refers to the applicant

- the information is of a suitable quality for disclosure
- any third parties, whose information is included, are consulted by using *Letter Templates 6, 3 and 2* as appropriate.

The IGM will also review the information. If there are any exemptions against disclosure, the applicant will be informed using *Letter Template 7*. See 7.4.

If no exemptions are to be claimed, then a positive Subject Access response letter will be issued to the applicant with a copy of the information (*Letter Template 10*) or CCTV footage (*Letter Template 11*). 'Jiffy bag' envelopes will be used for transport of CCTV footage, to ensure no breakage in transit. All envelopes will be marked as private and confidential.

7.4 Retention

Files containing the subject access application, associate correspondence and a copy of the information supplied (or CCTV footage) will be retained for three years.