

Data Subject Rights Requests

Application procedure

Issue sheet

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Title	NHS Business Services – Data Subject Rights Requests application procedure
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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
e	21.03.2018	C Gooday	GDPR	Amended for fee not being charged as first step in preparing for GDPR
f	24.05.2018	C Gooday	GDPR	Amended for Data Subject Rights Requests under GDPR

1. Receiving the request

All requests for Data Subject Rights that cannot be actioned as part of normal business practice must be directed to the NHSBSA's Information Governance Team (IGT) or nhsbsa.dataprotection@nhs.net.

If the application is received:

- **by unrecorded telephone call**, If the Data Subject wishes to make a request, the IGT will log details of the request and allocate a unique reference number for future internal / external correspondence regarding the Data Subject. A response will be issued to the requester to confirm the request and confirm their identity, where appropriate. Once a response is received an acknowledgement will be issued.
- **in writing or recorded telephone call**, the IGT will ensure sufficient information has been included to locate the information requested, as well as a confirming the Data Subject's identity. If either is incomplete, the IGT will log details of the request, allocate a unique reference number for future internal / external correspondence regarding the request, An acknowledgement will then be issued by IGT.

3. Logging the request

When the request is received, the IGT will:

- allocate a unique reference number for future internal / external correspondence regarding the Data Subject, if one has not already been allocated in the previous requests.
- record the date the application was received
- record the name, address and note the proof of identity has been checked
- send an acknowledgement to the Data Subject,
- identify which NHSBSA service(s) the request relates to
- record date request was sent to the appropriate NHSBSA staff member (s) responsible for the service(s)
- record target date for response to request from the NHSBSA business service(s).

4. Initiating the Request

The IGT will email the request details to the NHSBSA staff member responsible for the relevant service. The IGT will advise the appropriate staff member of:

- Summary of the request the target date the response needs to be returned to IGT

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

5. Carrying out the Request

The appropriate NHSBSA staff member will search the relevant systems requested by the Data Subject to identify the records relevant to the request.

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 request. The footage will be searched 15 minutes either side of the times indicated on the request, using the circumstances of the 'incident' and individual description shown on the request along with the passport photograph.

6. Handling delayed request result

The appropriate NHSBSA staff member will respond to the IGT stating their views on why the request is complex and needs a time extension.

The IGT will advise the requester within one month of:

- the reasons for the extension and
- when they can expect a response within the next month.

If a subsequent extension is also needed then the requester will be advised of this. A request cannot be extended a third time.

7. Handling negative request result

The appropriate NHSBSA staff member will respond to the IGT stating their views on why the request cannot be met, is complex and needs a time extension.

The IGT will log the results and issue a negative response to the Data Subject

8. Handling positive Request result

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

- email the response and any related personal data to the IGT except CCTV footage.
- **CCTV footage** – hold the CCTV footage securely. If the Data Subject wants to view the footage, please see Appendix 1.

The IGT will ensure that:

- the information and any response refers to the Data Subject and the scope of their request
- any third parties whose rights may be affected by the request, are consulted as appropriate.
- Any relevant rights exemptions are identified
- Identify the relevant Privacy notice(s) to provide to the Data Subject
- Log the result of the request

The data subject will be advised of any reasons why their request has not been fully met.

Any envelopes used will be marked as private and confidential.

9. Retention

- Once ID documents have been checked, copies will be securely destroyed and originals will be returned to the requester.

Files relating to the request, associated correspondence and a copy of any information supplied (or CCTV footage) will be retained for three years by the IGT.

Appendix 1

Viewing the CCTV footage

If the Data Subject has indicated they wish to view the CCTV footage, the appropriate NHSBSA staff member will issue a response to the Data Subject to arrange a mutually convenient appointment.

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

There are restrictions to the viewing of the CCTV footage. 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 Data Subject 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.

If the Data Subject is happy with viewing the CCTV footage, the appropriate NHSBSA staff member and the Data Subject will complete the *NHSBSADPN004 - CCTV Completion Form*. The NHSBSA staff member will forward the completed form and the request documents to the IGT, then return the CCTV master tape to the system.

If the Data Subject 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 Data Subject that requests for copies of the CCTV footage are dealt with by the IGT (the internal staff member will not provide a copy)
- explain to the Data Subject that extra cost may be involved and the IGT will advise further
- ensure the Data Subject and the other person are escorted offsite.

The internal staff member will retain the CCTV master tape in a secure manner with the original request, identification document and passport photograph until the IGT makes contact.

Providing a copy of the CCTV footage

If the Data Subject has requested a copy of the CCTV footage either on their application form or after viewing the footage onsite, the IGT 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 Data Subject.

The internal staff member will forward the CCTV tape copies to the IGT in a secure manner. The IGT will review the CCTV tapes determining the category of CCTV footage and action necessary before the footage is provided to the Data Subject. 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. tea points, canteens etc.).

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

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

The footage will be issued.

- **In a less public place where the Data Subject can easily identified third parties innocently captured on CCTV footage.**

The IGT will contact the third parties 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.

Should any of the third parties disagree to their image being disclosed, and a response 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 Data Subject.

The IGT 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 Data Subject agreeing to pay any relevant fee
- the Data Subject forwarding payment 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 IGT with the invoice detailing the actual cost of the process. If necessary, a refund of any overpayment by the Data Subject will be made.

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