

ABBEYFIELD SCOTLAND LIMITED

RESPONSE PROCEDURES FOR DATA SUBJECT REQUESTS

1 Introduction

- 1.1 Data subjects have certain rights in respect of their personal information. When we, Abbeyfield Scotland, process data subjects' personal information, we must respect those rights. These procedures provide a framework for responding to requests from data subjects exercising those rights. We will ensure that requests by data subjects covered by these procedures to exercise their rights in relation to their personal information are handled in accordance with data protection legislation.
- 1.2 Our Data Protection Officer (DPO) is responsible for handling and responding to data subject requests. Staff must forward any requests received by them to the DPO immediately on receipt, and should not attempt to handle and respond to requests themselves.
- 1.3 These procedures only apply to data subjects whose personal information we process, including service users (and their next of kin), job and volunteer applicants, current and former employees and volunteers, contractors, suppliers, business contacts, consultants, Board members and donors.

2 Definitions

For the purposes of this Policy:

data subject	means an individual to whom the personal information relates;
personal information	means information relating to an individual, who can be identified (directly or indirectly) from that information; and
processing	means obtaining, recording, organising, storing, amending, retrieving, disclosing and/or destroying personal information, or using or doing anything with it.

3 Responding to requests to access personal information

- 3.1 Data subjects have the right to request access to their personal information processed by us. Such requests are called subject access requests (SARs). When a data subject makes a SAR, we will take the following steps:

- 3.1.1 log the date on which the SAR was received (to ensure that the relevant timeframe of one month for responding to the SAR is met);
 - 3.1.2 confirm the identity of the data subject who is the subject of the personal information. For example, we may request additional information from the data subject to confirm their identity;
 - 3.1.3 search databases, systems, applications and other places where the personal information which is the subject of the SAR may be held; and
 - 3.1.4 confirm to the data subject whether personal information of the data subject making the SAR is being processed.
- 3.2 If personal information of the data subject is being processed, we will provide the data subject with the following information in a concise, transparent, intelligible and easily accessible form, using clear and plain language, in writing or by other (including electronic) means:
 - 3.2.1 the purposes of the processing of their personal information;
 - 3.2.2 the categories of personal information concerned (for example, name, contact details, bank account information and complaints);
 - 3.2.3 the recipients or categories of recipient to whom the personal information has been or will be disclosed, such as our contractors and other service providers;
 - 3.2.4 where possible, how long the personal information will be stored, in line with our Data Retention Policy;
 - 3.2.5 the existence of the right to request rectification or erasure of personal information or restriction of processing of personal information or to object to our processing of their personal information;
 - 3.2.6 the right to lodge a complaint with the Information Commissioner's Office (ICO) about our processing of their personal information);
 - 3.2.7 where the personal information has not been collected from the data subject, any available information as to its source;
 - 3.2.8 the existence of automated decision-making (if any) and meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject; and
 - 3.2.9 where personal information is transferred outside the European Economic Area, details of the appropriate safeguards to protect the personal information after transfer.
- 3.3 We will also, unless there is an exemption (see Paragraph 10 below), provide the data subject with a copy of the personal information processed by us in a commonly used electronic form (unless the data subject either did not make the SAR by electronic means or has specifically requested not to be provided

with the copy in electronic form) within one month of receipt of the SAR. If the SAR is complex, or there are several SARs, we may extend the period for responding by up to a further two months. If we extend the period for responding, we will inform the data subject within one month of receipt of the SAR and explain the reason(s) for the delay.

- 3.4 Before providing the personal information to the data subject making the SAR, we will review the personal information requested to see if it contains the personal information of other data subjects. If it does, we may redact the personal information of those other data subjects prior to providing the data subject with their personal information, unless those other data subjects have consented to the disclosure of their personal information or it would be reasonable to disclose the personal information of the other data subjects to the data subject.
- 3.5 If the SAR is manifestly unfounded or excessive, for example, because of its repetitive character, we may charge a reasonable fee, considering the administrative costs of providing the personal information, or refuse to act on the SAR altogether.
- 3.6 If we will not be responding to the SAR, we will inform the data subject of the reason(s) for not acting and of the possibility of lodging a complaint with the ICO.

4 Responding to requests to rectify personal information

- 4.1 Data subjects have the right to have their inaccurate personal information rectified. Rectification can also include having incomplete personal information completed, for example, by a data subject providing a supplementary statement regarding the information. Where such a request is made, we will, unless there is an exemption (see Paragraph 10 below), rectify the personal information without undue delay.
- 4.2 We will also communicate the rectification of the personal information to each recipient to whom the personal information has been disclosed (for example, our service providers who process the personal information on our behalf), unless this is impossible or involves disproportionate effort. We will also inform the data subject about those recipients if the data subject requests this information.

5 Responding to requests for the erasure of personal information

- 5.1 Data subjects have the right, in certain circumstances, to request that we erase their personal information. Where such a request is made, we will, unless there is an exemption (see Paragraph 5.5 and Paragraph 10 below), erase the personal information without undue delay if:
 - 5.1.1 the personal information is no longer necessary in relation to the purposes for which it was collected or otherwise processed;

- 5.1.2 the data subject withdraws their consent to the processing of their personal information and consent was the basis on which the personal information was processed and there is no other legal basis for the processing;
 - 5.1.3 the data subject objects to the processing of their personal information on the basis of our performance of a task carried out in the public or our legitimate interests, which override the data subject's interests or fundamental rights and freedoms, unless we can either show compelling legitimate grounds for the processing which override those interests, rights and freedoms, or we are processing the personal information for the establishment, exercise or defence of legal claims;
 - 5.1.4 the personal information has been unlawfully processed; or
 - 5.1.5 the personal information must be erased to comply with the law.
- 5.2 When a data subject makes a request for erasure in the circumstances set out above, we will, unless there is an exemption (see Paragraph 5.5 and Paragraph 10 below), take the following steps:
- 5.2.1 log the date on which the request was received (to ensure that the relevant timeframe of one month for responding to the request is met);
 - 5.2.2 confirm the identity of the data subject who is the subject of the personal information. We may request additional information from the data subject to do this;
 - 5.2.3 search databases, systems, applications and other places where the personal information which is the subject of the request may be held and erase such information within one month of receipt of the request. If the request is complex, or there are several requests, we may extend the period for responding by up to a further two months. If we extend the period for responding, we shall inform the data subject within one month of receipt of the request and explain the reason(s) for the delay;
 - 5.2.4 where we have made the personal information public, we must, taking reasonable steps, including technical measures, inform those who are processing the personal information that the data subject has requested the erasure by them of any links to, or copies or replications of, that personal information; and
 - 5.2.5 communicate the erasure of the personal information to each recipient to whom the personal information has been disclosed, unless this is impossible or involves disproportionate effort. We shall also inform the data subject about those recipients if the data subject requests it.
- 5.3 If the request is manifestly unfounded or excessive, for example, because of its repetitive character, we may charge a reasonable fee, considering the administrative costs of erasure, or refuse to act on the request.

- 5.4 If we will not be responding to the request, we will inform the data subject of the reasons for not acting and of the possibility of lodging a complaint with the ICO.
- 5.5 In addition to the exemptions in Paragraph 10 below, we can also refuse to erase the personal information if we need to keep the personal information:
 - 5.5.1 for exercising the right of freedom of expression and information;
 - 5.5.2 to comply with the law or to perform a task carried out in the public interest;
 - 5.5.3 for reasons of public interest in public health;
 - 5.5.4 for archiving purposes in the public interest, scientific or historical research purposes, or statistical purposes in so far as the right to erasure is likely to render impossible or seriously impair the achievement of those purposes; or
 - 5.5.5 for the establishment, exercise or defence of legal claims.

6 Responding to requests to restrict the processing of personal information

- 6.1 Data subjects have the right, unless there is an exemption (see Paragraph 10 below), to restrict the processing of their personal information if:
 - 6.1.1 the data subject contests the accuracy of the personal information, for a period to allow us to check the accuracy of their personal information;
 - 6.1.2 the processing is unlawful, and the data subject opposes the erasure of the personal information and requests the restriction of its use instead;
 - 6.1.3 we no longer need the personal information for the purposes we collected it for and intend to dispose of it, but the data subject requires it for the establishment, exercise or defence of legal claims; and
 - 6.1.4 the data subject has objected to the processing, pending checking whether we have legitimate grounds to override the data subject's objection.
- 6.2 Where processing has been restricted, we will only process the personal information (excluding storing it):
 - 6.2.1 with the data subject's consent;
 - 6.2.2 for the establishment, exercise or defence of legal claims;
 - 6.2.3 for the protection of the rights of another person; or
 - 6.2.4 for reasons of important public interest.

- 6.3 Prior to lifting the restriction, we will inform the data subject of the lifting of the restriction.
- 6.4 We will communicate the restriction of processing of the personal information to each recipient to whom the personal information has been disclosed, unless this is impossible or involves disproportionate effort. We will also inform the data subject about those recipients if the data subject requests it.

7 Responding to requests for the portability of personal information

- 7.1 Data subjects have the right, in certain circumstances, to receive their personal information that they have provided to us in a structured, commonly used and machine-readable format that they can then transmit to another organisation. Where such a request is made, we will, unless there is an exemption (see Paragraph 10 below), provide the personal information without undue delay if:
 - 7.1.1 the legal basis for the processing of the personal information is consent or performance of a contract; and
 - 7.1.2 we process that personal information in electronic format.
- 7.2 When a data subject makes a request for portability in the circumstances set out above, we will take the following steps:
 - 7.2.1 log the date on which the request was received (to ensure that the relevant timeframe of one month for responding to the request is met);
 - 7.2.2 confirm the identity of the data subject who is the subject of the personal information. We may request additional information from the data subject to confirm their identity; and
 - 7.2.3 search databases, systems, applications and other places where the personal information which is the subject of the request may be held and provide the data subject with such data (or, at the data subject's request, transmit the personal information directly to another organisation, where technically feasible) within one month of receipt of the request. If the request is complex, or there are several requests, we may extend the period for responding by up to a further two months. If we extend the period for responding, we will inform the data subject within one month of receipt of the request and explain the reason(s) for the delay.
- 7.3 If the request is manifestly unfounded or excessive, for example, because of its repetitive character, we may charge a reasonable fee, considering the administrative costs of providing or transmitting the personal information, or refuse to act on the request.
- 7.4 If we will not be responding to the request, we will inform the data subject of the reasons for not acting and of the possibility of lodging a complaint with the ICO.

8 Responding to objections to the processing of personal information

- 8.1 Data subjects have the right to object to the processing of their personal information where such processing is based on our performance of a task carried out in the public interest or based on our legitimate interests, which override the data subject's interests or fundamental rights and freedoms, unless we either:
- 8.1.1 can show compelling legitimate grounds for the processing which override those interests, rights and freedoms; or
 - 8.1.2 are processing the personal information for the establishment, exercise or defence of legal claims.
- 8.2 Data subjects also have the right to object to the processing of their personal information 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.
- 8.3 Where such an objection is made, we shall, unless there is an exemption (see Paragraph 10 below), no longer process a data subject's personal information.

9 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 electronic processing of their personal information, if such decision produces legal effects concerning them or similarly significantly affects them. We do not take decisions based solely on the electronic processing of personal information.

10 Exemptions

- 10.1 The framework of exemptions from each of the above rights is complex, and it is the responsibility of the DPO to assess whether an exemption is relevant in any given circumstances.

Exemptions may apply from the above rights in the following circumstances (this list only sets out a selection of the exemptions):

- 10.1.1 the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security;
- 10.1.2 other important objectives of general national public interest and important national economic or financial interest, including monetary, budgetary and taxation matters, public health and social security;
- 10.1.3 the protection of the data subject or the rights and freedoms of others where the disclose by us of personal information about the data subject would involve disclosing personal information relating to another data subject identifiable from the information;

- 10.1.4 the maintenance of effective immigration control, or the investigation or detection of activities that would undermine the maintenance of effective immigration control;
- 10.1.5 the personal information is required to be disclosed by law or in connection with legal proceedings;
- 10.1.6 self-incrimination, where compliance would reveal evidence of the commission of an offence;
- 10.1.7 the personal information consists of a confidential reference for the purposes of the training, education or employment of the data subject;
- 10.1.8 management forecasting or planning in relation to our business; or
- 10.1.9 any negotiations that we have entered into with the data subject where disclosure would be likely to prejudice those negotiations.

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