



## DATA PROTECTION RIGHTS PROCEDURE

### DOCUMENT VERSION CONTROL

Date	Author	Version	Status	Reason for Change
Feb 2019	SEStran	1.0	FINAL	Date of implementation
October 2021	SEStran	1.1	FINAL	Reviewed. No changes required.

## **A. INTRODUCTION**

Under the General Data Protection Regulation (GDPR), SEStran will ensure individuals' rights are respected with regard to their personal data, including:

- the right to be informed that processing is being undertaken;
- the right of access to one's own personal data and to specific information about the processing;
- the right to object to and prevent processing in certain circumstances;
- the right to rectify or restrict inaccurate data
- the right to erase data or to data portability in certain circumstances.

All staff must be alert to the possibility of receiving such requests - by post, email or verbally and any requests relating to GDPR rights must be directed immediately to the Data Protection Officer (Angela Chambers).

## **B. SUBJECT ACCESS REQUEST PROCEDURE**

The most likely type of rights request that SEStran may receive is the Subject Access Request.

On receipt of such a request, the Data Protection Officer (DPO) will:

- log and acknowledge the request within three working days;
- where we are not assured of the identity of the requester, seek proof of identity such as a driving licence or passport;
- instruct relevant colleagues to search for personal data in relevant areas including email accounts and manual records as well as content in SharePoint and the network;
- keep a record provided by those colleagues of what systems and records were searched using which search terms;
- check the copy of the personal data for third party privacy issues or other potential exemptions;
- prepare the personal data for disclosure to the subject together with a description of:
  - the purposes processing;
  - the categories of personal data concerned;
  - the recipients SEStran discloses the personal data to;
  - the retention period for storing the personal data;
  - the existence of their right to request rectification, erasure or restriction or to object to such processing;
  - the right to lodge a complaint with the ICO (see below);

- information about the source of the data, where it was not obtained directly from the individual.
- Securely provide a copy of the data to the individual without undue delay, and at the latest within one month of SEStran receiving the request.

## **C – RIGHT OF RECTIFICATION**

Any request from an individual to have factual information corrected will be carried out as soon as possible and at the latest within one month. Any concerns relating to the validity of the request must be referred to the DPO.

## **D – RIGHTS OF OBJECTION, RESTRICTION AND ERASURE**

The criteria for the application of the rights to objection, restriction and erasure are complex. Where such requests are received, the DPO will consider them in line with ICO guidance and respond as appropriate within one month.

For more information see: <https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/>

## **E – RIGHT TO LODGE A COMPLAINT WITH THE INFORMATION COMMISSIONER**

All response to rights requests must include the following text:

“If you believe SEStran has failed to meet our data protection obligations to you, you have the right to complain to the Information Commissioner’s Office by telephone on 0303 123 1113, online at <https://ico.org.uk/make-a-complaint/> or by post at

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF”

End of procedure