



Introduction	1
Scope	1
Policy	1
Receiving requests	1
Verifying identity	2
Processing the request	2
Charging	3
Responding	3
Refusing SARs	3
Personal Data Requests	3
Making a complaint	3
Performance management	4

Introduction

A subject access request, or SAR, is a written request to a company or organisation asking for access to the personal information it holds about a data subject. Making an SAR is a legal right everyone in the UK has, that can be exercised at any point for free. This Service Order explains the approach to such requests adopted by Kent and Medway Fire and Rescue Authority.

The Service Order also covers the process by which requests to the Authority by an identified living person to amend, delete or stop processing any personal data it holds, in line with the Authority global privacy policy.

Scope

The policy applies to all employees and staff including volunteers, contractors and temporary staff.

Policy

As an organisation that is funded by the public, and strives to be transparent, Kent and Medway Fire and Rescue Authority welcomes subject access requests from members of the public and staff. Requests will be acknowledged, and processed as rapidly as possible, and usually within 20 working days. Where it is not possible to turn around requests within 20 working days, the requester will be kept up to date with progress. In any event all requests will be processed within three months and the requester will be kept up to date on progress in processing their request.

Receiving requests

- 1 Subject access requests will only be accepted in writing, by email, letter or by social media. Verbal requests will be transcribed and confirmed with the requester. Requests made by social media will be accepted, but will require a method of communication

(email, letter) agreed with the requester, as correspondence will not be placed in the public domain by the Authority. A [free template letter available on the Information Commissioners Office \(ICO\) website](#) to make a subject access request.

- 2 Members of the public are advised to send requests by recorded delivery or by email, and keep a copy of the SAR and all other correspondence. This evidence will be important if raising with the Information Commissioners Office (ICO) that the organisation didn't give the information the requester believes they are entitled to.
- 3 Any email, letter or contact which mentions the phrase "subject access request" or can be reasonably interpreted to be a subject access request is to be forwarded to the Information Officer for processing. Under no circumstances should responses to SARs be issued by any other officer, unless authorised to do so by a member of Corporate Management Board. If any member of staff is unsure, a request should be treated as a subject access request and processed accordingly. Advice should also be sought from the Data Protection Officer.
- 4 The request will then be logged, and acknowledged within three working days.

Verifying identity

- 5 It may be necessary to verify the identity of the requester, absolutely so if they are requesting data on behalf of another party, (such as a child below the age of 18, or as a carer for an elderly person).
- 6 The rights of the child as the data subject will not necessarily be overruled by a request from a third party such as a parent that has proved their identity. The request is to be balanced against the data rights of the child, and their best interests in the view of an appropriate officer employed by the Authority. Any rationale applied to refuse or agree to release of data is to be documented.
- 7 No data is to be released until identity of the requester is confirmed, and if making a request on behalf of a third party, that they have the appropriate powers to do so, such as power of attorney over their affairs.
- 8 Reasonable steps to establish identity may include receipt of a copy of something with the requesters' name and address on, such as a driving license. If received electronically, proof of identify is to be destroyed once the request has been verified.

Processing the request

- 9 Once identity is verified, if required, the request can be processed. It is intended that, akin to a Freedom of Information request, all SARs are processed within 20 working days, which is faster than the requirement in law of one calendar month. Where this cannot be achieved the requester will be kept informed, and any event the request will be processed within three months in total.
- 10 It may be necessary to contact the requester to clarify their request or narrow the search, if it generates too much data to reasonably process.

- 11 Extreme care is to be taken to remove any false positives from the data return (for example people with the same surname living at the same address). Only data specifically related to the subject of the request is to be released.

Charging

- 12 No charge is to be levied for a subject access request.

Responding

- 13 Responses will be given in writing, either via email or a letter, or other format agreed with the requester, depending on the enquirer's preference. Responses will not be made by social media.

Refusing SARs

- 14 Repeated, or malicious requests, in the view of the Data Protection Officer, may be declared vexatious under the Authority's feedback policy.
- 15 The Authority may refuse to process a SAR request, or may withhold information it holds if:
- If the information could identify someone else, and it would not be reasonable to disclose that information.
 - If the requester is being investigated for a crime, or in connection with taxes, and the investigation would be prejudiced if the requester had access to the information.

If the request is refused the reasons for refusal will be given, and their rights to appeal to the Authority, or the Office of the Information Commissioner will be given, as well as their right to seek judicial remedy.

Personal data requests

- 16 Under the Data Protection Act, not only do data subjects have the right to see what data about this is held by the Authority, they also have the right to have the data corrected if it is wrong, or to limit processing in some circumstances.
- 17 The relevant privacy notice, published on the Authority's website, sets out the legal basis for processing, and the global privacy notice sets out the global rights that exist for all data held. If the data subject requests an amendment or limitation to processing this will be processed by the Data Protection Officer to the same time scales as a subject access request.

Making a complaint

- 18 Whilst members of the public or staff can approach the Officer of the Information Commissioner immediately, they are encouraged to first use the Authority's feedback process if they need to make a complaint. The complaint will then be investigated by an independent officer employed by the Authority.
- 19 If the requester remains unsatisfied, they can contact the [Information Commissioner's Office](#). Any investigation will be conducted by an independent officer of equivalent or higher seniority to the Data Protection Officer.

Performance management

- 20 Corporate Management Board will receive a regular update on the number and type of SARs received. This will also be reported annually to Members as part of the annual review of service users' feedback.

Introduced by	Assistant Director Policy and Performance
Date implemented	1 October 2018
Revision No	1 – new policy
Review by	1 October 2022