

Tommy's Subject Access Request Policy

1. Introduction

Individuals have the right to access their personal data, and may request this either orally or in writing. This policy sets out how Tommy's manages each Subject Access Request (SAR), and should be shared with any individual who makes a subject access request to Tommy's.

2. What may an individual obtain?

Individuals have the right to obtain from Tommy's:

- Confirmation that Tommy's is processing their personal data, and
- A copy of their personal data.

Other supplementary information an individual is entitled to obtain is set out in *Tommy's Data Protection and Privacy Policy*. This includes, for example, the purpose of Tommy's data processing and the categories of personal data concerned.

3. What personal data is an individual entitled to obtain?

An individual has the right to access his or her own personal data, but not to access information relating to other people unless (a) that information relating to other people also relates directly to the individual, or (b) the individual is acting on behalf of someone else (see Paragraph 13).

A request may be made in respect of personal data which is processed by automated means, or by another method (such as in paper form) that forms a filing system. The data requested must relate to a person who is identifiable directly from the information in question, or from that information in combination with other information.

4. What personal data is an individual not entitled to obtain?

- Truly anonymised data is not subject to the General Data Protection Regulation (GDPR), and therefore may not be the subject of a SAR.
- Information about a deceased person does not constitute personal data and therefore is not subject to the GDPR.
- Information about companies or public authorities is not personal data.
- However, information about individuals acting as sole traders, employees, partners and company directors where they are individually identifiable and the information relates to them as an individual may constitute personal data.

5. What is a valid Subject Access Request?

SARs can be made orally or in writing, and can be made to any part of the organisation, including by social media. SARs do not have to be made to a specific person or contact point.

A SAR does not have to include the phrase 'Subject Access Request'.

A template SAR form is appended to this policy and for efficiency Tommy's requests individuals to use this form. However, use of the form is not compulsory.

6. How will the data be provided?

Tommy's will provide the information in a commonly used electronic format, unless the individual requests otherwise.

7. How current will the data provided be?

The Information Commissioner's Office (ICO) states that it is reasonable for the data supplied to be that which is held at the time of the organisation's response, even if that is different from the information which is held at the time that the individual's SAR was received by the organisation. The ICO observes that in some cases routine use of the data means it might be amended or even deleted whilst the SAR is being dealt with, but notes that it is an offence under the Data Protection Act 2018 to make any amendment to the data with the intention of preventing its disclosure.

8. Does there have to be an explanation of the contents of the data sent to the individual?

The GDPR requires the information to be provided in a concise, transparent, intelligible and easily accessible form, using clear and plain language.

9. Is there a fee?

A fee may not be charged for complying with a SAR, unless the request is manifestly unfounded or excessive: in this case a 'reasonable fee' may be charged for the administration costs of responding to the SAR.

A reasonable fee may also be charged if an individual requests further copies of their data following the initial SAR. This reasonable fee must be based on the administrative cost of the further request.

10. How long can an organisation take to respond to a SAR?

Tommy's will act on a SAR without undue delay and normally within one month of receipt. However, the exact number of days for complying with a request varies, as can be seen in the following paragraphs.

The one-month timeframe begins on the day after the organisation receives the request, whether or not this is a working day, and ends on the corresponding calendar date in the next month. For example, if an organisation receives a request on 3 September the timeframe for responding will start on 4 September and the organisation will have until 4 October to respond.

However, if the end date of the timeframe falls on a weekend or a public holiday the organisation has until the next working day to respond.

The time limit can be extended for a further two months if the request is complex, or if more than one SAR has been received from one individual. In this case, within one month of receiving the request the organisation must let the individual know about the extension within one month of receiving the request and must explain why the extension is necessary.

11. Is identification of the individual necessary?

The organisation can request additional information to identify the individual before responding to the SAR. Any request for identification should be made as soon as possible, and the period for responding to the request begins when the organisation has received the additionally requested information from the individual.

12. What if there is a large amount of personal data?

If an organisation processes a large amount of information about an individual, it may ask the individual for more information to clarify their request. Tommy's will only request any additional information that it reasonably needs to find the personal data covered by the SAR.

If the individual refuses to provide this additional information, Tommy's will attempt to comply with the request by making reasonable searches for the information covered by the SAR.

13. Can a request be made on behalf of someone else?

A SAR may be made by a third party, for example by a solicitor acting on behalf of a client. In these cases Tommy's will need to be satisfied that the third party making the request is entitled to act on behalf of the individual, and it is the third party's responsibility to provide evidence of this entitlement. This might be, for example, a written authority signed by the individual, or a general power of attorney.

If there is doubt in this area guidance will be sought from the ICO.

14. What if the data requested includes information about other people?

Tommy's will not comply with a SAR which includes information about another individual unless:

- (a) That other individual has consented to the disclosure, or
- (b) It is reasonable to comply with the request without that other individual's consent.

The decision as to whether (b) applies involves balancing the data subject's rights of access with the other individual's rights. Tommy's will take into account the following:

- (i) The type of information that would be disclosed
- (ii) Any duty of confidentiality Tommy's owes to that other individual
- (iii) Any steps Tommy's has taken to seek that other individual's consent
- (iv) Whether the other individual is capable of giving consent, and
- (v) Any express refusal of consent Tommy's has received from that other individual.

15. Does Tommy's have to respond to any SARs received by the Data Processors that Tommy's uses?

Tommy's Data Processors are organisations which carry out fulfilment activity for Tommy's such as processing Tommy's thank-you letters sending out mass emails, subject to individuals' communication preferences.

As Data Controller Tommy's holds responsibility for complying with SARs and will ensure that contractual arrangements are in place to manage SARs properly, whether they are sent to Data Processors or to the Data Controller.

A time limit for responding to a SAR may not be validly extended on the basis that the Data Controller has had to rely on a Data Processor to supply the information.

16. Does it make any difference where the personal data came from?

Tommy's will provide access to personal data it holds whether or not that information was supplied to Tommy's by a third party.

17. Can an organisation refuse to comply with a SAR?

An organisation can refuse to comply with a SAR which is manifestly unfounded or excessive, taking into account whether the request is repetitive in nature. If Tommy's considers that a request is manifestly unfounded or excessive then it may:

- (a) Request a reasonable fee to deal with the request, or
- (b) Refuse to deal with the request.

In either case, within one month of receiving the SAR Tommy's would explain the decision to the individual who submitted the SAR, including the following information:

- The reason Tommy's is not taking action
- The individual's right to complain to the ICO or another supervisory authority, and
- The individual's right to seek to enforce his or her right through a judicial authority.

18. In what form does Tommy's prefer a SAR to be made?

For efficiency Tommy's requests any SAR is made using the form attached to this policy, which should be sent to:

**Amy Thomas
Data Protection Officer
Tommy's
Nicholas House
3 Laurence Pountney Hill
London
EC4R 0BB**

Tel: 0207 398 3461

Email: athomas@tommys.org

However, use of the form is not obligatory and Tommy's will manage any SAR whether made orally or in writing.

TOMMY'S SUBJECT ACCESS REQUEST FORM

If you would like Tommy's to supply you with a copy of any personal data we hold about you, please read Tommy's *Subject Access Request Policy*.

Having read the policy, if you wish to make a Subject Access Request (SAR) we ask that you do so using this form. You are not obliged to use this form to make your request, but if you do so it will be easier for us to process your request quickly.

We respond to valid SARs in line with our policy within one month of either:

- Our receipt of your request, or
- Our receipt of any further written we may ask you to provide to enable us to comply with your request

The information you supply in this form will only be used to identify the personal data you are requesting, and to respond to your request.

SECTION 1 DETAILS OF THE PERSON REQUESTING THE INFORMATION

Full name	
Address	
Telephone number	
Email address	

SECTION 2 ARE YOU THE DATA SUBJECT (ie, is the data about you)?

Please tick the appropriate box and follow the instructions which follow it:

- Yes**, I am the data subject. I enclose proof of my identity and address (see (a) and (b) below). **Now move to Section 4.**
- No**, I am acting on behalf of the data subject. I enclose the data subject's written authority and proof of the data subject's identity and my identity and address (see (a) and (b) below). **Now move to Section 3.**

So we can be sure we are releasing the data to the right person please provide us with proof of your identity and your address. Please supply us with a photocopy or scanned image (do not sent originals) of **one** item from **both** lists (a) and (b):

- (a) Proof of identity** Passport, photo driving licence, national identity card or birth certificate.
- (b) Proof of address** Utility bill, bank statement, credit card statement (less than 3 months old), current driving licence, current TV licence, local authority or HMRC tax bill (no more than one year old).

If you are submitting a request for someone else, please note you must supply an example from (a) and (b) both for yourself and for the person who is the subject of your request.

If we are not satisfied you are who you claim to be, we reserve the right to refuse to grant your request.

SECTION 3 DETAILS OF THE DATA SUBJECT (complete this if this request is submitted by someone other than the person whose details appear in Section 1)

Full name	
Address	
Telephone number	
Email address	

SECTION 4 WHAT PERSONAL DATA ARE YOU SEEKING?

Please describe in the box below the personal data you are seeking, providing any relevant details you think will help us to identify the information you request.

Please note that if the information you request reveals details directly or indirectly about another person we will normally have to seek the consent of that other person before we can let you see the information. Where disclosure would adversely affect the rights of others we may not be able to disclose the information to you. If this is the case we will give you our reasons for not disclosing the information.

If you request further copies of information we have provided we reserve the right not to provide you with further copies of information if to do so would take a disproportionate effort. Alternatively we may charge a reasonable fee or refuse the request for further copies if it is considered manifestly unfounded or excessive.

SECTION 5 DECLARATION

Please read the paragraph below and sign and date where indicated to confirm your declaration. Please note that any attempt to mislead may result in prosecution.

I confirm that I have read Tommy's Subject Access Policy and this Subject Access Request Form and I certify that the information given in this application is true. I understand that it is necessary for Tommy's to confirm my identity (that of the data subject, if I am not the data subject), and that it may be necessary for Tommy's to obtain more detailed information in order to locate the correct personal data.

Signed _____

Name in capitals _____

Today's date _____

If you are the data subject please ensure you enclose with this form proof of your identity and address.

If you are not the data subject please ensure you enclose with this form proof of your identity and address, and of the identity and address of the data subject. **Please also enclose the authorisation of the data subject for you to act on his or her behalf – see Paragraph 13 of Tommy's Subject Access Request Policy.**

Please return this completed form to:

**Amy Thomas
Data Protection Officer
Tommy's
Nicholas House
3 Laurence Pountney Hill
London
EC4R 0BB**

Tel: 0207 398 3461
Email: athomas@tommys.org