



Data Protection Act 2018

Changes in relation to Subject Access Requests

As a result of the new Data Protection Act 2018 and the EU General Data Protection Regulation due to come into effect from the 25 May 2018, there are a number of changes to how we should handle Subject Access Requests from both the public and staff.

Requests can be made verbally

A person doesn't need to complete a form; they can telephone or attend the Office of the Police and Crime Commissioner (OPCC) in person and make their request. However, the request cannot be accepted until:

- (a) We have **enough information to complete the request**
- (b) **Identity has been confirmed**. Minimum requirement will be **name, address and date of birth**. An ideal document would be the photo ID driving licence.

Instructions

When receiving a *request for personal information* held by the OPCC between the hours of 0830 – 1700 Monday to Friday, please direct the caller to the Corporate Administration Officer (x47227).

Alternatively, the caller can be directed to the Police and Crime Commissioner's website:

<https://lincolnshire-pcc.gov.uk/transparency/access-to-information/access-to-information-about-you/>

to obtain the Subject Access Request form. Alternatively, you can advise them to collect the form from the OPCC or email the form to them as preferred.

If completing the form with them, the requester will also need to send in the relevant proof of identification: **name, address and date of birth**.

Ideal document would be the photo ID driving licence, otherwise an official document such as bank statement, Council tax and passport.

Processing Fees for Subject Access requests

There is **no fee** payable for processing the request. However we can ask for a fee/postage if the requestor is asking for the material to be sent to them by Royal Mail Special Delivery.

Delivery Option

- Email – no fee, the reply can be **password or non-password protected** which is the choice of the requestor.
- Collect in person from the OPCC, will need to provide proof of ID.
- Post - fee for Special Delivery is currently £6.20 (April 2018).

Manifestly unfounded and Excessive requests

a) Manifestly unfounded

These are likely to include requests that are repetitious, or malicious, or where they represent an abuse of the rights to access, for example, by providing false or misleading information.

Data subjects might attempt to use the right of access, rectification, erasure or restriction of processing as a means to harass with no real purpose other than to cause disruption. This can be in the form of repeated requests over a relatively short period of time or extending over several years, or where the OPCC has provided the data subject with their personal data through an alternative disclosure mechanism.

In these circumstances the OPCC can:

- charge a reasonable fee (subject to any prescribed maximum) to act on the request, or
- can **refuse** the request entirely.

b) Excessive

This will involve a disproportionate effort to respond, but there is a need to have a plan in place.

An example of this could be a number of boxes from a major complaint investigation and you would have to go through each one to get the information; in most cases the boxes should have a list of contents which makes the search easier.

In making a request excessive, there will need to be a very strong argument to respond to any complaint made to the Information Commissioner's Office (ICO).