

DATA PROTECTION

SUBJECT ACCESS REQUEST

Procedure Manual

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1. Introduction

This document outlines the requirements of UK Data Protection law in relation to Subject Access Requests ('SAR') and the procedures in place to enable staff to comply with these. Its aims are -

- to encourage consistency and best practice in compliance regarding Subject Access rights within Invest NI; and
- to answer frequently asked questions about Subject Access Requests.

Specific guidance on individual requests can be obtained from the Information Governance Team (dpo@investni.com).

1.1 What is a Subject Access Request (SAR)?

A Subject Access Request is when an individual invokes their right under Data Protection law to be told what personal information Invest NI is holding about them and, unless an exemption applies, to receive a copy of that information.

A Subject Access Request can be sent to any member of staff. The request does not need to be in writing and a request can be made by telephone or in person.

The request can be very broad (such as 'give me a copy of information you hold about me') or it can be very precise ('give me a copy of the email you wrote about me yesterday').

A request does not need to mention data protection legislation specifically or even say that it is a subject access request. If it is clear that the individual is asking for their own personal data it is valid and should be treated as a SAR.

1.2 Routine Requests

This procedure manual applies only to formal Subject Access Requests. If you would usually provide the requested information in the course of normal business you should continue to do so (e.g. interview feedback). In answering these routine requests all the requested information should still be provided within the timescale required by the legislation (one month).

However if any information requested in a routine request is to be withheld it must be treated as a formal Subject Access Request and the procedures outlined herein should be followed.

This is because information can only be withheld if an exemption applies.

1.3 What is an individual entitled to?

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Under the right of subject access, an individual (the 'Data Subject') is entitled only to their own personal data which is information that both identifies and relates to them. They are not entitled to information which contains only their name and no other information about them as an individual, or to information relating to other people (unless they are acting on behalf of that person). So it is important to establish whether the information requested falls within the definition of personal data. In most cases, it will be obvious whether the information being requested is personal data, but there is [guidance on the intranet](#) to help you decide in cases where it is unclear.

Subject access provides a right to the personal data, rather than a right to see the documents that include such data.

Various exemptions to the right of subject access apply in certain circumstances or to certain types of personal data. These are detailed in Annex B.

1.4 What to do if you receive a Subject Access Request

In all cases, the Information Governance Team (dpo@investni.com) should be advised that a request has been received to enable the details of the request to be logged.

If you have no reservations whatsoever about giving out the information which has been requested follow the steps below, '[Processing Subject Access Requests](#)'.

If you have concerns about giving out the information, contact the Information Governance team for advice, for example, if the information includes personal data about a third party.

2. Invest NI procedure for Processing Subject Access Requests

The Subject Access Request procedures are designed to enable Invest NI to comply fully with the requirements of Data Protection legislation.

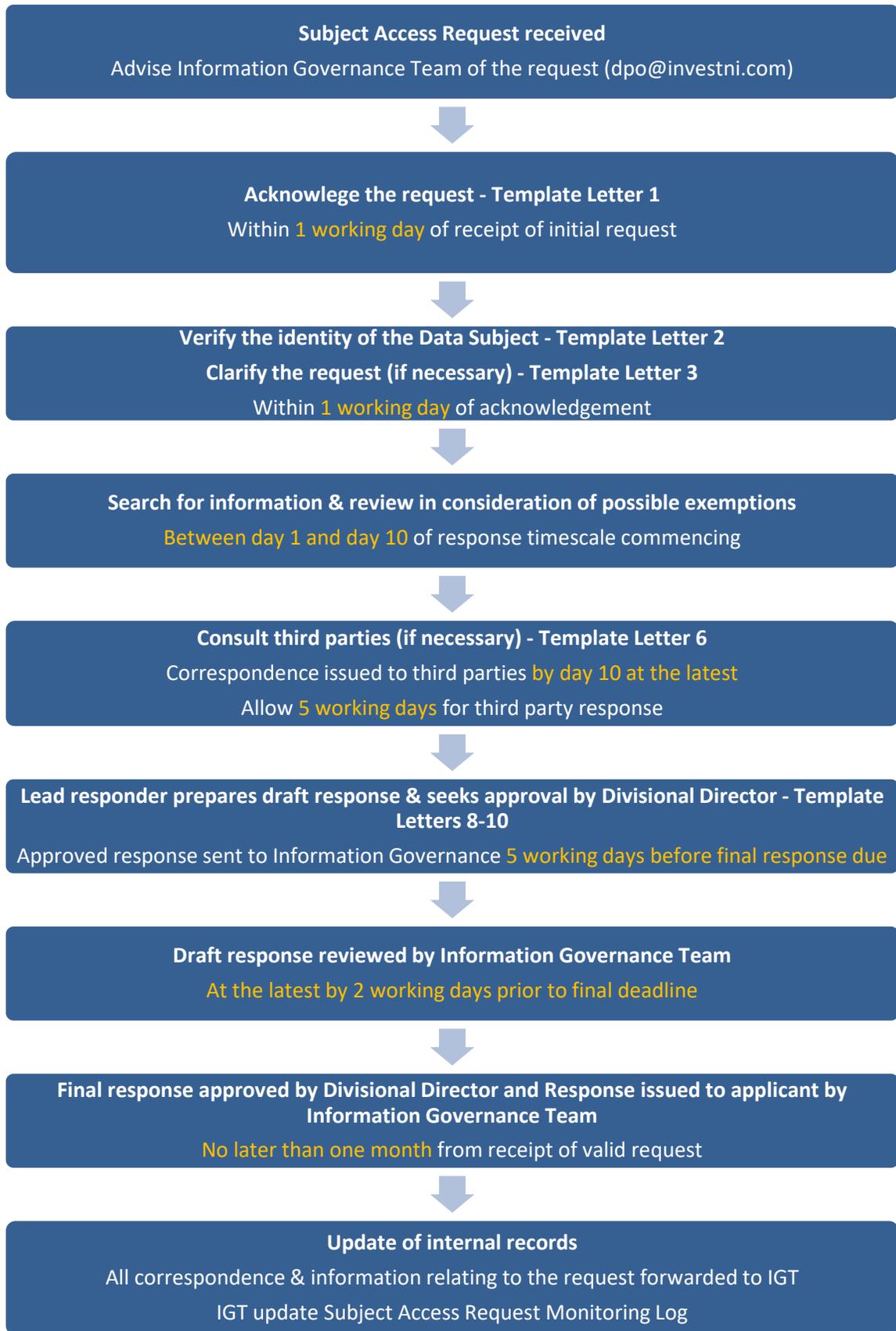
As with Freedom of Information Requests, Subject Access Requests should be overseen and decisions made by an appropriate 'Decision Maker'. Decision Makers in Invest NI are generally at Grade 7/Client Manager level.

All responses must be approved by the Director / Head of Division before being passed to the Information Governance team **5 working days before the final response is due**. This will allow appropriate time for feedback and consideration from a compliance perspective. The final response must be issued to the requester within **one month** of receipt of the request.

The process is summarised in the flowchart on page 5. Each step is described in more detail from page 6.

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2.1 Subject Access Request Process Flowchart



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2.2 Step-by-step guide

Step 1: Identify that the Request comes within the scope of Subject Access Rights and advise Information Governance Team

This means a request for information held by Invest NI about a data subject which is outside the scope of normal business. Please note the applicant does *not* have to quote legislation to have the request treated as a Subject Access Request and does not have to put a request in writing. Data protection law allows subject access requests to be made verbally.

If a request is made verbally, by telephone or in person, you should ensure that you take fulsome notes including the Data Subject's name and address, details regarding what information they have requested and the date of the request.

If satisfied that the request is a Subject Access Request, advise the Information Governance Team who will allocate you with a Reference Number and record the request on the Invest NI Subject Access Request Monitoring Log.

Copies of the request and all further correspondence to and from the applicant must be copied to dpo@investni.com.

Step 2: Acknowledgement of receipt of Subject Access Request

The Information Governance Team will acknowledge receipt of request (Template letter 1).

This step should be completed **no later than 5.00 pm** on the day following receipt of the request.

Step 3: Verify the identity of the data subject

Before disclosing any personal information, you must verify the identity of the applicant. Whilst it is important that you do not send copies of personal information to people who are not the data subject, you must not be obstructive. The law requires you to take reasonable measures to verify their identity. You should keep a record of what measures you take.

Where possible you should verify the applicant's identity from circumstances (e.g. address, internal employee email address, an established ongoing relationship with the individual). Their identity should be verified by correlating information they can provide with existing information we hold. If this is not possible, contact the individual to request a photocopy of some form of identification such as their passport or driving licence (Template letter 2). On receipt of proof of identity please complete and sign the [subject access request identity verification form](#), scan and

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send to dpo@investni.com. Template letter 5 should then be issued to the applicant to confirm their proof of identity supplied is satisfactory. Original documents must be returned to the applicant by recorded delivery and electronic or photocopied documents destroyed through deletion or by placing them in confidential waste.

Step 4: Clarify the request (if necessary)

If the request is unclear or is very broad, the applicant may be contacted to seek clarification. This can be done by telephoning the applicant or issuing Template letter 3. Where further information is required before a search can be undertaken, the applicant should be contacted within one working day of receipt of the initial request. However, this does not affect the timescale for responding - you must still respond to their request within one month of original receipt date.

Both Steps 2 and 3 are addressed by Template letter 4.

Step 5: Calculate deadline for response

On receipt of all information required for a valid Subject Access Request there is a **maximum of one month** to respond. This means that where identity verification is required, the time limit will commence from receipt of the ID verification. Otherwise the timescales will commence from the date the request was received. The IG Team will confirm the deadline for dealing with a request when allocating it to a Division.

Step 6: Search for information

Based on your knowledge of your business area, decide where personal information about the applicant might be held and locate that information. You may need to search central filing systems, personnel records and shared databases.

You may also need to speak to members of staff who might hold information about the individual in other business areas such as Human Resources (or line management if the request is being handled by Human Resources).

Step 7: Review information considering possible exemptions

Once you have collected the information held about an individual, you must examine it in detail to establish if it can be released. This must be done on a case-by-case basis for each individual piece of information. In some cases, you might have to disclose only parts of particular documents – such information can be released in the form of excerpts.

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- Check that the record is actually about the person concerned and not someone else with the same name.
- Screen out any duplicate records.
- Only disclose information about the person making the request. Where a document contains personal data about others, consider contacting the third party to obtain their consent to disclose the record ([Template letter 6](#)) or if such consent is difficult to obtain; blanking out names. Please see Step 8 and Annex A, [Subject Access and Third Party Information](#) for more details.
- Do not disclose information which would prejudice the prevention or detection of a crime. For example, if the police informed Invest NI that a member of staff is under investigation but the individual concerned was not aware of this, then we should not provide any information related to the investigation to the individual whilst the investigation is in progress. However, if the investigation is closed, or if the member of staff has been informed that there is an investigation underway, then the information should be considered for disclosure in response to a subject access request.
- You should not disclose any records which contain advice from our legal representatives or where we are asking for legal advice or which were written as part of obtaining legal advice.
- Do not disclose information which is being used in negotiations with the individual if the information gives away our negotiating position and disclosing the information would weaken our negotiating position.
- In addition to the above, the Data Protection Act 2018 contains a number of other [exemptions](#). If there is material that you are concerned about releasing, please contact a member of the Information Governance team for advice (dpo@investni.com).

You must not withhold or destroy information because it would be embarrassing to disclose or for any other reason. This is a criminal offence if it is done after a subject access request has been made.

Step 8: Third Party Consultation

In some circumstances, responding to a subject access request may involve providing information relating to another individual who can be identified from that information (third party information). In consideration of the exemptions in Step 7 you should consult any third party who is included in the requested information if appropriate. Please see [Subject Access and Third Party Information](#) at Annex A below for more detailed guidance. If you are contacting a third party to obtain their

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consent to disclose the record you can use Template letter 6. Ensure that you do not reveal the Data Subject's personal data to the third party.

Step 9: Draft a Response for Review & Approval by Divisional Director

The proposed response should be drafted using the applicable template (see Template letters 8 – 10). Ensure the applicant is informed of his/her right of appeal to the Information Commissioner by using the appropriate template.

The draft response must be reviewed and approved by the Divisional Director. Directors may find it helpful to confirm with the Decision Maker that any guidance provided by the Information Governance team during the course of handling the request has been incorporated into the response prior to their review.

Step 10: Consideration by Information Governance Team

When approval is received from the Divisional Director, the final draft response should be sent to the IG team at least **5 working days before the final response is due**. In this referral, the Decision Maker should detail his/her reasons for recommending any partial or full exemptions proposed; this must include any third party objections. This information is an assurance that all requirements of the response are made in line with the legislation including the application of exemptions. The response may also be reviewed by Communications and/or ELT for approval if required.

Step 11: Respond to Applicant

On receipt of feedback from the IG Team, the Division makes any final changes and obtains approval from the Divisional Director for the finalised response. The IG Team then issues the response to the applicant. This must be done **within one month of receipt of the request**.

Step 12: Update of Meridio file

The IG Team will hold a file on each Subject Access Request in a restricted section of Meridio. The team responding to the request must ensure that each request is fully documented by providing the Information Governance Team with the following:

- Copies of all correspondence between Invest NI, the individual and any other parties;
- A record of any telephone conversations used to verify the identity of the individual or the information required.

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- A record of your decisions and how you came to make those decisions.
- Copies of information sent to the applicant.

The file should also contain the following information:

- The name of the applicant;
- The date the request was received;
- The one month response deadline;
- The date the response was issued.

Step 13: Update Subject Access Request monitoring log

As a final step, the Information Governance Team will update the Invest NI Subject Access Request Monitoring Log with details of the request.

Review Process

Please note that there is no Internal Review option for Subject Access Requests.

Applicants are directed to the Information Commissioner to appeal any decisions made by Invest NI in relation to their request.

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Time limits to note:

Acknowledgement of requested information must be issued within **1 working day** of receipt of initial request.

Requests for confirmation of identity or clarification must be issued within **1-2 working days** of the acknowledgement letter.

Following receipt of identity/clarification (if required) the information must be collated and a decision made as to whether any exemption applies between **day 1 and day 10** of the request being deemed valid.

Any third party consultation must be issued at the very latest within **10 working days** to allow **5 working days** for their response.

Teams should ensure that they provide Directors with sufficient time to review responses. The final draft response, approved by Director, should be forwarded to the Information Governance Team at least **5 working days prior to the final response deadline** to allow time for consideration by IG, Communications & ELT (if necessary).

IG, Communications & ELT will return draft responses with feedback to Divisions no later than **2 working days before the final response deadline**.

The entire process must be completed to ensure the applicant receives a full response as quickly as possible, but no later than **one calendar month from receipt**.

Version	Author / Reviewer	Approver	Review Date	Reason for change
1.0	Danny Smyth	Charles Hamilton	30 Sep 2011	First publication
2.0	Danny Smyth	Nigel Sands	30 Jan 2013	Text changes
3.0	Danny Smyth	Nigel McClelland	7 March 2017	Text Changes
4.0	Mark Hutchinson	Danny Smyth	7 April 2020	Reflect changes to data protection law (GDPR/DPA18)

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Subject Access and Third Party information

In some circumstances, responding to a subject access request may involve providing information relating to another individual who can be identified from that information (third party information).

The law says that you do not have to comply with the request if it would mean disclosing information about another individual who can be identified from that information, except if:

- the other individual has consented to the disclosure; or
- it is reasonable to comply with the request without that individual's consent.

So, although you may sometimes be able to disclose information relating to a third party, you need to decide whether it is appropriate to do so in each case. This decision will involve balancing the data subject's right of access against the other individual's rights. If the other person consents to you disclosing the information about them, then it would be unreasonable not to do so. However, if there is no such consent, you must decide whether to disclose the information anyway.

Disclosure of third party information in compliance with a subject access request may expose Invest NI to complaint or action by the third party, for example a complaint to the Information Commissioner that Invest NI has breached the data protection principles or an action in the courts for breach of confidence.

Relevant factors to which Invest NI should give consideration in deciding whether, or to what extent, the law requires it to disclose third party information are detailed below.

The flowchart diagram on page 15 summarises how to deal with subject access requests when the identity of a third party, i.e. another person other than the applicant, might be revealed within the personal information being reviewed for release.

Does the request require the disclosure of information which identifies a third party individual?

You should consider whether it is possible to comply with the request without revealing information which relates to and identifies a third party individual. In considering this, you should not only take into account the information being disclosed, but also any information which you reasonably believe the person making the request may have, or get hold of, that may identify the third party individual.

You should give as much information as possible to the data subject without revealing the identity of the third party. This might be achieved by editing the

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information to remove names or other identifying details (the obligation is to provide information rather than documents).

However, in such cases, there will always be residual third party information so you will need to take other factors into consideration before you are in a position to establish whether you are obliged to comply with the request in respect of the additional third party information.

Has the third party individual consented?

The clearest grounds for disclosing the information is to get the third party individual's consent. Where the third party has consented to disclosure to the person making the request, you must comply with the request and disclose the third party information.

However, there is no obligation to try to get consent. In practice, it may be difficult to get consent. The third party may be difficult to find, they may refuse to give consent, or it may be impractical or costly to try to get their consent in the first place. In these situations, you would then need to consider whether it was 'reasonable in all the relevant circumstances' to disclose the information anyway.

There will be some circumstances where it will clearly be reasonable to disclose without trying to get consent, for example, where the information concerned will be known to the requesting individual anyway. Indeed it may not always be appropriate to try to get consent (for instance, if to do so would inevitably involve a disclosure of personal data about the requesting individual to the third party individual).

However, to avoid falling foul not only of data protection legislation but other provisions of law, for example, confidentiality, disclosure without consent should not be made until proper consideration has been given to all the relevant factors.

Would it be reasonable in all the relevant circumstances to disclose without consent?

The legislation highlights some of the factors to be taken into account in deciding what would be 'reasonable in all of the relevant circumstances' but the list is not exhaustive. They are:

- the type of information that you would disclose;
- any duty of confidentiality you owe to the other individual;
- any steps you have taken to seek consent from the other individual;
- whether the other individual is capable of giving consent; and
- any express refusal of consent by the other individual.

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Invest NI would be expected to be able to justify and keep a record of the course of action and reasoning including, for example, why it was decided not to try to get consent or why it was not appropriate to try to do so in the circumstances.

Confidentiality

When assessing how reasonable a disclosure would be, you should consider whether a duty of confidence exists for the third party information. This would arise where information which is not generally available to the public (that is, genuinely 'confidential' information) has been disclosed to you with the expectation that it will remain confidential. This expectation might result from the relationship between the parties. A duty of confidence is characteristic of several types of relationships, for example, employment (trade secrets) legal (solicitor/client) and financial (bank/customer).

However, you should not always assume confidentiality. For instance, just because a letter is marked 'confidential', a duty of confidence does not necessarily arise (although this marking may indicate an expectation of confidence). It may be that the information in such a letter is widely available elsewhere (and so it does not have the 'necessary quality of confidence'), or there may be other factors, such as the public interest, which mean that an obligation of confidence does not arise.

However, in most cases where a clear duty of confidence does exist, it will usually be reasonable to withhold third party information unless you have the consent of the third party individual to disclose it.

Where there is no duty of confidence, it will be reasonable in many cases to disclose third party information without consent. However, there will be circumstances where disclosure should not be made without consent even where the information to be disclosed is not confidential in nature, for example, where it is sensitive or where it is likely to cause harm.

Information generally known by the individual making the request

If the third party information has previously been provided to the individual making the request, is already known by them, or is generally available to the public, it will be more likely to be reasonable for you to disclose that information. It follows that third party information relating to a member of staff (acting in the course of their duties), who is well known to the individual making the request through their previous dealings, would be more likely to be disclosed than information relating to an otherwise anonymous private individual.

Similarly, where the third party individual is the source of the information held about the person making the request, there may be a strong case for their identification if the person needs to correct some damaging inaccuracy. However, it will always depend on the circumstances of the case, for example in the *Durant v Financial*

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Services Authority (FSA) case ([2003] EWCA Civ 1746), the Court of Appeal decided it would be legitimate for the FSA to withhold the name of one of its employees who did not consent to disclosing the requested information because Mr Durant (who made the request) had abused them on the telephone.

Disclose or withhold?

If the third party individual has refused consent and you are satisfied that it would not be reasonable in all the circumstances to disclose the third party information, then you should withhold it.

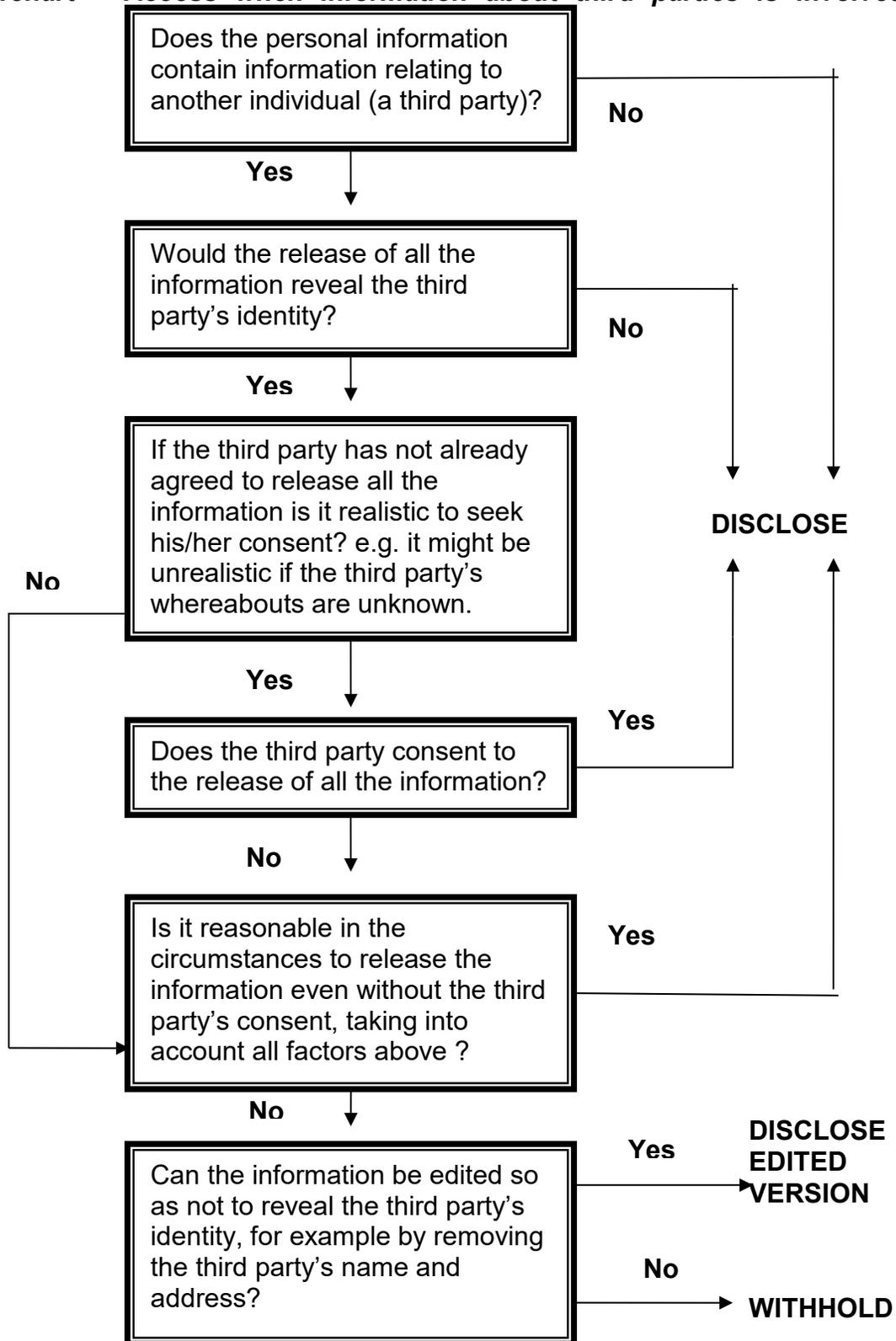
However you are obliged to communicate as much of the information requested as you can without disclosing the identity of the third party individual. So, disclosing the information with any third party information edited or deleted [redacted] may be the best way to meet this request if you cannot disclose all the information.

You should ask the following key questions when dealing with subject access requests involving third party information:

- Does the information being accessed contain information about a third party?
- If so, would its disclosure reveal the identity of the third party?
- In deciding this, has other information which the data subject has/may get been taken into account?
- To what extent can the information be edited so it can be given promptly without revealing the third party's identity? (This does not overcome Invest NI's obligation to comply with the request by disclosing third party information where the third party consents to such disclosure or it is otherwise reasonable to comply with the request without his/her consent.)
- Has the third party previously given the information to the person making the request?
- If, or to the extent that, the information will identify the third party, has the third party consented to the disclosure?
- If not, should consent be sought?
- Is it reasonable to disclose the third party information without consent?
- Is the third party information confidential, sensitive or harmful?
- Is the third party information of particular importance to the data subject?

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Flowchart – Access when information about third parties is involved:



Exemptions

Several specific exemptions are set out in the Data Protection Act 2018.

The following are the exemptions from the right of subject access that may have relevance to Invest NI. The decision to apply an exemption must be documented internally, however the applicant does not need to be informed of the exemptions that have been applied.

Crime and taxation (Sch 2, Part 1, Section 2)

Personal data processed for the prevention or detection of crime; the apprehension or prosecution of offenders; or the assessment or collection of a tax or duty is exempt from an individual's right to make a subject access request.

Research, History and Statistics (Part 2, Chapter 2, section 19 & Sch 2, Part 6, Sections 27-28)

The Act provides for various exemptions for research purposes (including statistical or historic purposes) provided the processing is exclusively for those purposes and the information is not processed to support measures or decisions relating to particular individuals and in such a way that substantial damage or distress is, or is likely, to be caused to any data subject.

Manual Public Authority Personnel Records (Part 2, Chapter 3, section 24)

This exemption relates only to manual unstructured personal data not held in any "relevant filing system" relating to appointments or removals, pay, discipline, superannuation or other personnel matters in relation to service in any public authority. A relevant filing system essentially means any set of information about workers in which it is easy to find a piece of information about a particular worker e.g. Meridio, an organised manual personnel file in off-site storage. The Section 46 FOI Records Management Code of Practice requires Invest NI to have relevant filing systems to enable retrieval of information.

Publicly available information (Sch 2, Part 1, Section 5)

Where an organisation is obliged by an enactment to make information available to the public, personal data that is included in that information is exempt. This exemption only applies to the information that the organisation is required to publish. If it holds additional personal data about the individuals, the additional data is not exempt even if the organisation publishes that data.

Corporate Finance (Sch 2, Part 4, Section 21)

Personal information processed for the purposes of or in connection with a corporate finance service is exempt from the subject information provisions where disclosure would be likely to affect the price of an instrument, or where disclosure would have a prejudicial effect on the orderly functioning of financial markets or the efficient allocation of capital within the economy.

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Confidential references (Sch 2, Part 4, Section 24)

Personal data is exempt from disclosure if it comprises a confidential reference that an organisation gives or receives in connection with education, training or employment, appointing office holders, or providing services.

Management information (Sch 2, Part 4, Section 22)

A further exemption applies to personal data that is processed for management forecasting or management planning. Such data is exempt from the subject information provisions to the extent that applying those provisions would be likely to prejudice the conduct of the business or activity concerned.

Negotiations (Sch 2, Part 4, Section 23)

Personal data that consists of a record of Invest NI's intentions in negotiations with an individual is exempt from the subject information provisions to the extent that applying those provisions would be likely to prejudice the negotiations.

Legal advice and proceedings (Sch 2, Part 4, Section 19)

Personal data is also exempt from the subject access provisions if it consists of information for which legal professional privilege could be claimed in legal proceedings, or information in respect of which a duty of confidentiality is owed by a professional legal adviser to their client.

Self-Incrimination (Sch 2, Part 4, Section 20)

If by complying with any subject access request, a person would reveal evidence of the commission of any offence, other than an offence under the Data Protection Act, exposing them to proceedings for that offence, that person need not comply with the request. If, in complying with a subject access request, a person discloses information which is proposed to be used in evidence against them in proceedings for an offence under the Data Protection Act, that information shall not be admissible in evidence against them.

Crown Honours & Appointments (Sch 2, Pt2, S15)

Personal data processed for the purposes of the conferring by the Crown of an honour or dignity is exempt from subject access rights.

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Subject Access Request Identity Verification Form

Personal Details	
Name	
Address Line 1	
Address Line 2	
Town	
County	
Postcode	

Proof of Identification/Proof of Residential Address

Identity Verification		Address Verification	
	Please tick one box	You must examine at least <u>ONE</u> of the documents from the list below	Please tick box
Passport	<input type="checkbox"/>	Utility Bill (e.g. electricity, gas, oil)	<input type="checkbox"/>
Driving Licence	<input type="checkbox"/>	Rates Bill	<input type="checkbox"/>
Other [Insert details] ¹	<input type="checkbox"/>	Telephone Bill	<input type="checkbox"/>
		Credit Card or Bank Statement	<input type="checkbox"/>
		Other [Insert details] ²	<input type="checkbox"/>
All proof of identification must be valid and original		All proof of address must be valid (last 6 months) and must include the individual's name and address. Photocopy acceptable.	

I confirm that I have examined the original evidence as indicated on this form and I have verified the applicant's identity and address. The evidence has been placed in the confidential waste bin for shredding (copies only) or returned to the applicant (originals).

Print Name: _____

Signature: _____
[SO or above]

Position: _____

Date: _____

¹ EU Photo ID Card, Adoption Card, HM Forces ID Card are acceptable.

² Marriage Certificate, [TV License, P45/60 Statement, Tax Code Statement (current year)] are acceptable.

Frequently Asked Questions

Can Subject Access Requests be made on behalf of others?

The law does not prevent an individual making a subject access request via a third party. Often, this will be a solicitor acting on behalf of a client, but it could simply be that an individual feels comfortable allowing someone else to act for them. In these cases, you need to be satisfied that the third party is entitled to act on behalf of the individual, but it is the third party's responsibility to provide evidence of this entitlement. This might be a written authority to make the request or it might be a more general power of attorney.

If you think an individual may not understand what information would be disclosed to a third party who has made a subject access request on their behalf, you may send the response directly to the individual rather than to the third party. The individual may then choose to share the information with the third party after having had a chance to review it.

Do I have to explain the contents of the information I send to the individual?

The ICO advises that the information you provide to the individual is in a “concise, transparent, intelligible and easily accessible form, using clear and plain language”. At its most basic, this means that the information you provide should be capable of being understood by the average person. The legislation also requires you to explain the meaning of coded information (e.g. acronyms). However, you are not required to ensure that the information is provided in a form that is intelligible to the particular individual making the request. For instance, although it would be good practice to do so, you are not required to decipher poorly written notes, since the meaning of “intelligible form” does not extend to “make legible”.

What about requests for large amounts of data?

In some cases, dealing with a subject access request will be an onerous task. This might be because of the nature of the request, because of the amount of personal data involved, or because of the way in which certain information is held.

In these circumstances you can ask the individual for more information to clarify their request ([Template letter 3](#)). You should only ask for information that you reasonably need to find the personal data covered by the request.

However, if an individual does not respond or refuses to provide any additional information, you must still endeavour to comply with their request within the required timescale i.e. by making reasonable searches for the information covered by the request.

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Can the deadline for responding be extended?

You can extend the time to respond by a further two months if the request is complex or you have received a number of requests from the individual. You must let the individual know within one month of receiving their request and explain why the extension is necessary. Liaise with the Information Governance Team if you believe an extension is necessary for the request you are handling.

What about repeated or unreasonable requests?

Data Protection legislation does not limit the number of subject access requests an individual can make to any organisation. However, it does allow some discretion when dealing with requests that are repetitive in nature.

The law says that you can refuse to comply with requests that are manifestly unfounded or excessive, in particular because of repetitive character. However, in such cases you must justify the decision not to comply by demonstrating how the request is manifestly unfounded or excessive. This must be communicated to the requester. You must consult the Information Governance Team for advice if you believe this to be the case.

What are the consequences of not handling a request correctly?

The consequences of failing to comply with the law are serious. In the case of subject access requests:

- Individuals may complain to the Information Commissioner about any decision we make regarding the disclosure or non-disclosure of their personal information. The Information Commissioner may serve an enforcement notice to release the information and/or impose a financial penalty of up to €20m on Invest NI;
- Alternatively, the individual making the request may seek an order for disclosure from the courts.
- Further, individuals have the right to compensation from the courts in the event that they are damaged by a contravention of legislation, for example if we fail to supply them with the information they request (unless an exemption applies) within the required time limit and their interests suffer as a result;

It is therefore important that we release information liable for disclosure within the one month limit. In the case of any dispute, it is important that Invest NI is able to demonstrate that good practice was followed.

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