

## PDF Sample DATA SUBJECT ACCESS REQUEST PROCEDURE

### Scope, Purpose and Users

This procedure sets out the key features regarding handling or responding to requests for access to personal data made by data subjects. This procedure will enable [Company name] to comply with legal obligations (GDPR), provide better customer care, improve transparency, enable individuals to verify that information held about them is accurate, and increase the level of trust by being open with individuals about the information that is held about them.

**Commented [dk1]:** Insert your company name here.

This procedure applies broadly across all entities owned and operated by the Company but does not affect any state or local laws or regulations which may otherwise be applicable.

This procedure applies to employees that handle data subject access requests such as the Senior Management or if appointed, a Data Protection Officer.

**Commented [dk2]:** If you didn't nominate the Data Protection Officer, then specify who is responsible for personal data protection within the management team

### 1. Reference Documents

- EU GDPR 2016/679 Regulation of the European Parliament and of the protection of natural persons with regard to the processing of personal data & the free movement of such data
- Personal Data Protection Policy

### 2. Data Subject Access Request ("DSAR")

A Data Subject Access Request (DSAR) is any request made by an individual or an individual's legal representative for information held by the Company about that individual. The Data Subject Access Request provides the right for data subjects to see or view their own personal data as well as to request copies of the data.

A Data Subject Access Request must be made in writing. In general, verbal requests for information held about an individual are not valid DSARs.

A Data Subject Access Request can be made via any of the following methods: email, fax, post, or corporate website. DSARs made online must be treated like any other Data Subject Access Requests when they are received. The Company will not provide personal information via any social media.

### 3. The Rights of a Data Subject

The rights to data subject access include the following:

- Know whether the business holds any personal data about them.
- Receive a description of the data held about them and a copy of the data, if permissible and practical.
- Be informed of the purpose(s) which that data is being processed, and from where it was received.

- Be informed whether the information is being disclosed to anyone apart from the original recipient of the data; and the identity of those recipients.
- The right of data portability. Data subjects can ask that their personal data be transferred to them or a third party in machine readable format (Word, PDF, etc.). However, such requests can only be fulfilled if the data in question is: 1) provided by the data subject to the Company, 2) is processed automatically and 3) is processed based on consent or fulfilment of a contract.
- If the data is being used to make automated decisions about the data subject, to be told what logic the system uses to make those decisions and to be able to request human intervention.

The Company must provide a response to a DSAR requesting access to their data within 30 calendar days, unless local legislation dictates otherwise.

#### 4. Requirements for a valid DSAR

To be able to respond to the Data Subject Access Requests in a timely manner, the data subject should:

- Submit his/her request using a Data Subject Access Request Form.
- Provide the Company with enough information to validate his/her identity to ensure that the person requesting the information is the data subject or his/her authorized person.

Subject to the exemptions referred to in this document, the Company will provide information to DSAR whose requests are in writing and permitted by the law and are received from an individual whose identity can be validated by Company. However, the Company will not provide data where the resources required to identify and retrieve it would be excessively difficult or time-consuming. Requests are more likely to be successful where they are specific/targeted at

specific information.

Factors that can assist in narrowing the scope of a search include identifying the likely holder of the information, e.g. by making a reference to a specific department, the time period in which the information was generated or processed and being specific about the nature of the data sought e.g. a copy of email records from within a particular department.

#### 5. DSAR Process

##### 5.1. Request

Upon receipt of a DSAR, the [job title] acknowledges the request. The requestor should complete a Data Subject Access Request Form to better enable the Company to locate the relevant information.

##### 5.2. Identity verification

The [job title] needs to check the identity of anyone making a DSAR to ensure information is only given to the entitled person. If the identity of a DSAR requestor has not already been provided, the person receiving the request will ask the requestor to provide two forms of identification, one of which must be a photo identity and the other confirmation of address. If the requestor is not the data subject, written confirmation that the requestor is authorized to act is required.

**Commented [dk3]:** Example: if a data subject is asking for all the data that your business has ever collected on the person, it might require too much time/number of people to perform such a request

**Commented [dk4]:** At the least this would be H.R. Management if an internal request is received

**Commented [dk5]:** This is the person receiving the request – for example, HR manager for the employees, support department for the customer requests, and so on.