

Article 15 of the Applied GDPR gives individuals the right of access to their own personal data.

The exercise of this right is commonly known as making a 'subject access request'. You can make a request at any time. Although it is often used before exercising any of your other information rights, it can be exercised to find out whether any information about you is being processed or not.

- **This right does not entitle you to copies of documents** – the right is only to the information that is about you (i.e. your personal data).
- **You do not have to explain why you are exercising your right**
- **The right can be exercised at any time, including where there are ongoing employment matters or court proceedings.**
- **The right is not absolute, but the right can only be restricted if permitted by the data protection legislation.**

How to make a subject access request

You must make a subject access request to the 'controller' which is processing your personal data. The controller may, for example, be a business, government department, or any other organisation which you think may have your personal data and is referred to as an "organisation" in this document.

The request can be made to the organisation in writing or verbally. If you do make your request verbally, we recommend you follow it up in writing to provide a clear trail of correspondence. In doing so, it will provide clear evidence of your intentions if a dispute arises.

If you make your request electronically, the organisation will respond by the same method, unless you ask otherwise.

The organisation may ask you to provide some form of identification if it does not know you. This is to help the organisation make sure it is searching for personal data about the correct person and to prevent personal data being given to the wrong person.

An example of the wording you can use to make a request is included in the Annex to this document.

Can I make more than one request?

Although you can make requests to an organisation for access to different information, if you ask for the same information more than once the organisation may charge a fee or refuse to act if your request is 'manifestly unfounded or excessive', particularly if it is a repeat request for the same information.

If you are thinking of resubmitting a request for the same information, you should consider whether:

- it is likely that your data has changed since your last request
- enough time has passed for it to be reasonable to request an update on
- how your data is being used, or
- the organisation has changed its activities or processes recently.

Fees

The organisation cannot charge you a fee for making a request or for providing you with a copy of your personal data.

However, a charge can be levied if you request further copies of the same personal data, but this must be based on administrative costs.

- If your request is manifestly unfounded or excessive, particularly if it is a repeat request for the same information, the organisation may charge a fee or refuse to act on your request.

Time frame

Organisations must respond to your request without undue delay, and in any event within **one month** of receipt of the request.

In exceptional circumstances, for example if the request is particularly complex, the time-period may be extended by a maximum of a further two months.

However, the organisation must let you know that there will be a delay, and the reasons for it, before the end of the first month.

More about how one month is calculated is on the website at:

<https://www.inforights.im/organisations/data-protection-law-2018/rights/calculating-one-month/>

What you should be given

If your personal data is being processed you should be **given a copy** of that personal data and **be told**:

- why the personal data is being processed (the purposes)
- what personal data is being processed (the categories)
- the types of person to whom it has been, or may be, disclosed to (the recipients)
- how long it will be kept (retention period)
- the source of the data (if it did not come from you and if that information is available)
- the safeguards that are in place if the personal data is being transferred to a third country:
- that you have other rights of rectification, erasure, restriction of processing, objection to processing
- that you can make a complaint to the Commissioner

If automated decision-making or profiling is used, you should be provided with meaningful information about the logic involved as well information about the significance and envisaged consequence of the processing for you.

Can the organisation refuse to act or give me the information?

The organisation can refuse to act:

- if it demonstrates that it is not in a position to identify you
- if the request is manifestly unfounded or excessive

The organisation can refuse to give you some information if it includes information that identifies another individual, unless

- the other individual has agreed to the disclosure, or
- it is reasonable to provide you with this information without the other individual's consent.

In deciding this, the organisation must balance your right against the other individual's rights regarding their own information.

However, the organisation must still provide as much information to you as possible by omitting, or redacting, the name of the other individual or other identifying particulars.

As the right of access is not a right to copies of documents, compliance with the right can be achieved, for example, by extracting the information about you and inserting it into a new document.

The data protection legislation contains the only restrictions on the right of access. More information is available on the website at: <https://www.inforights.im/organisations/data-protection-law-2018/rights/restrictions-on-rights/>

What to do if you are unhappy with how your request was handled

You should firstly make a complaint to the organisation if you are unhappy with how your request was handled. This complaint should be made in writing as it will give you evidence of your actions.

If you have received a response to your complaint that you are not satisfied with, or the organisation does not respond to your complaint, you can then make a complaint to the Commissioner.

- Guidance about how to make a complaint to the Commissioner, including what you are expected to provide, is available on the website at: <https://www.inforights.im/complaint-handling/how-to-make-a-complaint-to-the-information-commissioner/>

You can also seek to enforce your rights through the courts. If you decide to do this, we strongly advise that you seek independent legal advice from a Manx advocate first.

The main points about making a subject access request

- Identify where to send your request and make your request directly to that organisation. If the organisation has a data protection officer, you can make any enquiries to that person.
- Provide your name, contact details and any information used by the organisation to identify or distinguish you (account numbers etc.).
- Think about what personal data you want to access and clearly state what you want.
 - You might not want all the personal data that the organisation holds about you. Organisations can respond more quickly if you identify the specific personal data you want, including any details or relevant dates that will help it identify what you want.
 - If you are seeking images from CCTV, you are only entitled to your own images and will need to provide the organisation with dates and approximate times to enable them to search for relevant images. If you are not known to the organisation, you may also need to give them a photograph and other details, such as the clothes you were wearing, to enable a relevant search to be made. (Note: you are only entitled to information that is your own personal data – you are not entitled to copies of CCTV footage or images of third parties and may be provided with stills)
 - If you are seeking telephone recordings, you will need to provide the organisation with dates and approximate times of calls to enable them to search for relevant recordings (if held) (Note: you are only entitled to information that is your own personal data).
- Keep a copy of your request.
- Keep any proof of postage or delivery.
- Keep a copy of any complaint you make to the organisation about how it handled your request and any responses you receive.

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Annex

Sample wording

[Your full address]

[Phone number]

[The date]

[Name and address of the organisation]

Dear Sir or Madam

Subject access request

[Your full name and address and any other details to help identify you and the data you want.]

Please supply the personal data about me that I am entitled to under data protection legislation relating to:

[give specific details of the personal data you want, for example:

my personnel file
emails between 'person A' and 'person B' about me (from 1 June 2017 to 1 Sept 2017)
my medical records (between 2014 and 2017) held by 'Dr C' at 'hospital D'
CCTV camera situated at ('location E') on 23 May 2017 between 11am and 5pm
copies of statements (between 2013 and 2017) held in account number xxxxx.]

If you need any more information from me, please let me know as soon as possible. It may be helpful for you to know that data protection law requires you to respond to a request for data within one calendar month.

If you do not normally deal with these requests, please pass this letter to your Data Protection Officer, or relevant staff member. If you need advice on dealing with this request, the Information Commissioner's Office can assist you. Its website is inforights.im or it can be contacted on 01624 693260.

Yours faithfully

[Signature]