



## Data Subject Rights Procedure

**Data Controller:** Penryn Netball Club

**Data Protection Lead:** Kate Bateson – [kate@penrynnetballclub.org](mailto:kate@penrynnetballclub.org)

### 1.0 Introduction

1.1 In accordance with the GDPR, individuals are granted certain rights regarding their personal data. All workforce are responsible for assisting in the response to a Data Subject Rights Request.

### 2.0 Purpose

2.1 Our procedure sets out how we ensure a consistent and effective approach is in place for responding to data subject rights requests. All personal data processed by us is within the scope of this procedure.

### 3.0 Roles & Responsibilities

3.1 This procedure applies to all employees and volunteers who are responsible for responding to a Data Subject Rights Request and you are responsible for reading and understanding this procedure.

3.2 You are responsible for recognising a Data Subject Rights Request, logging the request and reporting it immediately to the Data Protection Lead and the Data Protection Steering Group (Committee).

3.3 If you receive a Data Subject Rights Request via a telephone call, you must record as much information as possible regarding the nature of the request and relay this in detail by email to the Data Protection Lead or a member of the Data Protection Group member immediately.

3.4 If a request is received in a postal letter, you should scan it and send by email to the Data Protection Lead. If this is not possible, take the hard copy to the Data Protection Lead or a member of the Data Protection Steering Group

### 4.0 Procedure

#### 4.1 Identifying a Data Subject Rights Request

4.2 The GDPR provides the following rights for individuals:

- To be provided with any and all information held about them, within one month and free of charge – see Data Subject Access Request Checklist
- To have their personal data erased, within one month and free of charge – see Data Subject Erasure Request Checklist
- To have incorrect or incomplete information rectified, within one month and free of charge. The information in question should be rectified and the data subject informed in writing, when the request has been completed.
- To have any or all processing of their personal data restricted. Processing is suspended until the processing in question has been resolved or the restriction has been lifted.
- To object to processing, including marketing, automated decisions and profiling. When such a request is received from a data subject, we must comply and cease processing without delay.
- To lodge a complaint with the supervisory authority.
- To a fair judicial remedy if their complaint is not resolved or handled to a satisfactory standard. The Data Protection Lead handles any such complaints, including liaison with the supervisory authority or the applicable appointed court of law.
- To claim compensation from the controller, processor or the supervisory authority for infringement of their rights.
- To have their personal data provided in a readable format and portable to another organisation.

#### Examples of Data Subject Rights Requests

- May I have a copy of my application form?
- May I have a copy of all information Penryn Netball Club holds on me?
- My information is inaccurate; can you update it?
- Can you delete all data Penryn Netball Club holds on me?
- I object to you using my personal data for xxx reason.
- Could you stop processing my information for xx reason.

#### 4.3 Logging a request

If a data subject submits a request, it is vital that you log and report this immediately to the Data Protection Lead with as much information as possible. The Data Protection Lead, supported by the Data Protection Group, is responsible for determining the legitimacy and responding to all Data Subject Rights Requests. This responsibility may be delegated by the Data Protection Lead to other suitably trained individual. The Data Protection Lead is responsible for updating the register of Data Subject Rights Requests.

#### 4.4 Responding to a request

The scope of the response will be determined by the nature of the request:

- Any Data Subject Access Requests made will be dealt with using the Data Subject Access Request checklist.

- Any Erasure Requests will be dealt with using the Data Subject Erasure Request checklist.
- Any requests for information will be responded to by supplying a copy of the privacy policy and any associated privacy information (i.e. relevant forms) by the person responding to the request.
- Any requests to rectify information will be responded to by making accurate the personal data in question by the person responding to the request.
- Any restriction of processing requests will be responded to by the Data Protection Lead to place adequate restrictions over the personal data in question (i.e. segregating the personal data, placing warning signs over records).
- Any objections to direct marketing will be handled by Kate Bateson or Allyson Glover
- Any objections to any legitimate interest or automated decision-making will be handled by the Data Protection Lead, taking into account the Legitimate Interest Assessment conducted. Further information is contained within the Legitimate Interest Assessment Procedure
- Any interactions with the ICO or handling of complaints made by a Data Subject will be handled by the Data Protection Lead.

## 5.0 Associated Documents

5.1 This procedure is effective in conjunction with the following associated policies and procedures:

• Data Protection Policy	• Information Security Policy
• Data Protection Impact Assessment Procedure	• Privacy Policy
• Data Sharing Procedure	• Privacy Statement
• Security Incident/Breach Procedure	

## 6.0 Definitions

<b>Personal Data</b>	<p>Any information relating to an identified or identifiable person (data subject)</p> <p>An identifiable person is someone who can be identified directly or indirectly, by reference to an identifier such as a name, identification number, location data, an online identifier, or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that person.</p>
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<b>Special Category Data</b>	<p>Data which requires extra care and precaution to be taken in processing and which details or consists of:</p> <ul style="list-style-type: none"> <li>• Racial or ethnic origin of the subject;</li> <li>• Their political opinions;</li> <li>• Their religious or philosophical beliefs;</li> <li>• Whether they are a member of a trades union;</li> <li>• Processing of genetic data;</li> <li>• Processing of biometric data;</li> <li>• Data concerning their health;</li> <li>• Their sexual life/orientation.</li> </ul>
<b>GDPR</b>	<p>General Data Protection Regulation – a regulation by the European Parliament intended to strengthen and unify data protection for individuals. The GDPR came into force in the UK on 25 May 2018.</p>
<b>Data Protection Lead</b>	<p>Data Protection Lead – contact details are: Kate Bateson, Club Secretary c/o kate@penrynnnetballclub.org</p>
<b>Data Protection Steering Group</b>	<p>Our internal group of members from all areas of the business that meet regularly to examine, discuss and make recommendations for the protection of personal data (committee)</p>

The lawful basis for processing affects which rights are available to data subjects. So, before commencing a response you should consider the purpose for processing and check which applies as described in the table below.

<b>Lawful basis for processing</b>	<b>Right to Erasure</b>	<b>Right to Portability</b>	<b>Right to Object to automated decision making</b>	<b>Right to rectify</b>	<b>Right of Access</b>
<b>Consent</b>	Yes	Yes	No (but right to withdraw consent)	Yes	Yes
<b>Contract</b>	No if current contract. Yes if over 6 years since cessation	Yes	No	Yes	Yes
<b>Legal Obligation</b>	No	No	No	Yes	Yes
<b>Vital Interests</b>	Yes	No	No	Yes	Yes
<b>Public Task</b>	No	No	Yes	Yes	Yes
<b>Legitimate Interests</b>	Yes	No	Yes	Yes	Yes

## Appendix 1: Data Subject Access Request (DSAR) Checklist

Data Subject Access Request (DSAR) Checklist		
Any written request by a data subject asking for their personal data is a Data Subject Access Request For example, "Please send me a copy of personal information you hold about me".		
<b>Is it a Data Subject Access Request?</b>	Yes - Create entry in the Data Subject Rights Register and continue with this checklist.	
	No - Handle as part of your normal course of business.	
Data Subject Access Requests <b>must</b> be fulfilled and provided to data subjects, free of charge, without undue delay and within one calendar month of the receipt of a valid request.		
<p><b>Third party Data Subject Access Requests:</b> Requests can be made on behalf of the data subject for example by:</p> <ul style="list-style-type: none"> <li>• a parent or guardian on behalf of a child,</li> <li>• a friend or carer with the data subject's written consent,</li> <li>• an Independent Mental Capacity Advocate under the Mental Capacity Act (2005),</li> <li>• their solicitor,</li> <li>• a family member or other person holding power of attorney,</li> <li>• a local councillor or Member of Parliament.</li> </ul> <p>In these situations, the third party <b>MUST</b> provide satisfactory proof of identity.</p>		
<b>General Information</b>	Q1. Have you verified the identity of the data subject? (Explain how the data subject identity was verified)	
	Q2. Have you got confirmation of the request for information in writing?	
	Q3. Have you confirmed what information the data subject has requested?	
	Q4. Do you have the information the requester wants? (If no, tell the data subject that you do not have the information they want)	
	Q5. Will the information be changed between receiving the request and sending the response? (If yes, you can still make routine amendments and erasures to personal data after receiving a request.) You must not make changes to recorded information as a result of receiving the request, even if the information is inaccurate or embarrassing.	
	Q6. Does the data include information about other people? (If Yes, you must not supply the information unless the other people mentioned have given their consent for the disclosure. Therefore, you must redact the reference(s) to any other people. It is critical that redaction is performed with scrupulous care. Inadvertently disclosing information about other parties without their consent could be a reportable breach.	

	<p>Q7. Have you redacted information in line with the relevant exemptions? (please follow <a href="https://ico.org.uk/for-organisations/guide-to-data-protection/exemptions/">https://ico.org.uk/for-organisations/guide-to-data-protection/exemptions/</a> for more information)</p>	
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<b>Access Request</b>	<p>Have you checked the Information Asset Register (IAR) to ensure you have obtained all the necessary information from all relevant locations?</p>	
	<p>Have you included data held in all locations, for example:</p> <ul style="list-style-type: none"> <li>• In core IT systems</li> <li>• In unstructured files such as excel spreadsheets and word documents?</li> <li>• In cloud-based services (including freeware such as Dropbox, Google Drive etc.)?</li> <li>• In paper format?</li> <li>• In off-site storage archives?</li> <li>• In official social media channels?</li> <li>• In emails?</li> <li>• In photographs?</li> <li>• In CCTV images?</li> <li>• In visitor logs, Time &amp; Attendance Recording Systems etc?</li> </ul>	
	<p>Have you provided the data subject with all the requested information? If not, explain why.</p>	
	<p>Have you provided the data subject with the purposes for which their data are being processed?</p>	
	<p>Have you provided the data subject with the information of any processors or sub-processors that are processing their personal data, including the geographic location of such processors or sub-processors?</p>	
	<p>Have you updated the status of the request in the Register of Data Subject Rights Requests?</p>	

## Appendix 2: Data Subject Erasure Request Checklist

Data Subject Erasure Request Checklist		
When you receive a request for erasure, complete all applicable sections of this checklist.		
Because the objective of this procedure is to erase the personal data of the data subject you must avoid adding any Personal Data on this checklist. It will be retained and if it contains any Personal Data it would defeat the objective of the procedure.		
<b>Erasure Request ID:</b>		
<b>Information of the employee actioning the erasure request.</b>	Name	
	Job Title	
	Department	
<b>General Information</b>	Have you recorded the request in the appropriate register	
	Have you verified the identity of the data subject? (Explain how the data subject was verified)	
	Have you got confirmation of the request for information in writing?	
	Have you confirmed what information the data subject has requested to be erased?	
<b>Erasure Checklist</b>	Have you checked the Information Asset Register to ensure you have identified all information assets from which data are to be erased? (You must ensure data are removed from all location i.e. IT systems and filing cabinets)	
	Have you erased records held on cloud-based applications, software, hardware, paper format and emails? (If not, explain)	
	Are you able to delete all records? (If you're not able to delete explain why)	
	Where applicable have you anonymised or pseudonymised data that cannot be erased? (if not, explain)	
	Have you checked the Retention Schedule to ensure the information request to be erased doesn't conflict with a statutory obligation defined in the schedule?	
	Have you updated the status of the request in the relevant register	
<b>Data Protection Lead Approval</b>	Name	
	Job Title	
	Have you confirmed sections listed above have been fulfilled? If not, explain.	
	Has the data subject been notified of the completion of the erasure?	



