

# Subject Access Request Policy

**Author:** Information Governance

**Contact:** [SAR@luton.gov.uk](mailto:SAR@luton.gov.uk) or [dataprotection@luton.gov.uk](mailto:dataprotection@luton.gov.uk)

**Version:** 1.1 (published)

**Last updated:** September 2025

## Contents

1.	Introduction and purpose .....	3
2.	Policy statement.....	3
3.	Scope of the policy .....	3
4.	Key definitions .....	4
	Subject Access Request (SAR) or Data Subject Access Request (DSAR).....	4
	Freedom of Information request (FOI) .....	4
	Personal data.....	4
	Special category data .....	4
	Data controller.....	4
	Data processor.....	5
5.	Duties of the Information Commissioners Office (ICO) .....	5
6.	Roles and responsibilities .....	5
	Chief Executive .....	6
	Senior Information Risk Officer (SIRO) .....	6
	Caldicott Guardian .....	6
	Data Protection Officer.....	6
	Information Governance Team .....	6
	Employees .....	6
	Service Managers .....	6
	Data Governance Board .....	6
	Information Governance Framework.....	6
7.	How can an individual make a SAR? .....	6
8.	Can individuals request personal information on behalf of another person? .....	7
9	How long do we have to respond? .....	7
10	Can I charge for the request?.....	7
11	What do I do if I receive a request?.....	8

12	How do I locate the information requested? .....	8
13	Can I provide all information found in relation to the data subject? .....	8
14	What is a double check? .....	9
15	How do I respond to a SAR? .....	9
16	Complaints .....	9
	16.1 Appealing a decision to refuse disclosure of Information. ....	10
	16.2 Complaining to the Information Commissioners Office .....	10
17	Related documents .....	10
18	Further information .....	10
19	Review of the Policy .....	11

# 1. Introduction and purpose

Section 45 of the Data Protection Act 2018 and Article 15 of the UK General Data Protection Regulation (UK GDPR) give individuals rights of access to their personal records held by Luton Council (the council). Requests of this nature are commonly referred to as a Subject Access Request (SAR) also known as a Data Subject Access Request (DSAR).

**Note:** This document will refer to both of the above as 'the legislation'.

Subject access is a fundamental right for individuals. But it is also an opportunity for the council to provide excellent customer service by responding to SARs efficiently and transparently and by maximising the quality of the personal information we hold. This Policy explains how the council will fulfil its obligations under the legislation.

## 2. Policy statement

The council regards the legislation as important mechanisms in achieving an honest, safe and open relationship with its citizens and employees.

Subject access is most often used by individuals who want to see a copy of the information the council holds about them. However, subject access goes further than this and an individual is entitled to be:

- told whether any personal data is being processed;
- given a description of the personal data, the reasons it is being processed, and whether it will be given to any other organisations or people;
- given a copy of the personal data; and
- given details of the source of the data (where this is available).

An individual can also request information about the reasoning behind any automated decisions taken about him or her, such as a computer-generated decision for benefit or a grant entitlement, or an assessment of performance at work.

The aim of this policy is to ensure that the council complies with its legal obligations under the legislation and can evidence that we have done so. It also aims to ensure that we:

- have robust processes in place for dealing with SARs, saving time and effort;
- increase levels of trust and confidence by being open with individuals about the personal information we hold;
- improve the transparency of our activities in line with public policy requirements.

This policy should be read in conjunction with the Subject Access Request procedure.

## 3. Scope of the policy

This document outlines how an applicant can make a request for their personal information under the legislation and how it will be processed.

This is not a legal document. It does not confer rights nor override any legal or statutory provisions which either require or prevent disclosure of personal information.

This document takes into account the key features of the legislation and outlines how the council will take steps to ensure compliance in relation to requests for personal information.

Requests for access to the records of people who are deceased are not within scope of this policy

as data protection legislation only applies to the data of living, identifiable individuals. Such requests will be treated as requests for access to information under the Freedom of Information Act (FOIA) or as miscellaneous requests, depending on the nature of the data and the reason the data is being requested.

## 4. Key definitions

### Subject Access Request (SAR) or Data Subject Access Request (DSAR)

A request for access to data by a living person under the legislation is known as a Subject Access Request (SAR) or Data Subject Access Request (DSAR). All records that contain the personal data of the subject will be made available, subject to certain exemptions.

### Freedom of Information request (FOI)

A request for access to data held is dealt with under the Freedom of Information Act 2000 and is known as a Freedom of Information Request or FOI. Requests for the data of deceased people may be processed under this legislation.

### Personal data

Personal data means data which relate to a living individual who can be identified directly or indirectly from the data, particularly by reference to an identifier.

Personal data can be factual (such as a name, address or date of birth) or it can be an opinion (such as a performance appraisal).

### Special category data

Certain personal data, special category data, is given special protections under the legislation because misuse could create more significant risks to a person's fundamental rights and freedoms. For example, by putting them at risk of unlawful discrimination. Special category data includes:

- race;
- ethnic origin;
- religious or philosophical beliefs;
- trade union membership;
- genetics;
- biometrics (where used for ID purposes);
- health;
- sex life; or
- sexual orientation

Political opinions are also classed as special category data.

### Data controller

The organisation which determines the purposes and the manner in which, any personal data is processed is known as the data controller. The council is the data controller of all personal data used and held within each individual department.

## Data processor

Organisations or individuals who process personal data on behalf of the a data controller are known as data processors. Employees of data controllers are excluded from this definition but it could include suppliers which handle personal data on our behalf.

## 5. Duties of the Information Commissioners Office (ICO)

The Information Commissioner's Office (ICO) is the UK's independent public body set up to uphold information rights in the public interest, promoting openness by public bodies and data privacy for individuals, ruling on complaints and taking appropriate action when the law is broken.

The ICO is responsible for ensuring compliance with the legislation and Data Protection in practice for all organisations in England, Scotland, Northern Ireland and Wales.

There are a number of tools available to the ICO for taking action to change the behaviour of organisations that collect, use and keep personal information. They include criminal prosecution, non-criminal enforcement and audits. The Information Commissioner also has the power to serve a monetary penalty notice on a data controller for breaches of the Act.

If organisations are found to be in breach of the legislation the ICO may issue undertakings committing an organisation to a particular course of action in order to improve its compliance.

The ICO can serve enforcement notices and 'stop now' orders where there has been a breach, requiring organisations to take (or refrain from taking) specified steps in order to ensure they comply with the law.

The ICO conduct consensual assessments (audits) to check organisations are complying. In cases of serious breaches the ICO may issue a monetary penalty notice, requiring organisations to pay a fine of up to £17.5 million (or 4% of annual turnover, whichever is higher).

The ICO can prosecute those who commit criminal offences under the legislation. This includes organisations and individuals.

## 6. Roles and responsibilities

Adhering to the legislation is the responsibility of every officer acting for or on behalf of the council. SARs fall within the data protection statutory framework and the ability to identify and appropriately handle a request for information is part of every employee's role.

Your primary responsibility is to ensure that SARs are in the first instance directed to the information Governance team by emailing [SAR@luton.gov.uk](mailto:SAR@luton.gov.uk)

The team will log the request on the case management system, acknowledge it and request the information from relevant service areas.

The Information Governance team will also provide you with advice and assistance at each appropriate step if you need it.

Once the Information Governance team have received the file(s), they will allocate it to a SAR Officer for redactions to be applied.

It is important that requests are processed as soon as they are received to assist in meeting the statutory deadline.

Specific roles and responsibilities are set out below:

#### Chief Executive

The Chief Executive holds overall responsibility for compliance with the legislation. This is delegated to the Data Protection Officer and SARs on a day-to-day basis are delegated to the Complaints and Information Governance Manager.

#### Senior Information Risk Officer (SIRO)

The council's SIRO has executive responsibility for the management of SARs; this includes dealing with complaints from the Information Commissioners Office, general compliance issues and data subject queries and concerns.

#### Caldicott Guardian

A Caldicott Guardian is a senior person responsible for protecting the confidentiality of people's health and care information and making sure it is used properly.

All NHS organisations and local authorities which provide social services must have a Caldicott Guardian.

#### Data Protection Officer

The council's Data Protection Officer (DPO) is responsible for upholding data subject's rights in relation to various aspects of the legislation.

#### Information Governance Team

Responsible for the co-ordination of SARs; ensuring requests are responded to correctly in accordance with the statutory requirements, supporting services to obtain the relevant records and coordinate completion with SAR Officers whilst liaising with the applicant.

#### Employees

All employees, including temporary staff, must understand their duty of care to ensure the confidentiality of all personal data. In addition they must have an understanding of this policy and where to direct individuals enquiring about subject access requests.

#### Service Managers

Must ensure that SARs are responded to in a timely manner and that only data that the data subject is entitled to access is sent out. Service Managers are responsible for completing a double check of all SARs before they are securely despatched.

#### Data Governance Board

The Data Governance Board addresses the requirements that the law, ethics and policy place upon information management and processing across the council.

This is in addition to raising awareness of good information governance and the assurance that effective system controls, training and best practice mechanisms are in place across the organisation.

#### Information Governance Framework

A framework which establishes good practice, promotes a culture of awareness and quality improvement in addition to ensuring that the council complies with legislation and other mandatory standards.

## 7. How can an individual make a SAR?

An individual can make a SAR verbally or in writing, including via post, email, social media or using an online form. A request is valid if the individual is asking for their own personal

data. An individual does not need to use specific terminology, refer to legislation or direct the request to a specific contact.

It is quite common that a request for personal data can be linked with a service request, complaint, or a Freedom of Information request. For example: An individual appealing their parking ticket may request a copy of the information which led to the ticket being issued. In most cases as the request is for something very specific and minimal effort is required to supply it; the request is more than likely going to be dealt with as business as usual.

**Note:** No matter how a request is received there is no requirement for the requester to mention the Data Protection Act, UK GDPR or Subject Access for it to be a valid request. In some cases, the requester may even state the wrong legislation e.g. Freedom of Information Act, but the request will still be valid.

Either way, it is the responsibility of the officer to appropriately recognise a request as one for personal data, i.e. information relating to the requester, and process it accordingly. Failing to recognise a SAR is not an excuse for non-response and the council will still fall foul of the legislation should a response not be provided in a prompt and appropriate manner.

## 8. Can individuals request personal information on behalf of another person?

Yes, they can. The legislation allows for an individual to make a request on behalf of another person. This may be a solicitor acting on behalf of the individual, a parent making a request for their child's information, a third party making the request for someone who has limited capacity, or indeed many other reasons. However, whilst the legislation allows us in certain circumstances to process a request in this way, there are several considerations and checks that need to be undertaken before we process a request which is made on behalf of another person. For example, a parent is not necessarily automatically entitled to information about their children. Further information with regards to SARs made on behalf of another person can be found in the Subject Access Procedure.

## 9 How long do we have to respond?

The council has a maximum of a month (28 Calendar days) starting from the day the request and identification (if required) is received. This is a statutory requirement which must be adhered to. In exceptional circumstances an extension can be agreed with the Information Governance team.

## 10 Can I charge for the request?

No - you must provide a copy of the information free of charge.

However, you can charge a 'reasonable fee' when a request is manifestly unfounded or excessive, particularly if it is repetitive.

You may also charge a reasonable fee to comply with requests for further copies of the same information.

This does not mean that you can charge for all subsequent access requests.

The fee must be based on the administrative cost of providing the information. Please seek advice from the Information Governance team [SAR@luton.gov.uk](mailto:SAR@luton.gov.uk) before considering a charge on a SAR.

## 11 What do I do if I receive a request?

In practice, if someone wants to see a small part of their data (for example a council tax entry or a copy of a letter previously sent to them); you need to apply common sense. You should not require a formal SAR if the individual can prove their identity, the information is readily available there and then, and no other third-party data will be unreasonably released. Such requests should be dealt with quickly, as business as usual and with little formality.

All other (“non-routine”) requests for personal data which are likely to take a reasonable amount of resource or that may involve third party data must be directed to the Information Governance team who have been trained to deal with such requests.

The Information Governance team will determine whether the request is a valid one and will log the request on the case management system. The request will then be sent back to the service to obtain the relevant documents. The Information Governance team will support this process in co-ordination with the service and will ensure redactions are applied where necessary.

## 12 How do I locate the information requested?

Processing a SAR can prove very difficult if you do not have adequate information systems in place. Well-structured file plans and standard file naming conventions within services should be in place to assist in locating information easily.

Poor file management/knowledge of systems cannot be used as a reason for being unable to respond to a SAR effectively.

Requests for information are not limited to “live” files. SARs cover all information held by the council regardless of the format it is in or where it is stored, closed, archived, and in some cases even deleted information (for example located in outlook deleted items) should be considered as part of a request.

Unfortunately, there is no outright exemption or time threshold with regards to the amount of time it may take officers to locate SAR information. Further information with regards to resource intensive or complex SARs can be found in the Subject Access procedure.

## 13 Can I provide all information found in relation to the data subject?

The simple answer is no.

The council must consider whether it is possible to comply with the SAR without revealing information that relates to and identifies a third-party individual or any other exempt information.

Examples of third-party information that cannot be shared routinely without specialist consideration are:

- social services files which may contain information about multiple children including siblings and estranged parents; social services information such as case conference files notes which contain confidential information about multiple unrelated children or adults;
- files containing legally privileged information;

- files containing advice from relevant professionals such as doctors, police, or probation services;
- employee files containing information identifying managers or colleagues who have contributed to (or are discussed in) that file.

Special consideration should be given to sharing this type of information. More information can be found in the Subject Access procedure or from the Information Governance Team

[SAR@luton.gov.uk](mailto:SAR@luton.gov.uk)

## 14 What is a double check?

Before a SAR is sent out to the data subject, service managers are required to carry out a double check. This is done to ensure that all third-party data has been removed appropriately and that the documents have been redacted in accordance with their service's requirements.

Third party data sent out in error to the wrong person constitutes a data breach under the Data Protection Act 2018 and can have very serious consequences for the council (see section 5 above).

Service Managers are responsible for completing a double check of the information to be provided to the data subject. For further guidance on the double check please refer to the Subject Access Request procedure.

## 15 How do I respond to a SAR?

The council is required to provide the copies in a format requested by the data subject.

Once all the information has been collated (duplicates and third-party information has been removed or redacted and a double check has been carried out) the information will be provided either in paper copy or electronically and sent securely by the Information Governance team.

If the data subject requests a meeting to discuss their file, this responsibility falls with the service in question.

For further information please refer to the Subject Access Request procedure.

## 16 Complaints

The council will provide a right of complaint to all data subjects in the event they are dissatisfied with the handling of their request, or the content provided via SAR.

If a data subject is unhappy with the response, they have received they should first contact the Information Governance team via [SAR@luton.gov.uk](mailto:SAR@luton.gov.uk)

The Information Governance team will conduct a SAR review alongside the DPO to assess the content and/or handling of the request.

However, if service-specific issues are identified, the Information Governance team will refer to the complaints procedure and if appropriate, escalate this to a Stage 1 complaint for the relevant service.

If the data subject remains dissatisfied, they may ask the Information Commissioners Office to carry out an independent investigation. Data subjects are signposted accordingly as part of the review process.

### 16.1 Appealing a decision to refuse disclosure of Information.

If the council refuses to disclose information in response to a subject access request, the council offers the data subject an opportunity to appeal the initial decision. If the data subject believes that an error has been made in the response to their SAR, they are able to appeal the council's decision by seeking an internal review.

The Data Governance and Information Compliance Manager arranges all internal reviews on behalf of the council. Where necessary, these may be delegated to the Complaints and Information Compliance Manager.

Once a review request has been received the data subject will receive an acknowledgment receipt and the request and response to it will be reconsidered.

The data subject will be notified of the outcomes of the internal review as soon as possible. Wherever possible, internal reviews should be concluded within 20 working days. If the case is complex, an extension may be applied, and the data subject informed as soon as practicably possible.

If a data subject's appeal is successful, they will receive the information they requested as soon as possible. If the appeal is unsuccessful the council will provide a detailed explanation of the findings and supply further information on how to take the matter further.

### 16.2 Complaining to the Information Commissioners Office

If a data subject is not satisfied with the outcomes of the council's decisions, they have the right to submit a complaint to the ICO. The ICO will make an initial assessment of the case before carrying out an investigation.

The ICO has written guidance notes for data subjects on how to complain to the ICO published on their website: [www.ico.org.uk](http://www.ico.org.uk)

## 17 Related documents

- Data protection policy
- Data breach policy
- Corporate complaints procedure
- Subject Access Request procedure
- Whistleblowing policy
- Freedom of information policy
- Retention policy
- Information security policy

## 18 Further information

If you need any more information about this policy or any other aspect of Subject Access requests, please contact us.

## 19 Review of the Policy

This policy will be reviewed as a minimum every 2 years to ensure that the council meets statutory requirements and any codes of practice made under the Act.

A review will be conducted sooner if recommended by the Data Protection Officer in response to a change in legislation, guidance, or local process.

Next scheduled review date: September 2027