



Esh Group

General Data Protection Regulation (GDPR)

Dealing with Subject Access Requests

Version	Date
1 st Draft	11 May 2018
Next review date – 25 November 2018	

Introduction

Under the GDPR, effective from 25 May 2018, individuals have rights to ask businesses about the personal data they hold on them. This includes 'Data Controllers' and 'Data Processors' therefore if we hold data ourselves or on behalf of someone else we will need to deal with the request.

Where Esh Group holds any personal data on an individual, that person is known as a 'Data Subject'. Where an individual makes a request to Esh about the data we hold on them this is known as a Subject Access Requests (SAR). The SAR can be made by any means i.e. electronically, physically, over the phone or postal request.

Esh Group may therefore receive SAR's and the GDPR introduces the 'right of access' for individuals, and data subjects will have the right to request:

- confirmation that their data is being processed;
- ability to request that their data is destroyed or transferred elsewhere;
- access to their personal data; and
- other supplementary information – this largely corresponds to the information that should be provided in a privacy notice

In addition, individuals have the right to be aware of and verify the lawfulness of the processing

How to deal with a request

Please process as follows: -

- All SARs should be registered centrally at the following e-mail address dataprotection@esh.uk.com.
- The request will be directed to an appropriately Authorised Person (AP) in the business. Who this is will depend on the nature of the request. For example, employee related SARs will be directed to HR, clients to Group Marketing and contract specific requests to the relevant business.
- Requests need to be validated in the first instance, using reasonable means. For example, is the person making the request legitimately or is the request a malicious action.

- The AP will notify any other appropriate partners as required – this can occur where we are the ‘Data Processor’ - holding/processing personal data on behalf of a customer/client. It may therefore be necessary in accordance with the terms of any agreement with the customer/client and it makes sense to liaise with the partner as they may have had a similar request.
- Answer the request within one month (only in exceptional circumstances can this be extended to 3 months).
- Gather the information and prepare the response but **prior to sending out** please advise Don McMenzie, Internal Auditor who will arrange internal approval (contact details below).
- Please note you cannot charge the individual a fee for providing this service (only in exceptional circumstances can a fee be charged e.g. excessive and/or repeat requests).
- If you are unsure about any aspects of how to deal with a request please see the ‘Where to go for further guidance’ section below.

Individual rights to update and/or remove data – ‘Rectification’

- Where personal data is found to be inaccurate the individual has the right to seek ‘rectification’. This means that we must put right any errors or omissions. There is no specific definition of ‘inaccurate’ but incorrect or misleading data would be good indicators of inaccurate personal data.
- Requests can be written or verbal and need to be actioned within one month.
- Notify the individual that the rectification has been actioned – again within one month.
- Notify Esh Groups Data Protection Officer – Mark Sowerby – in order that this can be logged.
- Notify any other partners as required – this can occur where we are the ‘Data Processor’ - holding/processing personal data on behalf of a customer/client. It may therefore be necessary in accordance with the terms of any agreement with the customer/client and may be subject to the one-month timescale above.

Where to go for further guidance

- Internal contacts

Mark Sowerby, Chief Financial Officer (Esh Group Data Protection Officer)

T: 0191 377 4500

DD: 0191 377 4183

M: 07771 973969

Email: mark.sowerby@esh.uk.com

Don McMenzie, Internal Auditor

T: 0191 377 4500 (no direct dial)

M: 07773 4719

Email : don.mcmenzie@esh.uk.com

- Information Commissioners Office

<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/>