

## Subject Access Policy

### 1. Policy Statement

#### 1.1 Policy Intent

This document sets out our policy for responding to subject access requests in accordance with the Data Protection Act 1998 (DPA) and the General Data Protection Regulation 2018 (GDPR). The DPA and GDPR give individuals the right to know what information is held about them. It provides a framework to ensure that personal information is handled properly.

#### 1.2 When the Policy Applies

This policy applies at all times. Any individual that has personal data held by The British Toxicology Society (BTS) has the right to request their information.

Under GDPR, individuals are allowed to access their personal data so that they are aware of, and can verify, the lawfulness of the processing.

#### 1.3 Mandated Actions and Constraints

- a) BTS must provide data request information free of charge unless the request is excessive and/or repetitive in which case the request may be refused or a reasonable fee may be payable. BTS will provide a reason for a decision without undue delay.
- b) By law, BTS must provide the information without delay and at the latest within one month of receipt of the subject access request.
- c) BTS has the right to extend the period of information provision by a further two months where requests are complex or numerous. In such cases BTS will inform the individual within one month of the receipt of the request and explain why the extension is necessary.
- d) By law, a data subject<sup>(T)</sup> has the right to access to the personal data which has been collected on them.
- e) The data subject should be able to exercise their right to this access easily and at reasonable intervals.
- f) Under Recital 63<sup>(T)</sup> (see Appendix 1) of the DPA, the data controller or data processor where possible, should be able to provide remote access to a secure system to provide the data subject with direct access to their personal data.

- g) In cases where the data controller or data processor processes a large quantity of information on a data subject, the controller should be able to request that before the information is delivered, the data subject must specify the information or processing activities to which the request relates.
- h) BTS may require identification from the individual submitting a subject access request if it deems it necessary.

## 2. Policy Scope

This policy is relevant to all Data Subjects that are connected with BTS, such as committee members, members, delegates and speakers

## 3. Definitions<sup>(T)</sup>

- a) **Data Subject:** the individual whose data it is
- b) **Data Controller:** The owner of the data i.e. the organisation to which the data belongs
- c) **Data Processor:** The organisation who processes the data i.e. processing data on behalf of another organisation
- d) **Recital 63:** this is a section of the DPA which can be found on the Information Commissioner's Office ICO website and in Appendix 2
- e) **Judicial remedy:** the name for a court's decision to settle in favour of one party to a suit

## 4. Procedures

In order to comply with this policy, the following procedures must be adhered to:

### 4.1 Compliance

In the event of receiving a subject access request BTS will:

- 1) Advise the individual whether any personal data is being processed
- 2) Give a description of the personal data, the reasons it is being processed and whether it will be given to any other organisations or people
- 3) Give a copy of the information containing the data to the individual and give details of the source of the data (where this is available)

### 4.2 Information Notices

Please refer to our Privacy Policy, which outlines our commitment to privacy and the protection of personal data.

### 4.3 Subject Access Requests

- a) Subject access requests must be made in writing by completing the Subject Access Request form (see Appendix 2).
- b) Please email the completed form to: [secretariat@thebts.org](mailto:secretariat@thebts.org).
- c) BTS must receive sufficient information to be able to confirm the identity of the individual whose data is being requested
- d) The individual must specify the information the request relates to
- e) BTS will respond within one month from the date of request unless the request is excessive and therefore warrants an extension (see section 1.3c)
- f) BTS will provide the information free of charge unless the request is deemed to be excessive or repetitive (see section 1.3a)
- g) BTS has the right to refuse a request if deemed to be unfounded or excessive
- h) BTS will provide the information in English either hard copy or pdf format.

## 5. Documents

Subject Access Request Form – please see Appendix 2.

## 6. Frequently Asked Questions

### 1) Where can I obtain a copy of a Subject Access Request Form?

You can find a copy in Appendix 2 of this document. You can also email [secretariat@thebts.org](mailto:secretariat@thebts.org) for a copy of the form.

### 2) Who do I send my completed form to?

Please email your completed form to: [secretariat@thebts.org](mailto:secretariat@thebts.org) or post the Subject Access Request hard copy to: Data Compliance – BTS, c/o EBS Ltd, City Wharf, Davidson Road, Lichfield, Staffordshire, WS14 9DZ.

### 3) Is there a fee for making a subject access request?

No, there is no charge unless the request is deemed excessive

### 4) Can I make a subject access request by phone?

No, it must be made in writing.

### 5) Can I make a subject access request for someone else?

Yes, however we require consent in writing. They must complete the Subject Access Request Letter and provide the documentation requested in the form.

### 6) Can you send my Subject Access Request/results to another organisation or third party on my behalf?

No, details of your request will be sent directly to you and you can forward on the details as necessary.

### 7) Can a third party make a subject access request on my behalf?

Yes, however we require consent in writing. They must complete the Subject Access Request form.

### 8) How long will it take to complete my subject access request?

BTS will respond within one month from the date of request unless the request is excessive and therefore warrants an extension.

### 9) How will I receive the information?

We will provide the information either by email or hard copy.

### 10) Can BTS refuse a subject access request?

BTS can refuse or charge for requests that are unmistakably false or excessive. In the event of a refusal BTS must provide an explanation to the individual. The individual has the right to complain to the ICO and to a judicial remedy<sup>(7)</sup>. BTS must do this without undue delay and at the latest, within one month.

### 11) Where can I find additional information about subject access requests?

More information on subject access requests can be found on the ICO website: <https://ico.org.uk/for-organisations/guide-to-data-protection/principle-6-rights/subject-access-request/>

### 12) How can I appeal the decision?

If BTS refuse a request, you have the right to appeal within one month of receiving the decision. Please appeal by emailing [secretariat@thebts.org](mailto:secretariat@thebts.org) with your reasons and this will be put forward to a panel for review. An outcome will be sent within one month.

## **7. Responsibilities**

The BTS President and Data Protection Officer(s) are the persons responsible for implementing this policy and ensuring regular reviews and updates are made.

## **8. Enforcement**

### **8.1 Individuals**

This subject access request policy is available for use by individuals in the event they wish to request the data we hold on them.

### **8.2 The Society (BTS)**

Failure to comply with data protection law and failure to provide the facility to make a subject access request will result in the society facing large fines.

As stated in section 7, the President and Data Protection Officer(s) are the persons responsible for enforcing this policy and ensuring due process is followed.

## **9. Related Information**

- 1) Recital 63 (see Appendix 1)
- 2) Subject Access Request (SAR) form (Appendix 2)
- 3) [www.ico.org.uk](http://www.ico.org.uk)

Issued February 2022

Next Review Date February 2024

Contact for document: [secretariat@thebts.org](mailto:secretariat@thebts.org)

## **Appendix 1**

### **Recital 63 - EU GDPR recommendation – [www.ico.org.uk](http://www.ico.org.uk)**

(63) A data subject should have the right of access to personal data which have been collected concerning him or her, and to exercise that right easily and at reasonable intervals, in order to be aware of, and verify, the lawfulness of the processing.

This includes the right for data subjects to have access to data concerning their health, for example the data in their medical records containing information such as diagnoses, examination results, assessments by treating physicians and any treatment or interventions provided.

Every data subject should therefore have the right to know and obtain communication in particular with regard to the purposes for which the personal data are processed, where possible the period for which the personal data are processed, the recipients of the personal data, the logic involved in any automatic personal data processing and, at least when based on profiling, the consequences of such processing.

Where possible, the controller should be able to provide remote access to a secure system which would provide the data subject with direct access to his or her personal data.

That right should not adversely affect the rights or freedoms of others, including trade secrets or intellectual property and in particular the copyright protecting the software.

However, the result of those considerations should not be a refusal to provide all information to the data subject.

Where the controller processes a large quantity of information concerning the data subject, the controller should be able to request that, before the information is delivered, the data subject specify the information or processing activities to which the request relates.

**Subject Access Request**

**Section 1 Details**

Title (please state):	
Forename(s):	
Family Name:	
Previous Family Name:	

Current Address:	
	Postcode
Telephone No:	
Email Address:	

**Section 2 – Details of Information Required**

Please use this space to give us any details about the information you are requesting, for example by stating specific documents you require (use extra sheets if necessary):


**Section 3 – Declaration**

The information which I have supplied in this application is correct, and I am the person to whom it relates or a representative acting on his/her behalf. I understand that BTS may need to obtain further information from me/my representative in order to comply with this request.

Signature of Applicant:	Date:
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**Section 4 – Representative Details**

Name of Representative:	
Address & Postcode:	
Telephone No:	
Email Address:	

**Section 5 – Authority to release information to a Representative**

A representative needs to obtain authority from the applicant before personal data can be released. The representative should obtain the applicant’s signature below, or provide a separate note of authority.

This must be an original signature, not a photocopy (tip: using blue ink often helps verification).

I hereby give my authority for the representative named in Section 3 of this form to make a Subject Access Request on my behalf under Data Protection Legislation.	
Signature of Applicant:	Date:
Signature of Representative:	Date:

**Section 6 – Timescale**

If you have specific reasons for requiring data by a specific date please give details below:

(a) Date required:
(b) Reason (please state and supply supporting evidence):