

Response Procedures for Data Subject Requests

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RESPONSE PROCEDURES FOR DATA SUBJECT REQUESTS

1 Introduction

- 1.1 Data subjects have certain rights in respect of their personal data. When we process data subjects' personal data, we must respect those rights. These procedures provide a framework for responding to requests from data subjects exercising those rights. We will ensure that requests by data subjects covered by these procedures to exercise their rights in relation to their personal data are handled in accordance with data protection legislation.
- 1.2 Our Data Protection Officer (DPO) is responsible for handling and responding to data subject requests. Staff must forward any requests received by them to the Corporate Services and HR Manager immediately on receipt, who will liaise with the DPO, and should not attempt to handle and respond to requests themselves.
- 1.3 These procedures only apply to data subjects whose personal data we process, including housing applicants, our tenants (and their household members), sharing owners, factored owners, job applicants, current and former employees, contractors, business contacts (including at other registered social landlords, regulators, local authorities and agencies), complainants, elected members, apprentices, committee members, and members.

2 Definitions

For the purposes of this Procedure:

data subject	means an individual to whom the personal data relates;
personal data	means information relating to an individual, who can be identified (directly or indirectly) from that information; and
processing	means obtaining, recording, organising, storing, amending, retrieving, disclosing and / or destroying personal data, or using or doing anything with it.

3 Timescales, format and fees for responding to data subject requests

- 3.1 We must respond to data subject requests without undue delay and, in any case, within one month of the date of receipt of the request.

- 3.2 We may extend the timescale for response by up to two additional months by informing the data subject of this and the reasons for the extension within one month of receipt of the request. In deciding whether to extend the timescale for response, we must consider the complexity and the number of requests.
- 3.3 If we decide not to act in response to a data subject request, we must inform the data subject of the reason(s) for this and of the possibility of lodging a complaint with the Information Commissioner's Office (ICO) without delay and at least within one month of the date of receipt of the request.
- 3.4 Where a data subject makes a request by electronic means, we must respond by electronic means, unless the data subject requests otherwise.
- 3.5 Where we have reasonable doubts concerning the identity of a data subject making a request, we may ask the data subject for information to confirm their identity.
- 3.6 We may not charge a fee for acting in response to a data subject request. We may, however, charge a reasonable fee where we consider a request to be manifestly unfounded or excessive, particularly because of its repetitive character or the burden that it places on our human or other resources. Alternatively, we may refuse to act in response to a manifestly unfounded or excessive data subject request.

4 Responding to requests to access personal data

- 4.1 Data subjects have the right to request access to their personal data processed by us. Such requests are called subject access requests (SARs). When a data subject makes a SAR, we will take the following steps:
 - 4.1.1 log the date on which the SAR was received;
 - 4.1.2 confirm the identity of the data subject who is the subject of the personal data;
 - 4.1.3 search databases, systems, applications and other places where the personal data which is the subject of the SAR may be held;
 - 4.1.4 confirm to the data subject whether personal data of the data subject making the SAR is being processed; and
 - 4.1.5 if personal data is being processed, respond to the SAR with the information contained in Paragraph 4.2.
- 4.2 If personal data of the data subject is being processed, we will provide the data subject with the following information in a concise, transparent, intelligible and easily accessible form, using clear and plain language:
 - 4.2.1 the purposes of the processing of their personal data;
 - 4.2.2 the categories of personal data concerned (for example, name, contact details, bank account information and complaints);

- 4.2.3 the recipients or categories of recipient to whom the personal data has been or will be disclosed, such as our contractors and other service providers;
 - 4.2.4 where possible, how long the personal data will be stored, in line with our Data Retention Procedure;
 - 4.2.5 the existence of the right to request rectification or erasure of personal data or restriction of processing of personal data or to object to our processing of their personal data;
 - 4.2.6 the right to lodge a complaint with the ICO about our processing of their personal data;
 - 4.2.7 where the personal data has not been collected from the data subject, any available information as to its source;
 - 4.2.8 the existence of automated decision-making (if any) and meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject; and
 - 4.2.9 where personal data is transferred outside the European Economic Area, details of the appropriate safeguards to protect the personal data after transfer.
- 4.3 We will also, unless there is an exemption (see Paragraph 11 below), provide the data subject with a copy of the personal data processed by us in a commonly used electronic form (unless the data subject either did not make the SAR by electronic means or has specifically requested not to be provided with the copy in electronic form).
- 4.4 Before providing the personal data to the data subject making the SAR, we will review the personal data requested to see if it contains the personal data of other data subjects. If it does, we may redact the personal data of those other data subjects prior to providing the data subject with their personal data, unless those other data subjects have consented to the disclosure of their personal data or it would be reasonable to disclose the personal data of the other data subjects to the data subject.

5 Responding to requests to rectify personal data

- 5.1 Data subjects have the right to have their inaccurate personal data rectified. Rectification can also include having incomplete personal data completed, for example, by a data subject providing a supplementary statement regarding the personal data. Where such a request is made, we will, unless there is an exemption (see Paragraph 11 below), rectify the personal data.
- 5.2 We will also communicate the rectification of the personal data to each recipient to whom the personal data has been disclosed (for example, our service providers who process the personal data on our behalf), unless this is impossible or involves disproportionate effort. We will also inform the data subject about those recipients if the data subject requests this information.

6 Responding to requests for the erasure of personal data

- 6.1 Data subjects have the right, in certain circumstances, to request that we erase their personal data. Where such a request is made, we will, unless there is an exemption (see Paragraph 11 below), erase the personal data if:
 - 6.1.1 the personal data is no longer necessary in relation to the purposes for which it was collected or otherwise processed;
 - 6.1.2 the data subject withdraws their consent to the processing of their personal data and consent was the basis on which the personal data was processed and there is no other legal basis for the processing;
 - 6.1.3 the data subject objects to the processing of their personal data on the basis of our performance of a task carried out in the public or our legitimate interests, which override the data subject's interests or fundamental rights and freedoms, unless we can either show compelling legitimate grounds for the processing which override those interests, rights and freedoms, or we are processing the personal data for the establishment, exercise or defence of legal claims;
 - 6.1.4 the personal data has been unlawfully processed; or
 - 6.1.5 the personal data must be erased to comply with the law.
- 6.2 When a data subject makes a request for erasure in the circumstances set out above, we will, unless there is an exemption (see Paragraph 11 below), take the following steps:
 - 6.2.1 log the date on which the request was received;
 - 6.2.2 confirm the identity of the data subject who is the subject of the personal data;
 - 6.2.3 search databases, systems, applications and other places where the personal data which is the subject of the request may be held and erase such data;
 - 6.2.4 where we have made the personal data public, we must, taking reasonable steps, including technical measures, inform those who are processing the personal data that the data subject has requested the erasure by them of any links to, or copies or replications of, that personal data; and
 - 6.2.5 communicate the erasure of the personal data to each recipient to whom the personal data has been disclosed, unless this is impossible or involves disproportionate effort. We shall also inform the data subject about those recipients if the data subject requests it.

- 6.3 In addition to the exemptions in Paragraph 11 below, we can also refuse to erase the personal data if we need to keep the personal data:
 - 6.3.1 for exercising the right of freedom of expression and information;
 - 6.3.2 to comply with the law or to perform a task carried out in the public interest;
 - 6.3.3 for reasons of public interest in public health;
 - 6.3.4 for archiving purposes in the public interest, scientific or historical research purposes, or statistical purposes in so far as the right to erasure is likely to render impossible or seriously impair the achievement of those purposes; or
 - 6.3.5 for the establishment, exercise or defence of legal claims.

7 Responding to requests to restrict the processing of personal data

- 7.1 Data subjects have the right, unless there is an exemption (see Paragraph 11 below), to restrict the processing of their personal data if:
 - 7.1.1 the data subject contests the accuracy of the personal data, for a period to allow us to check the accuracy of their personal data;
 - 7.1.2 the processing is unlawful, and the data subject opposes the erasure of the personal data and requests the restriction of its use instead;
 - 7.1.3 we no longer need the personal data for the purposes we collected it for and intend to dispose of it, but the data subject requires it for the establishment, exercise or defence of legal claims; and
 - 7.1.4 the data subject has objected to the processing, pending checking whether we have legitimate grounds to override the data subject's objection.
- 7.2 Where processing has been restricted, we will only process the personal data (excluding storing it):
 - 7.2.1 with the data subject's consent;
 - 7.2.2 for the establishment, exercise or defence of legal claims;
 - 7.2.3 for the protection of the rights of another person; or
 - 7.2.4 for reasons of important public interest.
- 7.3 Prior to lifting the restriction, we will inform the data subject of the lifting of the restriction.
- 7.4 We will communicate the restriction of processing of the personal data to each recipient to whom the personal data has been disclosed, unless this is

impossible or involves disproportionate effort. We will also inform the data subject about those recipients if the data subject requests it.

8 Responding to requests for the portability of personal data

8.1 Data subjects have the right, in certain circumstances, to receive their personal data that they have provided to us in a structured, commonly used and machine-readable format that they can then transmit to another organisation. Where such a request is made, we will, unless there is an exemption (see Paragraph 11 below), provide the personal data without undue delay if:

8.1.1 the legal basis for the processing of the personal data is consent or performance of a contract; and

8.1.2 we process that personal data in electronic format.

8.2 When a data subject makes a request for portability in the circumstances set out above, we will take the following steps:

8.2.1 log the date on which the request was received;

8.2.2 confirm the identity of the data subject who is the subject of the personal data; and

8.2.3 search databases, systems, applications and other places where the personal data which is the subject of the request may be held and provide the data subject with such data (or, at the data subject's request, transmit the personal data directly to another organisation, where technically feasible).

9 Responding to objections to the processing of personal data

9.1 Data subjects have the right to object to the processing of their personal data where such processing is based on our performance of a task carried out in the public interest or based on our legitimate interests, which override the data subject's interests or fundamental rights and freedoms, unless we either:

9.1.1 can show compelling legitimate grounds for the processing which override those interests, rights and freedoms; or

9.1.2 are processing the personal data for the establishment, exercise or defence of legal claims.

9.2 Data subjects also have the right to object to the processing of their personal data for scientific or historical research purposes or statistical purposes, unless the processing is necessary for the performance of a task carried out for reasons of public interest.

9.3 Where such an objection is made, we shall, unless there is an exemption (see Paragraph 11 below), no longer process a data subject's personal data.

10 Responding to requests not to be subject to automated decision-making

Data subjects have the right, in certain circumstances, not to be subject to a decision based solely on the electronic processing of their personal data, if such decision produces legal effects concerning them or similarly significantly affects them. We do not take decisions based solely on the electronic processing of personal data.

11 Exemptions

- 11.1 The framework of exemptions from each of the above rights is complex, and it is the responsibility of the DPO to assess whether an exemption is relevant in any given circumstances.
- 11.2 Exemptions may apply from the above rights in the following circumstances (this list only sets out a selection of the exemptions):
 - 11.2.1 the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security;
 - 11.2.2 other important objectives of general national public interest and important national economic or financial interest, including monetary, budgetary and taxation matters, public health and social security;
 - 11.2.3 the protection of the data subject or the rights and freedoms of others where the disclosure by us of personal data about the data subject would involve disclosing personal data relating to another data subject identifiable from the information;
 - 11.2.4 the personal data is required to be disclosed by law or in connection with legal proceedings;
 - 11.2.5 self-incrimination, where compliance would reveal evidence of the commission of an offence;
 - 11.2.6 the personal data consists of a confidential reference for the purposes of the training, education or employment of the data subject;
 - 11.2.7 management forecasting or planning in relation to our business; or
 - 11.2.8 any negotiations that we have entered into with the data subject where disclosure would be likely to prejudice those negotiations.